

Q: So a follow-up question which you just stated – In your postings using the name of Joseph Klimax, can you tell me about your...posting your personal feelings in the screen shots “A” through “H” in the video that you just played and what did they mean? Can you reference some of that?

A: Umm...What do you mean, “They mean”?

Q: What do they mean to you?

A: Umm...I just...You know, a lot of my stuff on Face Book is mostly humorous, so I think it’s, you know the...the...defending funny, umm, the one, the North Side one and the “Your husband’s not home” is...I thought it was funny and people, that’s why people “passed it on.” And that’s what I thought, someone else thought it was funny, millions of Face Book people thought it was funny and they shared it and I saw it, I thought it was funny too and I also shared it. When it comes to this...the Cinco de Mayo shirt one – Like I said, I’m a veteran, I strongly believe in the flag and free speech rights for everybody, so I don’t think free speech rights should be curbed, especially in schools and that’s why I put that one on there. And, uh, the “busy” one, like I said, we just want to be busy, like anyone else at work who wants to have something to do and...and go out there and do their job well. You know, if there’s no work you can’t do your job well and I think police officers and firefighters and doctors like to do their job well and go out there and do it.

Q: Can you tell me if you have received guidance from the Minneapolis Police Department about the use of social media?

A: Umm...Sure, in the...In some class, mainly in the Academy, just you know, said to be careful who you...who you add and what you post. And like I said, keeping it to only your friends only level, you definitely should and hopefully you’re keeping who you have on your Face Book, you know.

Officer Klimmek reported that Alicia Lucio likely came forward with the Facebook information on him. Officer Klimmek described her as angry with how the Minneapolis Police Department handled an unrelated arrest by Officer Griffin. Officer Klimmek contended that Alicia Lucio created a fake Facebook account and questioned why the officer (Griffin) had not been fired.

Officer Klimmek reported he deactivated his Facebook account with the name of Joseph Klimax when he learned that a news story was being aired.

MEDIA INFORMATION & SCREEN SHOTS

Fox 9 video was saved to a CD and a thumb drive. The video is a Fox 9 News story dated 3/11/2014, the caption was, *"Minneapolis officer racist, insensitive."*

Printed images of from the video were made into, "screen shots" for the investigation. The screens-shots were labeled A-H; the screenshots were copied from the Fox 9 news story dated 3/11/2014. The screens-shots were viewed by Officer Klimmek during his IAU interview.

NEWS ARTICLES

News articles from the internet, from Fox 9 News, Rawstroy.com and insightnews.com dated 3/11/2014, 3/13/2014 and 3/19/2014 were downloaded from the internet for the case. The three news articles captions are:

- *"Minneapolis officer racist, insensitive"*
- *"White Supremist Minneapolis cop lands in hot water over racist Facebook posts"*
- *"Insensitive remarks on a Minneapolis police officer's Facebook page spark outrage; open internal investigation"*

INTERNET-OPEN WEB SOURCE INFORMATION

Through the use of, "open source" web searches such as Google, Yahoo or Bing, a photo of Officer Klimmek and an unknown woman was located. The photo depicts Officer Klimmek in MPD uniform, standing adjacent to the woman, shoulder to shoulder. Both are photographed standing in front of a MPD squad car. This photo was identified by Officer Klimmek as he and his girlfriend.

Open source internet searches using the name Joseph Klimmek located images of Officer Klimmek. The photos were located on Mysapce.com. The images were identified by Officer Klimmek. The Myspace photos do not show Officer Klimmek dressed in MPD uniform.

Internet searches on Facebook (public profile) did not reveal any information. Officer Klimmek reported he removed his profile on Facebook.

ALICIA LUCIO

A person was named in the Fox 9 News story. That person was Alicia Lucio. Using open source public internet searches, a person by the name of Alicia Lucio was located. Two addresses for Ms. Lucio were identified through the open source web searches. The addresses were 178 George St W, Saint Paul MN 55107 and 1888 Valley Curve Rd., Saint Paul MN 55118. Certified letters were sent to both addresses. The letters were requests to make an appointment for an interview. The letters were mailed to Ms. Lucio on 10/29/2014. A signed return receipt was

received on 11/3/2014. The receipt was signed by a Susan M. Lucio from the address 1888 Valley Curve Rd., Saint Paul MN 55118.

On 11/07/2014, a person who identified herself as Alicia Lucio left me a voice mail. In the voice message, she acknowledged receiving the IAU notification letter. She left her return telephone number of 651-336-3996. Return phone calls were made to Ms. Lucio on 11/10/2014, 11/13/2014, 11/18/2014 and 11/19/2014 with negative results. To date, Ms. Lucio has not been contacted. The case will proceed without the input of Ms. Lucio.

SUMMARY OF ALLEGATIONS

Investigative Facts

Allegation # 1: On 3/11/2014, Twin-Cities media outlets reported that a Minneapolis officer was racist and insensitive in posting messages on a Facebook account. The Facebook account in the name of "Joseph Klimax" was alleged to be the on-line alias for Officer Joseph Klimmek. Three screen shots of the Facebook postings were included in the media outlet news stories that were broadcast on Fox 9 and on the open web.

7-119 SOCIAL NETWORKING (12/15/09)

I. PURPOSE

To establish policy regarding employee use of social networking websites.

II. DEFINITIONS

Social Networking Websites: Sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking websites include: Facebook, MySpace, Friendster, Linked In, Twitter, and sites that allow users to post personal blogs. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this policy.

III. POLICY

The MPD has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risk. Therefore, MPD reserves the right to monitor these websites, and employees are advised of the following:

Employees should exercise caution and good judgment when social networking online. Employees should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials to impeach the employee's testimony.

Any individual who can be identified as an employee of the MPD has no reasonable expectation of privacy when social networking online, and is subject to all pertinent City of Minneapolis policies, MPD policies, local, state, and federal laws regarding public information on arrests, investigations, and personnel data.

This policy supplements the City of Minneapolis' Electronic Communications Policy.

IV. PROCEDURE / REGULATIONS

A. Failure to comply with the following may result in discipline, up to and including discharge:

- Where the poster can be identified as an employee of the MPD, any postings involving offensive or unethical content are not permitted.
- Employees shall not represent that they are speaking or acting on behalf of the MPD, or that they are representing or presenting the interests of the MPD.
- Employees are prohibited from using social networking sites to harass or attack others, including those who work for the MPD.

B. Authorized exceptions to the above regulation include utilizing social networking websites for MPD-approved public relations and official investigative and/or work-related purposes as approved by Police Administration.

Investigative Facts

- Officer Joseph Klimmek admitted that he used his nickname, "Joseph Klimax" on his personal Facebook account.
- Officer Klimmek reported that he used Facebook with his friends and he set his settings to private, his postings were not intended for the public.
- Officer Klimmek admitted that the postings as reported by Fox News were postings on his Facebook account. Just prior to the news story, he reported he removed his Facebook account.
- Officer Klimmek reported that the images of the stick figures, referenced in the Fox 9 News story were humorous to him, in reference to the images on his Facebook page.
- Officer Klimmek reported he was not "glorifying" murders when he commented on, "3 murders in 3 days." He reported he was referring to, "work-load" and his contention that police officers like to be busy.

- Officer Klimmek reported he was commenting on a California court case when he posted the image of a person wearing a flag shirt that read, "Just got my new Cinco de Mayo shirt."

13.43 - Personnel Data

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

Respectfully Submitted,

Th. Wheeler 10-20-2014
Sgt. Thomas Wheeler

Internal Affairs Unit



Minneapolis
City of Lakes

Police Department

Janeé L. Harteau
Chief of Police

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612 673-2735
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April 27, 2015

Officer Joseph Klimmek
First Precinct
Minneapolis Police Department

Officer Klimmek,

RE: IAU Case Number #14-05557
LETTER OF REPRIMAND

The finding for IAU Case #14-05557 is as follows:

MPD P/P 7-119 Social Networking.....SUSTAINED (Category B)

13.43 - Personnel Data

You will receive this Letter of Reprimand. This case will remain a B violation and can be used as progressive discipline for three years until 3/11/2017, which is from the date of incident. 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 more severe disciplinary action up to and including discharge from employment.

Sincerely,

Janeé Harteau
Chief of Police

BY:
Matthew Clark
Assistant Chief



Page 2
Officer Joseph Klimmek
Letter of Reprimand

I, Officer Joseph Klimmek, acknowledge receipt of
this Letter of Reprimand.



Officer Joseph Klimmek 5-13-15
Date of Receipt



Inspector Kjos 5/13/2015
Date

CC: Inspector Kjos
Personnel
IAU

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

04-23-2015

I agree with the panel's outcome and recommend discipline. (Social Networking 7-119 sustained at "B" level with a written reprimand)

I would recommend that Officer Klimmek also receive training based on his posts.

-Regarding his posting in reference to 3 murders in 3 days. Officer Klimmek stated that cops like to be busy and not sitting at the station. We all would agree that slow days can be tough; they can also present an opportunity to get out of the car. Not a lot may be open downtown on **13.43**, but there are still businesses that would be happy to see an officer walk in at 04:00. We also need to stress that we should never celebrate a homicide or anyone's victimization. When someone is a victim of a crime, it means we have taken another step away from our main goal of public safety.

-Regarding his posting of the family, and the male(s) in jail, along with a comment about the Northside. He needs to show he understands that this shows bias towards single parent families and without question shows a bias towards Northside residents.

-Regarding his posting of the American flag shirt. He needs to understand how his posting can be viewed by others, especially persons of Hispanic and Mexican decent.

All of these postings have a negative impact on our goals of Public Safety, Public Trust and Employee Engagement and Morale.