

Minneapolis
City of Lakes

July 2, 2013

Police Department

Janeé L. Harteau
Chief of Police

350 South 5th Street - Room 130
Minneapolis MN 55415-1389

612 673-2735
TTY 612 673-2157

Officer John Chamberlain
First Precinct
Minneapolis Police Department

RE: IAU Case Number #12-250
Notice of Suspension (80 hours suspension without pay)
Letter of Reprimand

Officer Chamberlain,

The finding for IAU Case #12-250 is as follows:

**MPD P/P 5-103 Use of Discretion, Police Action Legally
Justified...SUSTAINED (Category B)**
**MPD P/P 5-105 Professional Code of Conduct (3) Reasonable
Judgment...SUSTAINED (Category B)**
MPD P/P 5-303 Authorized Use of Force...SUSTAINED (Category D)

As discipline for this incident (5-303 Authorized Use of Force) you are suspended for 80 hours without pay. This will remain a "D" violation and will remain on file for five years until 11/10/2017, which is from the date of incident.

In addition, this letter will also serve as a Letter of Reprimand for 5-103 Use of Discretion, and 5-105 Professional Code of Conduct. These will remain "B" violations and can be used as progressive discipline for three years until 11/10/2015, 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.

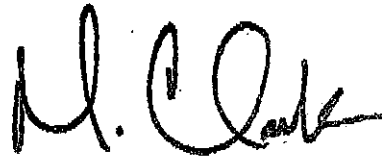


Page 2
Officer John Chamberlain
Suspension Letter/LOR

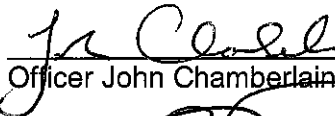
Sincerely,

Janee Harteau
Chief of Police

By: Matthew Clark
Assistant Chief



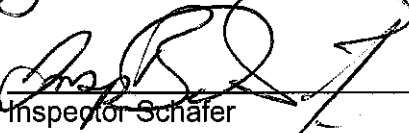
I, Officer John Chamberlain, acknowledge receipt of this
Notice of Suspension/Letter of Reprimand.



Officer John Chamberlain

07/08/2013

Date of Receipt



Inspector Schafer

7/8/13

Date

TJD:mar
CC: Personnel
IAU
Inspector Schafer

RECOMMENDATION FOR DISCHARGE, SUSPENSION, OR INVOLUNTARY DEMOTION

City of Minneapolis, Human Resources Department
250 South 4th Street, Room 100, Minneapolis, MN 55415-1339 (673-2282)

Case Type _____
Employee Name John Chamberlain Employee ID Number 001075

Job Title Officer Job Code _____

| | |
|---|---|
| EMPLOYMENT STATUS <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Intermittent <input type="checkbox"/> Certified <input type="checkbox"/> Uncertified <input type="checkbox"/> Other (Please specify) | Current Position Number _____ Current Pay Rate \$ _____ Step _____ |
|---|---|

Department Minneapolis Police Department Dept. Code _____

Is this employee a Veteran? Yes No Unknown

Has this employee passed probation? Yes No

NATURE OF TRANSACTION:

- Discharge
- Probationary Release
- Suspension with pay
- Suspension without pay
- Demotion to the following Job Title _____ Job Code _____

at the following Rate of Pay: \$ _____ per _____

EFFECTIVE DATE(S)

- Permanent effective the following date: _____ at _____ o'clock a.m. p.m.
- Temporary - Beginning on 7/10/13 and ending on 7/17/13 Total Days 8 (80 Hours)

REASON(S) FOR THIS ACTION (attach additional sheets if necessary)

- Misconduct Briefly describe the nature of the misconduct or sub-standard performance below:

- Substandard Performance
- Violation of Civil Service Commission rule 11.03 - Subdivision B-18
- Violation of the following Department Rule(s), Law(s), Ordinance(s), or Regulation(s): 5-303

BACKGROUND (attach additional sheets if necessary)

- The employee was informed of the charges by (Name) Eddie Frizell
 (Title) Deputy Chief on (Date) June 10, 2013
- The employee was given an opportunity to respond to the charges at an informal pre-determination meeting held by
 (Name) Eddie Frizell (Title) Deputy Chief
 the department head or a designee other than the employee's supervisor, on (Date) June 10, 2013
- The employee failed to appear at the pre-determination meeting
- The employee waived the opportunity in writing
- The decision to take this action rather than impose a lesser discipline or other action was made after consideration of prior disciplinary actions or other considerations. We have attached details of these.

EMPLOYEE NOTIFICATION:

On (Date) 7/8/13 JC #1075

- A copy of this form and relevant accompanying information was given to the employee.
- A copy of this form and relevant accompanying information was sent by certified mail, return receipt requested, to the employee at the Following Address: _____

Signature of Department Head _____ Date 7-2-13
 Signature of Person Mailing or Delivering Notice _____ Date 7/8/13

Refer to back of this form for Notice To Employee of Legal Rights

Distribution White - Human Resources Yellow - Department Pink - Employee

| | |
|-----------------------------|------------|
| Entered Into HRIS by: _____ | Date _____ |
| Phone _____ | |

NOTICE TO EMPLOYEES OF LEGAL RIGHTS DISCHARGE AND PROBATIONARY RELEASE

Probationary Non-veteran Employees

Employees who have not passed probation and are not eligible veterans do not have a right to a hearing before the Civil Service Commission.

Veteran Employees (Probationary and Permanent)

Any classified employee, holding a position by appointment or employment with the City, Library Board, Park Board, or the School District of Minneapolis, and who is a veteran separated from the United States military service under honorable conditions, has a right to a hearing prior to discharge, probationary release, involuntary demotion, or disciplinary suspension in excess of 30 days. No City employee who is a veteran can be removed or demoted except for incompetence or misconduct shown after a hearing, upon due notice, and upon stated charges presented in writing. Temporary employees who are veterans do not have a right to a hearing.

Permanent Non-Veteran Employees have a right to a hearing by the Civil Service Commission upon written request

Non-veterans who have passed probation are permanent employees. Discharge Rules require that the discharge must be for cause, that charges must be in writing and that the employee has a right to a hearing.

Temporary Suspension During Investigation of Charges by Civil Service Commission in cases of Discharge or Probationary Release (Veterans only) employees who have appealed in a timely manner may be temporarily suspended from the time the recommendation for discharge is served to allow time for investigation of the charges by the Civil Service Commission. Such suspension may be for 90 calendar days, or until the Civil Service Commission completes the investigation of the charges, whichever is sooner.

SUSPENSION AND INVOLUNTARY DEMOTION

Veteran Employees (Probationary and Permanent)

Any classified employee holding a position by appointment or employment with the City, Library Board, Park Board, or the School District of Minneapolis, and who is a veteran separated from the United States military service under honorable conditions, has a right to a hearing prior to discharge, probationary release, involuntary demotion, or disciplinary suspension in excess of 30 days. No City employee who is a veteran can be removed or demoted except for incompetence or misconduct shown after a hearing, upon due notice, and upon stated charges in writing.

Disciplinary Suspension or Demotion

Employees may be suspended without pay for disciplinary reasons for periods not to exceed 90 calendar days. Suspensions of 31 to 90 calendar days may be appealed by the employee to the Civil Service Commission.

Employees may be demoted for disciplinary reasons and/or for substandard performance, either temporarily (up to 180 days) or permanently. Permanent employees may appeal any permanent demotion and/or salary decrease.

REQUESTING A HEARING

IMPORTANT: *The employee should refer to the Civil Service Rules and/or the appropriate labor contract to determine what, if any, appeal rights he or she may have. The employee may choose whether to appeal this action through the Civil Service commission or through processes available through the labor contract, but may not appeal through both.*

Requesting a Hearing: Non-Veterans

A written request for hearing must be mailed to the Civil Service Commission within 10 calendar days of when this notice was served in person or was received for at the employee's last known address. The 10 days are counted from the first day after the notice was personally served or the date the notice was received by certified mail. If the tenth day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The date of postmark must be within that 10-day period. The request for a hearing may be accompanied by the employee's statement of his or her version of the case. If such a request is not received within 10 days, the employee's name will be removed from the service register.

Requesting a Hearing: Veterans

A written request for hearing must be mailed to the Civil Service Commission within 60 calendar days of when the notice was served in person or was received for at the employee's last known address. The 60 days are counted from the first day after the notice was personally served or the date the notice was received by certified mail. If the 60th day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The date of postmark must be within that 60-day period. The request for a hearing may be accompanied by the employee's statement of his or her version of the case. If such a request is not received within 60 days, the veteran's name will be removed from the service register.

ALL REQUESTS FOR A HEARING AND APPEALS SHOULD BE MAILED WITHIN THE REQUIRED TIMELINES TO:

Minneapolis Human Resources Department/Civil Service Commission
250 South 4th Street, Room 100
Minneapolis, MN 55415-1339

MEMORANDUM

TO: Chief Janee Harteau
FROM: Deputy Chief Eddie Frizell
DATE: June 21, 2013
RE: Discipline Panel Determination IAU Case 12-250

On June 21, 2013 a discipline panel convened to review IAU Case 12-250. The panel consisted of Deputy Chief K. Arneson and Inspector B. Schafer. Based on the facts in the case the panel recommends resolving this matter as follows:

Charges against Officer John Chamberlain, Badge #1075:

- 5-103 USE OF DISCRETION, POLICE ACTION LEGALLY JUSTIFIED (B).....Sustained**
- 5-105 PROFESSIONAL CODE OF CONDUCT (3) REASONABLE JUDGEMENT (B)...Sustained**
- 5-303 AUTHORIZED USE OF FORCE (D)...Sustained**

The panel reviewed the facts of this case and determined there was sufficient evidence to support the allegations stated above against Officer Chamberlain. It was alleged that Officer Chamberlain on November 10, 2012, arrested a person without cause and used excessive force on the subject prior to handcuffing and after the subject was handcuffed. Officer Chamberlain attempted to explain away his actions on that day and was adamant that they were consistent with his training as a "Use of Force" instructor. However, Officer Chamberlain's account differs greatly from those on scene who witnessed the incident. These witnesses included officers, a supervisor, and civilians. The Panel concluded that these witness statements were both consistent and credible.

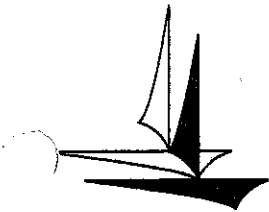


The panel recommends (in accordance with the Discipline Matrix) that Officer Chamberlain receive letters of reprimand for **5-103 USE OF DISCRETION, POLICE ACTION LEGALLY JUSTIFIED** and **5-105 PROFESSIONAL CODE OF CONDUCT (3) REASONABLE JUDGEMENT**. In regards to **5-303 AUTHORIZED USE OF FORCE** the panel recommends that Officer Chamberlain receive 80 hours of suspension without pay.

Sincerely,

Handwritten signature of Eddie M. Frizell in cursive script.

Deputy Chief Eddie M. Frizell
Panel Chair
Patrol Bureau



Minneapolis
City of Lakes

NOTICE OF DISCIPLINE PANEL MEETING

Police Department

Janeé L. Harteau
Chief of Police

350 South 5th Street - Room 130
Minneapolis MN 55415-1389

612 673-2735
TTY 612 673-2157

June 10, 2013

Officer John Chamberlain
Minneapolis Police Department - First Precinct
19 North 4th Street
Minneapolis, MN 55401

Officer Chamberlain:

Re: IAU Case Number 12-250

This letter is to inform you the Discipline Panel has reviewed IAU Case #12-250 and recommends the finding(s) as follows:

MPD 5-103 Use of Discretion, (Police Action Legally Justified), Category (B)..Sustained.

MPD 5-105 Professional Code of Conduct (3) Reasonable Judgment, Category (B).....Sustained.

MPD 5-303 Authorized Use of Force, Category (D).....Sustained.

The Discipline Panel will meet on Friday, June 21, 2013, at 1430 hours in the Chief's conference room 130 City Hall, 350 South 5th Street. At this time, you will be given an opportunity to address the Discipline Panel. If you choose not to attend the Discipline Panel meeting you are ordered to notify the panel chair in writing by June 19, 2013.

You may have a union/federation representative or an attorney present during the meeting. You are also entitled to review this case file prior to your Discipline Panel Meeting. Contact Internal Affairs for further information at 612-673-3074.

Sincerely,

Eddie Frizell, Panel Chair
Deputy Chief
Minneapolis Police Department



Deputy Chief Arneson
Inspector Schafer
Police Federation
Internal Affairs Unit

MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT

DISCIPLINE WORKSHEET
Category D Violations

Officer John Chamberlain 11/10/2012 12-250
Employee's Name and ID Number Date of Incident IAU Case Number

STEP 1 - CHARGES

| Policy Number | Description | Category (A-D) |
|---------------|---|----------------|
| 5-103 | Use of Discretion, Police Action Legally Justified | B |
| 5-105 | Professional Code of Conduct (3) Reasonable Judgement | B |
| 5-303 | Authorized Use of Force | D |

STEP 2 - BUREAU PANEL HEARING
Compose Findings Letter

| Date of Hearing | Time of Hearing | Location of Hearing |
|-----------------|-----------------|---------------------|
| | | |

| Policy Number | Description | Category | S | NS | E | U | P |
|---------------|---|----------|---|----|---|---|---|
| 5-103 | Use of Discretion, Police Action Legally Justified | | | B | | | |
| 5-105 | Professional Code of Conduct (3) Reasonable Judgement | | | B | | | |
| 5-303 | Authorized Use of Force | | | D | | | |

S = Sustained NS = Not Sustained E = Exonerated U = Unfounded P = Policy Failure

[Signature]
Deputy Chief's Signature/Employee Number

06-14-2013
Date

[Signature]
Panel Member in Attendance

Panel Member in Attendance
 Concur Not Concur

Minneapolis Police Department
 Internal Affairs Unit
 Disciplinary Worksheet, page 2 of 3

STEP 3 – LOUDERMILL HEARING
 Compose Discipline Letter

Date of Hearing June 21, 2013 Time of Hearing 0800 Location of Hearing Rm. 130

Recommended Discipline Yes (Letter 2) for Violations / 80 hrs for Violation Yes No
 Was the employee present at the hearing? Yes No
 Has the employee been advised of the final recommendation? Yes No

AGGRAVATING AND/OR MITIGATING FACTORS

The officer attempted to explain away his actions on that day and was adamant that they were consistent with his training as a "use of force" instructor. However, Officer Chamberlain's account was vastly different from that of the many witnesses (sworn & civilian). Officer Chamberlain as received discipline in the past for his conduct.

Ed M. Turner / 2123 Date 6-27-13
 Deputy Chief's Signature/Employee Number

Panel Member in Attendance Concur Not Concur
 Panel Member in Attendance Concur Not Concur

Minneapolis Police Department
 Internal Affairs Unit
 Disciplinary Worksheet, page 3 of 3

STEP 4- CHIEF- FINAL DISPOSITION

| Policy Number | Description | Category (A-D) |
|---------------|---|----------------|
| 5-103 | Use of Discretion, Police Action Legally Justified | B |
| 5-105 | Professional Code of Conduct (3) Reasonable Judgement | B |
| 5-303 | Authorized Use of Force | D |

I agree with the Panel & find reason for the sustained violations. The two letters and 80 hours are appropriate discipline for these violations.

[Handwritten Signature]

Chief of Police Signature

6-28-13

Date

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7002 1000 0005 3737 6306



OFFICIAL USE

| | |
|---|----|
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |

6/10/13
 Postmark Here

Sent To: John Chamberlain
 Street, Apt. No., or PO Box No. [REDACTED]
 City, State, ZIP+4 [REDACTED]

PS Form 3811, February 2004 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name) C. Date of Delivery  06/14/2013</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> |
| <p>1. Article Addressed to:</p> <p><u>John Chamberlain</u> [REDACTED]</p> | <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> |
| <p>2. Article Number (Transfer from service label)</p> <p>7002 1000 0005 3737 6306</p> | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |