

MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS COMPLAINT FORM #3401

COMPLAINT INFORMATION

INTERNAL AFFAIRS CASE NUMBER: 15-05412	CCN:	DATE OF INCIDENT: 04/19/2012	TIME OF INCIDENT: 20:09
LOCATION OF INCIDENT: City of Minneapolis	DATE OF COMPLAINT 10/29/2014	REFERRAL METHOD: Memo	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		SEX	RACE:
13.43 - Personnel Data			DATE OF BIRTH:
HOME ADDRESS:	CITY / STATE / ZIP:		TELEPHONE:

POLICY INFORMATION

POLICIES ALLEGED TO BE VIOLATED:
4-501 Confidential Department Records, Reports and Information (06/21/02)

ACCUSED EMPLOYEE(S)

NAME/BADGE:
Officer Lucas Peterson, #5630

COMPLAINT ALLEGATIONS

It is alleged that on 04/19/2012² Officer Lucas Peterson used the Driver and Vehicle Services (DVS) data base to access that information of **18 USC 2721**

RECOMMENDATION

(Preliminary Cases Only)

- ☐ Reckoning Period Expired Before Complaint was Filed
- ☐ No Basis for Complaint
- ☐ Closed Pending Further Information
- ☐ Refer to Precinct with Coaching Documentation
- ☐ Exceptionally Cleared
- ☐ Policy Failure
- ☐ Other

COMPLAINANT SIGNATURE:

13.43

DATE

03-24-15

COMMANDER REVIEW:

DATE



MINNEAPOLIS POLICE DEPARTMENT

Internal Affairs Unit
Administrative Case #15-05412
Sergeant Clark Goset

CASE BACKGROUND

On February 3, 2015 the Minneapolis City Attorney's Office issued a memo to the Minneapolis Police Department (MPD), specifically Deputy Chief Glampe and Commander Granger. The memo is entitled Litigation Records Hold Memorandum regarding a claim by [REDACTED] 18 USC 2721 [REDACTED] is claiming that Officers from the MPD have viewed his private driver's license data using the Minnesota Department of Public Safety (DPS), Driver and Vehicle Services (DVS) database. [REDACTED] argues that this viewing of his information was a violation of federal privacy laws.

CASE INVESTIGATION

At the request direction of the Internal Affairs Unit (IAU), Commander Granger I contacted the Minnesota Bureau of Criminal Apprehension (BCA) and requested information on MPD officers who have queried [REDACTED] 18 USC 2721 & 2725 [REDACTED] through the DVS database. I was provided with a list of MPD officers who were logged as querying [REDACTED] 18 USC 2721 & 2725 [REDACTED]. The BCA recorded 119 accesses of [REDACTED] 18 USC 2721 & 2725 [REDACTED] Driver's License data, between February 27, 2003 and April 19, 2012.

On March 1, 2011 an Administrative Announcement (#AA11-011) was issued governing access of the DPS database. From the issuance date of this Administrative Announcement MPD officers were only allowed to access the DPS files for official business-related reasons.

The printout of the DPS data shows that only 1 MPD officer accessed [REDACTED] DPS data after March 1, 2011. That Officer was Lucas Peterson. Lucas Peterson's DPS access account was shown to have accessed 18 USC 2721 DVS information on April 19, 2012.

On May 7, 2015 Officer Lucas Peterson gave a compelled statement to this IAU investigator regarding the access of [REDACTED] DVS data. In that interview Officer Peterson stated he and [REDACTED] have had a personal and professional relationship in the past. Officer Peterson also provided reasons for accessing the DVS information of [REDACTED] in the past that were possibly business-related.

One of the reasons offered by Officer Peterson for potential access of [REDACTED] DVS information was that [REDACTED] had applied to become a Minneapolis Police Officer again ([REDACTED] had previously been an MPD Officer). Officer Peterson was seeking to provide him with information regarding his application process.

To verify this statement by Officer Peterson I went to MPD Human Resources on June 2, 2015 I was assisted by Human Resources specialist Dan Villarreal. He provided me with [REDACTED] application with the MPD for the position of Police Officer. The application dates to August 29, 2012. [REDACTED] lists 3 other MPD employees in the reference section of his job application.

A second reason given by Officer Peterson as a reason for potential accessing of [REDACTED] DVS data, was related to his duties as a case agent assigned to the FBI Safe Streets task force. Officer Peterson stated he met informants near [REDACTED] 18 USC 2721 residence and he did not want to have contact with an informant and [REDACTED] 18 USC 2721 at the same time. Officer Peterson also sought to inform [REDACTED] 18 USC 2721 that a known criminal "Bad Guy" may be residing near him.

To validate the second potential claim I contacted Lieutenant [REDACTED] 13.43 of the Safe Streets Task Force (SSTF). [REDACTED] 13.43 - Personnel Data

[REDACTED] And, Officer Peterson would have met with informants away from official offices.

Officer Peterson volunteered a statement near the end of his interview stating that he and [REDACTED] 18 USC 2721 were social friends and that he had been to [REDACTED] 18 USC 2721 home many times before and they were buddies. He also indicated that the access of the data would have been on the "Up and Up". Officer Peterson stated he wanted to let [REDACTED] know what was going on his neighborhood as it pertained to [REDACTED] "Livability".

SUMMARY OF ALLEGATIONS

Allegations

Investigative Facts

Allegation # 1: It is alleged that Officer Lucas Peterson accessed the DPS information of **18 USC 2721** on April 19, 2012, with no business-related reason. If this were found to be true it would violate the following MPD policies and procedures:

4-501 CONFIDENTIAL DEPARTMENT RECORDS, REPORTS AND INFORMATION (06/21/02)

Numerous official files, documents, records, reports and information held by the MPD or in the custody or control of MPD employees are regarded as non-public and/or confidential. Employees shall not access, disclose or permit the disclosure or use of such files, documents, reports, records, or information except as required in the performance of their official duties and consistent with State and Federal law related to data practices. If an employee is uncertain of the status of any document, he/she should consult with the MPD Data Practices Specialist or supervisor of the Records Information Unit. (04/22/09) (11/15/13)

Employees shall only access Department of Motor Vehicle (DMV) records for official business-related reasons. (04/22/09)

The identity of a juvenile suspect or arrestee can only be released with an order from a Hennepin County Juvenile Court Judge.

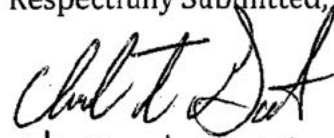
Investigative Facts:

- The Minneapolis Police Department received a Litigation Records Hold Memorandum from the City of Minneapolis Attorney's Office dated February 3, 2015. This request pertains to alleged improper access of **[REDACTED]** DVS information.

- The MN BCA was contacted for a record of all Minneapolis Police Officers who have queried **18 USC 2721** through the BCA/DPS.
- The returned data from the BCA showed 119 Minneapolis police officers had accessed [REDACTED] DVS data between February 27, 2003 and April 19, 2012.
- Only 1 access was recorded after Administrative announcement #AA11-11 was issued on 3/1/2011.
- That access was from the user account of Lucas Peterson and occurred on April 19, 2012.
- Officer Lucas Peterson was interviewed and in that investigation stated and/or admitted to the following:
 - He has in the past worked extensively with [REDACTED] when [REDACTED] was a Minneapolis Police Officer.
 - Has been social friends with [REDACTED] he described his relationship as "Buddies".
 - Believes that he may have performed the query for a business related reason. [REDACTED] was going through the hiring process with the MPD again and the query may have been related to recruitment efforts by Officer Peterson.
 - As part of a criminal investigation relating to investigative actions taking place in near [REDACTED] residence.
 - Has not used the data to contact [REDACTED] for professional/personal reasons.
 - Has not used the data for any type of nefarious means.
 - No known actions or harm has occurred as a result of the data query.
 - Has not shared his DVS username/password with anyone else.
 - Would have taken steps to stop any nonbusiness related access for his DVS account.
 - Has not used the data for personal gain.
 - Has been to [REDACTED] residence in the past.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Clark Goset".

14 Sept. 2015
Sgt. Clark Goset

Internal Affairs Unit

POLICE OFFICERS' FEDERATION OF
MINNEAPOLIS,

Union,

and

CITY OF MINNEAPOLIS,

Employer.

**GRIEVANCE SETTLEMENT
AGREEMENT**

Grievance #16-09, Lucas Peterson, Badge
#5630

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 or about January 15, 2016,

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[REDACTED] a Category C violation of the MPD's Policy and Procedure Manual Section 4-501 (Confidential Department Records) following Internal Affairs Investigation #15-05412;

C. On or about January 15, 2016, the City imposed a written reprimand on Grievant for a Category C violation of the MPD's Policy and Procedure Manual Section 4-501 following Internal Affairs Investigation #13-18999;

D. The Federation grieved [REDACTED] Grievance #16-09, citing a violation of Section 4.1 of the Labor Agreement with the City;

E. 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."

F. 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 #16-09, with prejudice.
2. The City shall impose and, on behalf of the Grievant, the Federation shall accept a Category C-level violation and a written reprimand for Internal Affairs Investigations #13-18999 and #15-05412.

3. [REDACTED]

[REDACTED]

[REDACTED]

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:

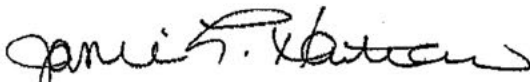
FOR THE FEDERATION:



Bob Kroll
President, Police Officers' Federation

Date: 3/7/17

FOR THE CITY OF MINNEAPOLIS:



Janceé L. Harteau
Chief of Police

Date: 3-6-17

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

01-08-2016

I want to acknowledge that 13.43 - Personnel Data on the discipline matrix with a baseline discipline being a 10 hour suspension. However, the matrix was not changed to include this policy violation until August 2012.

The access in 15-05412 18 USC 2721 occurred in April 2012 and the access in 13-18999 occurred in April 2011.

As such the matrix can be used as a guide, but should not be adhered to as a matter of rule.

I agree with panel in sustaining policy violation 13.43 at a "C" level.

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NOTICE OF DISCIPLINE
(Amended – Settlement Agreement)

March 8, 2017

Sgt. Lucas Peterson
SWAT Unit
Minneapolis Police Department

RE: IAU #13-18999 and #15-05412.

Sgt. Lucas Peterson,

As a result of the Settlement Agreement following grievance #16-09, the final discipline for both IAU Case #13-18999 and #15-05412 is as follows:

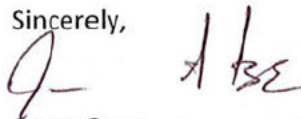
<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
4-501		Confidential Department Records	C	SUSTAINED

The discipline originally imposed by the Police Department as related to #13-18999 was unchanged. Discipline [REDACTED] imposed by the Police Department as related to #15-05412 [REDACTED] a Category C; letter of reprimand. This Amended Notice of Discipline will be placed in [REDACTED] case file [REDACTED]

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