

Minneapolis
City of Lakes

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

August 12, 2015

Officer Kenneth Feucht
First Precinct
Minneapolis Police Department

Officer Feucht,

RE: OPCR Case Number #14-23252
LETTER OF REPRIMAND

The finding for OPCR Case #14-23252 is as follows:

MPD P/P 5-306 Use of Force – Reporting (Supervisor Notification)...SUSTAINED (Category B)
MPD P/P 5-306 Use of Force – Reporting (Complete CAPRS Report)...SUSTAINED (Category B)

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 07/27/2017, which is from the date of incident. The case will remain in the OPCR 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:
Kristine Arneson
Assistant Chief



I, Officer Kenneth Feucht, acknowledge receipt of this
Letter of Reprimand.



Officer Kenneth Feucht 8/19/15
Date of Receipt



Inspector Kjos 8/19/2015
Date

CC: Inspector Kjos
Personnel
OPCR/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

07-29-2015

It is acknowledged that failing to properly notify a supervisor of a use of force resulting in injury of a suspect falls on the discipline matrix at a B-C level with a baseline discipline of 20 hours suspension. The mitigating level is listed as a written reprimand.

Due to the mitigating factors listed by Inspector Kjos and the discipline panel, it is recommended that a written reprimand be the imposed level of discipline.

The second policy violation of failing to properly complete all appropriate sections of the CAPRs report does not fall on the discipline matrix. I would further recommend that this be sustained and included in the letter of reprimand.

**Minneapolis Police Department
Discipline Matrix
Rev: August 2012**

Code of Ethics		Range	Mitigating	Baseline	Aggravating
5-102	Criminal activity: Any felony crime, domestic assault, sex crimes, narcotics, steroids, interfere with 911 call, theft, discharge weapon or repeat DWI.	D		Termination	
5-102	Criminal activity: Gross misdemeanor or misdemeanor (other than those listed in other categories)	C	10 hours	30 hours	Termination
5-102	Identify self as officer with intent to gain special consideration	C-D	10 hours	40 hours	Termination
5-102	Misuse of police powers: search warrants, administrative subpoenas, credit checks, etc	D		Termination	
5-102, 3-800	Working off-duty while still on city time	D		Termination	
4-501	Access confidential records (DVS, NCIC, etc.) not related to assigned job duties/no official law enforcement purpose-no known personal gain	C	WR	10	20
4-501	Access confidential records (DVS, NCIC, etc.) not related to assigned job duties/no official law enforcement purpose-for personal gain	D	10	40	Termination
Code of Conduct/Professional Code of Conduct					
5-105.10	Unprofessional conduct, indecorous language (not protected class)	B	WR	10 hours	Aggravating
5-106, 3-302	Remain on duty until relieved; put self on detail without supervisor permission	B	WR	10 hours	20 hours
5-105.18	Association with known criminals	C	20 hours	40 hours	50 hours
5-105.2, 5-106.1	Failure to take appropriate police action	B-D	WR	40 hours	Termination
5-105.15	Language: biased based on protected class	D	30 hours	40 hours	Termination
5-105.20	Possession of duty weapon or other firearm while consuming alcohol, no criminal action	D	20 hours	40 hours	50 hours
5-105, 5-102	Referral to outside business with personal benefit to employee	D		Termination	
5-101.02	Failure to meet minimum job qualifications (some discretion on OFP with Lautenberg Amendment)	D		Termination	
Reports					
5-307	Failure of supervisors to complete force review report in compliance with policy when the subject of forces incurs any injury at the level of substantial bodily injury or greater.	B-C	WR	10 hours	20 hours
5-306	Failure to report use of force in CAPRS	B-D	WR	40 hours	Termination
5-306	Failure to notify supervisor of use of force resulting in injury	B-C	WR	20 Hours	40 Hours
News Media					
6-202	Responsibility of MPD employees regarding news media	B-D	10 hours	20 hours	Aggravating
					Termination

MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT

DISCIPLINE WORKSHEET
Category B-C Violations

Officer Kenneth Feucht, Badge#1968 07/27/2014 OPCR Case #14-23252
Employee's Name and ID Number Date of Incident IAU Case Number

STEP 1 - CHARGES

Policy Number	Description	Category (A-D)
5-306	Use of Force - Reporting & Post Incident Requirements (Supervisor Notification)	B-C
5-306	Use of Force - Reporting & Post Incident Requirements (Employees shall ensure that all applicable force portions of the CAPRS report are completed in full)	B-D

STEP 2 - PRECINCT PANEL HEARING

Compose Findings Letter

MAY 28TH, 2015

Inspector Koos Office
Location of Hearing

1700 hours
Time of Hearing

Policy Number	Description	Category	S	NS	E	U	P
5-306	Use of Force - Reporting & Post Incident Requirements (Supervisor Notification)	B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5-306	Use of Force - Reporting & Post Incident Requirements (Employees shall ensure that all applicable force portions of the CAPRS report are completed in full)	B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Commander's Signature/Employee Number
[Signature] 5219

Date
5/28/2015

Panel Member in Attendance
 Concur Not Concur

Panel Member in Attendance
[Signature] 5219
 Concur Not Concur

STEP 3 - LOUDERMILL HEARING

Compose Discipline Letter

7/16/2015 1831 HOURS 1ST PCT. CONFERENCE ROOM
Date of Hearing Time of Hearing Location of Hearing

Recommended Discipline LETTER OF WRITTEN REPRIMAND

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

Please Review Case Finding Memorandum for Mitigating Factors

[Signature]
Commander's Signature/Employee Number

7/16/2015
Date

[Signature]
Panel Member in Attendance
 Concur Not Concur

[Signature] #5219
Panel Member in Attendance
 Concur Not Concur

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

STEP 4 - BUREAU HEAD REVIEW

Policy Number	Description	Category	S	NS	E	U	P
5-306	Force Notification - Supervisor Notification	B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5-306	Force Notification - Complete CAPRS Report	B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Norris
 Bureau Head Signature/Employee Number 07-24-15 Date

STEP 5- CHIEF- FINAL DISPOSITION

Both violations (CA)

letter of reprimand @ a cat. B including a sustained violation in the letter " " of failing to complete all portions & sections of the CAPRS report. ~~negotiated~~ (CA)

Ac Mrs Amneso -

Chief of Police Signature
 MP-1408 (Revised 03/07)

Just August 1, 2015
 Date



Case Finding Memorandum OPCR Case #14-23252

To: Assistant Chief Arneson

From: Inspector Michael Kjos (Panel Chair)

Subject: (Case Finding Memorandum)

Involved Employee: Officer Kenneth Feucht, Badge 1968

Date: July 17, 2015

Alleged MPD Policy Violations:

5-306 Use of Force – Reporting & Post Incident Requirements (Supervisor Notification)
(category level B-C)

5-306 Use of Force – Reporting & Post Incident Requirements (Employees shall ensure that all applicable force portions of the CAPRS report are completed in full) (category level B-D)

Discipline Panel Members:

Inspector Michael Kjos	(Panel Chair)
Lt. James Novak	
Lt. Erick Fors	

Summary of Case and IAU Investigation:

Discipline Panel Preliminary Findings:

Discipline Panel met on May 28th, 2015 at 1700 hours in the 1st Precinct Inspectors Office. Prior to this panel taking place all three panel members had an opportunity to review the Internal Affairs Unit investigative file on this case.

Panel members discussed the investigative findings as reported in the IAU case file:

Discussion Points:

1. OPCR complaint filed by complainant against original arresting officers
 - a. No allegation against Officer Feucht by complainant
2. Arresting Officers completed initial CAPRS Report
3. Officer Feucht transported Arrested Party (AP) to HCJ
4. Officer Feucht observed AP on floor of booking vehicle



- a. Appears arrested party trying to get handcuffs to front.
5. Officer Feucht's unable to get AP's hands back to correct position within the booking van without assistance
6. Additional officers assist and he is removed from van, re-handcuffed and placed back inside and seat belted in.
7. Injury to AP observed by Officer Feucht
 - a. Officer unsure how injury occurred.
 - b. Cleans up injury
 - c. No request for medical by AP
 - d. AP tells Jailers he has no injuries
8. Officer Feucht reports the incident in his CAPRS supplement.
 - a. Including the injury to AP
9. Officer Feucht in his IAU statement says he didn't complete the force portion of CAPRS report because he did not believe the force he used caused the injury in any way.
10. Officer Feucht notifies Sgt. Werner of an injury to himself as a result of this incident. This reported later in the same shift and after the AP had been booked into HCJ.
11. Sgt. Werner completes the Supervisors Report of Injury and lists the AP as the person who caused the injury.
12. Sgt. Werner states in her IAU statement that Officer Feucht did not notify her of the use of force or injury to AP.
13. Officer Feucht believes he reported the injury and force to Sgt. Werner when he spoke to her about his injury, but did not report this in his CAPRS supplement.
14. MPD Policy 5-306 Use of Force Reporting
 - a. Requires Supervisor Notification for any force where there is an injury, or alleged injury, to the AP.
 - b. Requires additional Offense code of either "FORCE" or "PRIORI"
 - i. Force if injury occurred during the arrest process
 - ii. Prior Injury if the injury was from something prior to the officer using force.
 - c. Requires immediate notification of supervisor and they are to respond to the scene to conduct a force review.
 - d. Requires officer to remain on the scene.

The panel determined the facts presented in this case met the standard of "preponderance of the evidence" to move forward with Sustained Violations for both of the alleged violations.

Panel Preliminary Finding:

5-306 Use of Force – Reporting & Post Incident Requirements (Supervisor Notification)
Sustained (category B)

5-306 Use of Force – Reporting & Post Incident Requirements (Employees shall ensure that all applicable force portions of the CAPRS report are completed in full)
Sustained (category B)



On July 7th, 2015, at 2020 hours, written notice of Loudermill hearing was delivered to Officer Feucht listing the sustained allegations including the Category Level by Inspector Kjos.

Loudermill Hearing:

Loudermill Hearing was conducted on July 16th, 2015, at the 1st Precinct in the rear conference room. All three panel members were in attendance along with Officer Feucht and Federation Representative, Sgt. Ron Stenerson.

Inspector Kjos conducted the meeting and recorded it on a digital recorder. Officer Feucht was informed this meeting was convened for OPCR Case #14-23252 and involves Category (B) violations.

Officer's Statement:

Officer Feucht's gave a very brief statement. He said he did violate the use of force policy but didn't realize it at the time of this incident. He said once it was pointed out to him in the policy he realized it and has since complied fully with it in many instances. Officer Feucht's said there was no malice in his non-compliance with the policy, it was just a mistake on his part.

Federation Statement:

Sgt. Stenerson also gave a very brief statement. Simply stated that there clearly was no motive on Officer Feucht's part to willfully violate the policy and he acted in good faith.

Panel Review Following Loudermill Statements:

Panel discussed the statement of Officer Feucht and Sgt. Stenerson and then any mitigating or aggravating factors:

Officer Statement:

1. Accepts full responsibility for his actions
2. Apologetic tone
3. Demonstrated self-corrected behavior
4. No attempt to redirect blame



Mitigating Factors Discussed:

1. Commendations / Awards / Documented Outstanding Performance:
 - a. Officer Feucht was Officer of the Month in April 2015 for exemplary performance, as documented by his shift supervisors.
 - b. Officer Feucht consistently is one of the top performers on the 1st Pct Night Power Shift, documented in the monthly shift goal books.
2. Prior Discipline:
 - a. None in 9 years of service
 - b. This is the only complaint filed against this officer.
 - i. This was internal, there are no external complaints.
3. Seniority:
 - a. 9 year veteran Officer
4. Rank: NA – Officer
5. Circumstances:
 - a. Employee was conducting official department business
 - b. Employee showed regard for arrestee in providing medical aid
 - c. Employee thoroughly reported the incident in his CAPRS supplement
6. Culpability:
 - a. Employee appears to have inadvertently violated this policy and has since demonstrated compliance and knowledge of the policy.
 - b. Employee accepts responsibility for his actions and does not attempt to place blame on anyone but himself.
7. Employee Attitude:
 - a. Apologetic
 - b. Accepting of impending discipline
 - c. Volunteers for additional duties, including working the booking van.
 - i. Field Training Officer (FTO)
 - ii. Bicycle Rapid Response Team (BRRT)
 - iii. Critical Incident Team (CIT)
 - iv. Somali Liaison Officer for PERF program in Cedar Riverside
8. Performance Evaluations
[REDACTED]
9. Training – none required
10. Liability:
 - a. Demonstrated and documented care for the involved individual in this situation, therefore very little civil liability in this situation.

Aggravating Factors Discussed:

1. Use of Force policy is critically important to the department and City of Minneapolis.



Panel Findings on Policy Violations related to OPCR Case# 14-23252:

- 5-306 Use of Force – Reporting & Post Incident Requirements (Supervisor Notification)
Sustained (category B)
- 5-306 Use of Force – Reporting & Post Incident Requirements (Employees shall ensure that all applicable force portions of the CAPRS report are completed in full)
Sustained (category B)

Panel Recommendation for Discipline:

This Discipline Panel recommends Officer Feucht receive a Letter of Written Reprimand for the sustained (B) violations.

The panel believes this discipline recommendation meets all the department and community expectations and maintains the high level of professionalism we demand from our employees.

1. Ensures community confidence in the discipline process
2. Maintains employee confidence in the system and the integrity of the process
3. Discipline recommendation is in-line with the discipline matrix with the extensive mitigating factors outlined.

Respectfully Submitted,

Inspector Michael T. Kjos

Inspector Michael Kjos (Panel Chair)

CC: Panel Members and Internal Affairs Unit

The Office of Police Conduct Review

Review Panel Session

Sign-in Sheet

Case # #14-23252
Date April 21, 2015
Time 9:00 a.m.
Location City Hall Room 239

<i>PANELISTS</i>	<i>NAME</i>	<i>SIGNATURE</i>
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Civilian 1	Donald Bellfield
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Donald Bellfield

Civilian 2	Robert Briscoe
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Robert Briscoe

Sworn 1	Lt. Melissa Chiodo
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MChiodo

Sworn 2	Lt. Arthur Knight
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a knight

Chair is: **SWORN**

Chair's Name: ~~Donald Bellfield~~

Melissa Chiodo

Melissa Chiodo

Complaint Number 14-23252

Complainant: Joint Supervisors

Officer: Kenneth Feucht, Badge #1968

Jurisdiction: M.C. O. §§ 172.20

Date of Incident: July 27, 2014

Date Filed: November 17, 2014

Date of Panel: April 21, 2015

Allegation 1	
Violation of the P&P Manual	
Civilian 1 Vote	No Merit
Civilian 2 Vote	No Merit
Sworn 1 Vote	No Merit
Sworn 2 Vote	No Merit

Panelists in Attendance (Sign below)

Panelist 1

Donald Bellfield

Civilian 1

Panelist 2

Robert Briscoe

Civilian 2

Panelist 3

Lt. Arthur Knight

Sworn 1

Panelist 4

Lt. Melissa Chiodo

Sworn 2

The Chair is

Lt. Melissa Chiodo

Civilian/Sworn

Incident Summary

James Peters was transported to Hennepin County Adult Detention Center by Ofc. Feucht squad 149. While parked in the HCJ intake parking area there was a struggle between James Peters and Ofc. Feucht when Ofc. Fuchs was trying to put James Peters handcuffed hands behind his back. After the struggle Ofc. Feucht noted that Peters left earring got pulled out and there was a small amount of blood on his ear. It is alleged that Ofc. Feucht did not complete the force screen in the CAPRS report or notify a MPD supervisor of the force/injury to Peters.

Allegations

1. Violation of the Policy and Procedure Manual § 5-306 Use of Force Reporting and Post Incident Requirements: That Officer Feucht did not complete the force screen in CAPRS or notify an MPD Supervisor of the force/injury to Peters.

Allegation #1: Violation of the P&P Manual

That Officer Feucht did not complete the force screen in CAPRS or notify an MPD Supervisor of the force/injury to Peters.

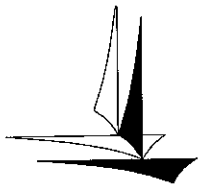
Supportive Findings:

The panel does not feel there is merit to this case. Officer Feucht did notify his supervisor within 20 minutes of the incident of his injury and completed an IOD form. He claims he did also tell his supervisor about the injury to the arrested party and she did not direct him to fill out a use of force report. Officer Feucht feels pretty confident that he reported the injury to the supervisor. The Supervisor is confident that he did not tell her.

There is no evidence to say that Officer Feucht did not report the handcuffing incident and subsequent injury to the arrested party to his supervisor as required.

YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	REMAND <input type="checkbox"/>	SPLIT <input type="checkbox"/>
<i>This allegation has merit.</i>	<i>This allegation does not have merit.</i>	<i>Remand to investigation for additional information.</i>	<i>There is no majority vote.</i>

LAVERY



Minneapolis

City of Lakes

Police Department

Janeé L. Harteau
Chief of Police
350 South 5th Street - Room 130
Minneapolis MN 55415-1389

NOTICE OF DISCIPLINE PANEL MEETING

Date: 7/6/2015

Officer Kenneth Feucht
Minneapolis Police Department
1st Precinct, Power Shift
Minneapolis, MN 55411

Officer Feucht

Re: OPCR Case Number 14-23252

This letter is to inform you the Discipline Panel has reviewed OPCR Case #14-23252 and recommends the finding(s) as follows:

- 1. MPD Policy Number (5-306) Use of Force Reporting (Supervisor Notification)
Category (B) --- Sustained**
- 2. MPD Policy Number (5-306) Use of Force Reporting (Employees shall ensure that all applicable force portions of the CAPRS report are completed in full)
Category (B) --- Sustained**

The Discipline Panel will meet on July 16th at 1800 hours in the First Precinct Inspectors Office. 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 July 13th, 2015.

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.

Respectfully,

Inspector Michael Kjos, Panel Chair
Minneapolis Police Department

cc: Internal Affairs Unit
Lt. James Novak
Lt. Erick Fors



O.P.C.R. ADMINISTRATIVE CASE #14-23252

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- 4.) CAPRS REPORT #14-261197
- 5.) VISINET REPORT #14-261197
- 6.) STATEMENT OF OFFICER KENNETH FEUCHT
- 7.) STATEMENT OF SERGEANT TAMMY WERNER
- 8.) FOLLOW-UP STATEMENT OF OFFICER KENNETH FEUCHT
- 9.) NOTIFICATION LETTERS
- 10.) TENNESSEN WARNINGS
- 11.) CORRECT AND RETURN LETTERS
- 12.) O.P.C.R. INVESTIGATIVE REPORT #14-15972
- 13.) SUPERVISOR'S REPORT OF INJURY
- 14.) MPD POLICIES AND PROCEDURES
- 15.) EMPLOYEE PROFILES

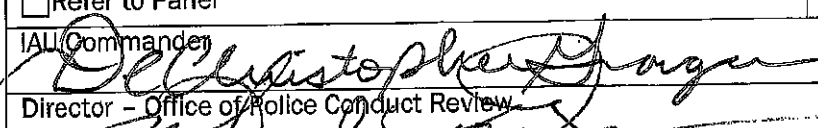
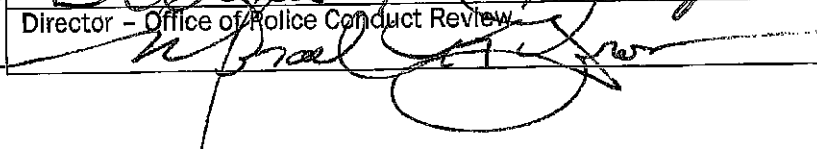


AVEY

**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

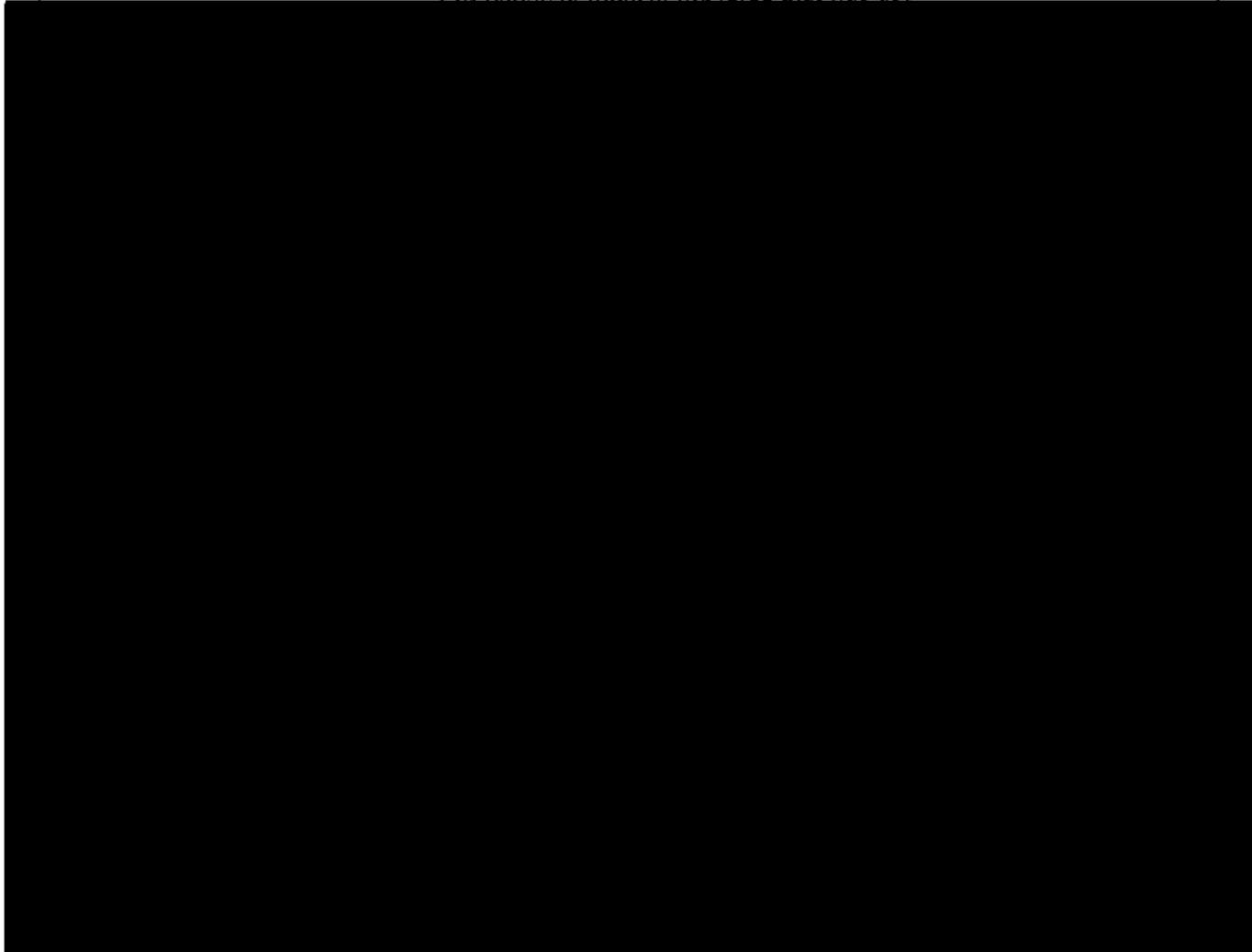
COMPLAINT INFORMATION				
Case Number	Precinct	CCN	Date of Incident	Time
14-23252	1	14-261197	July 27, 2014	01:20
Location of Incident		City/State/Zip		Date of Complaint
401 4th Ave		Minneapolis, MN 55415		
Complainant's Name (Last, First, Middle Initial)			Sex	Race
Joint Supervisors				DOB
Home Address		City/State/Zip		Telephone
BADGE/NAME		ALLEGED POLICY VIOLATIONS		
Kenneth Feucht (109542)		OPCR Ord. § 172.20(8) - Violation of P&P Manual MPD P&P § 5-306 - Use of Force Reporting and Post Incident Requirements. All other force, injuries or alleged injury incidents require both a CAPRS report and supervisor notification. The sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used.		
ALLEGATION SUMMARY				
James Peters was transported to Hennepin County Adult Detention Center by Officer Feucht, Squad 149. While parked in the HCJ intake parking area there was a struggle between James Peters and Officer Feucht when Officer Feucht was trying to put James Peters' handcuffed hands behind his back. After the struggle, Officer Feucht noted that Peters' left earring got pulled out and there was a small amount of blood on his ear. It is alleged that Officer Feucht did not complete the force screen in the CAPRS report or notify an MPD Supervisor of the force/injury to Peters.				
SUPERVISOR ASSESSMENT				
MEDIATION <input type="checkbox"/> Refer to Mediation COACHING <input type="checkbox"/> Refer to Precinct INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation: Investigator <input checked="" type="checkbox"/> Admin Investigation: Investigator Sgt. Markstrom FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel		DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Referred		
IAU Commander <i>De Christopher Branger</i>				Date 3/18/15
Director - Office of Police Conduct Review <i>[Signature]</i>				Date 3.18.15

**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

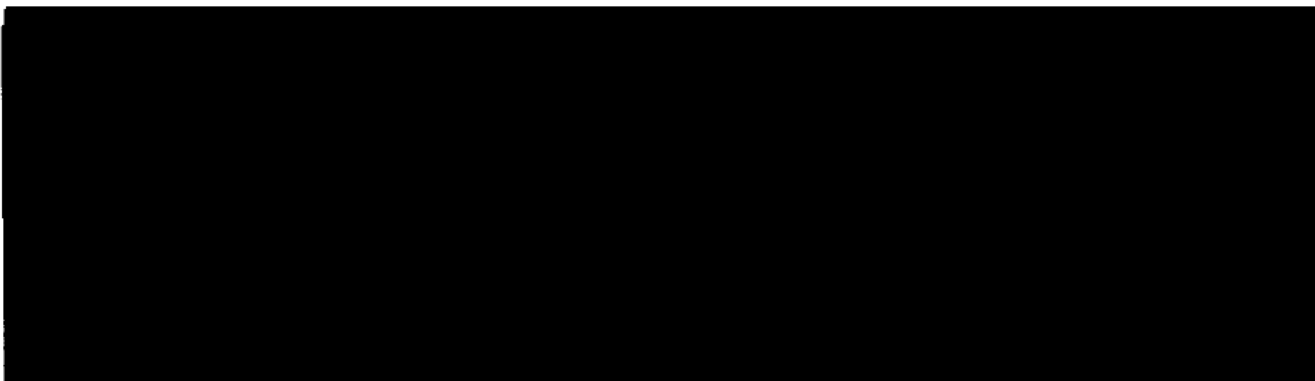
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FINAL APPROVED INVESTIGATIVE REPORT					
<input type="checkbox"/> Refer to Panel					
IAD Commander 				Date 12-2-14	
Director - Office of Police Conduct Review 				Date 12.2.14	

**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

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**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**



ALLEGATION SUMMARY

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SUPERVISOR ASSESSMENT

MEDIATION

Refer to Mediation

COACHING

Refer to Precinct

INVESTIGATIONS

- Preliminary Investigation: Investigator
- Admin Investigation: Investigator Sgt. Markstrom

DISMISS

- Reckoning Period Expired
- No Basis
- Failure to State a Claim
- Failure to Cooperate
- Exceptionally Cleared
- Lack of Jurisdiction
- Withdrawn
- Duplicate

FINAL APPROVED INVESTIGATIVE REPORT

Refer to Panel

IAU Commander

[Signature]

Date

01-05-15

Director - Office of Police Conduct Review

[Signature]

Date

1. 8. 2015



Office of Police Conduct Review Investigative Report

Complaint Number: 14-23252

Investigator: Sergeant Rolf Markstrom

Officer(s): Kenneth Feucht, 14-23252

Jurisdiction M.C. O. §§ 172.20

Date of Incident: 07/27/2014

Complaint Filed: 12/2/2014

CASE OVERVIEW

This case was generated as a result of a prior OPCR Case #14-15972, where the complainant, James Earl Peters, alleged that Officer John LaLuzerne and Officer Patrick McCarver used unreasonable force and indecent and unnecessarily harsh language toward complainant Peters. Case #14-15972 was closed because the complainant did not cooperate with the investigation by not responding to requests for an interview. The MPD CAPRS Report for this incident is 14-261197.

Per above CAPRS report, on 07/27/2014, Officer Kenneth Feucht was working the MPD Booking Van, Squad 149. Officer Feucht transported the arrested party, James Peters, to the Hennepin County Adult Detention Center. While parked in the HCJ intake parking garage Officer Fuecht noted that Peter's was lying on the floor of the booking van with his knees to his chest and his hands behind his knees. Per Officer Feucht, it appeared as though Peters was attempting to get his hands past his feet to his front.

As Officer Feucht attempted to pull Peter's hands back behind his back, Peters began to thrash and scream. Officer Feucht pushed Peter's chest down to the floor, but Peters continued to thrash and attempted to roll over.

Officer Feucht noted that Peter's earring got pulled out of his ear and there was a small amount of blood on Peter's ear from the earring.

There is no Force Screen completed in the CAPRS report, and there is no mention of Officer Feucht notifying his supervisor of the force/injury to Peters.

SUMMARY OF ALLEGATIONS

Allegation 1:

MPD P&P 5-306 USE OF FORCE REPORTING AND POST INCIDENT REQUIREMENTS:

All other force, injuries or alleged injury incidents require both a CAPRS report and Supervisor notification. The Sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used. .

It is alleged that Officer Kenneth Feucht did not complete the Force Screen in CAPRS and did not notify his supervisor of force that resulted in injury to the arrested party.

EVIDENCE

MPD CAPRS Report #14-261197

Per Said CAPRS Report, on 07/27/2014, Officer LaLuzerne and Officer McCarver were working Off-Duty 6174. At approximately 00:35 hours, they observed a party, whom they later identified as Peters, cross 7th St N at Hennepin, heading southbound against a red " Don't Walk" signal, causing the westbound vehicles, who had the green light, to stop and wait for Peters to cross the intersection. Officer McCarver tried to catch up to Peters to talk to him, but Peters got through the crowd and ran down the sidewalk.

Approximately 10 minutes later, Officer LaLuzerne and Officer McCarver were informed by passersby that there was a black male out in traffic at 8th St N. The Officers walked down the sidewalk and saw that this was the same male, Peters. Officers observed Peters standing in the street blocking both southbound lanes of traffic on Hennepin Av. Peters was wearing earbuds and was dancing in the southbound traffic lanes. Officer LaLuzerne and Officer McCarver escorted Peters out of the street.

The Officers arrested Peters for Interfering with Vehicular Traffic and for Disorderly Conduct. The Officers handcuffed Peters and sat him on a bench. Peters yelled that he was being hurt, all the while sitting untouched on the bench. Peters fell asleep on the bench, and the report notes that he was very intoxicated or on some type of drug.

The Officers called for the booking van but it was not immediately available. Squad 132, Officer Hillbo and Officer Rivard responded and transported Peters to the 1st Precinct, where he was placed in the holding cell until the booking van was free. The booking van, Squad 149, Officer

Kenneth Feucht, transported Peters to HCJ where Peters was booked for Disorderly Conduct and Interfering with Vehicular Traffic.

While Officer Feucht was with Peters in the parking area of HCJ, Officer Feucht looked through the window of the booking van and observed Peters lying on the floor of the booking van with his knees to his chest and his hands behind his knees. Officer Feucht believed that Peters was trying to get his handcuffed hands in front of him from behind his back.

Following is Officer Feucht's statement verbatim:

"Supplement of Off K.Feucht #109542 on 07/27/2014 04:22

"On 7/27/14, I was working the Booking Van Squad 149. At around 0120 hrs, I was at HCJ in the intake parking area. A1 was in the front transport area of the booking van, handcuffed behind his back.

Through the rear window of the truck cabin, I saw A1 laying on the floor of the transport area with his knees pulled to his chest and his hands behind his knees. I believed A1 was trying to get his hands in front of himself. I opened the door to the transport area and told A1 to get his hands back behind his back. He said OK, and then moved his hands toward his feet. I then told A1 to roll onto his stomach so I could get his cuffs back. He said no and kept trying to pull his hands past his feet.

I then grabbed A1's right arm and got hold of one cuff. I tried to pull A1's arm back behind his back. A1 started screaming and thrashing saying he wasn't doing anything. I pushed A1's chest down on the floor, but he kept thrashing and trying to roll over. At some point his left earring got pulled out of his ear. Two other officers who were in the garage area were assisting in holding A1 while I tried to get the cuffs up.

After unsuccessfully trying to get A1's hands back up behind his back, I attempted to uncuff A1 to reposition his hands. A1 continued to thrash against me, and the other officers and I lifted A1 out of the booking van and onto the floor of the garage. I then uncuffed A1 and recuffed A1 behind his back. I asked A1 if he would get back in the van on his own, and he continued to scream and yell and say he didn't do anything. The other officers and I lifted A1 back into the van and I put a seatbelt around the chain of the cuffs to keep him secure.

A1's ear was bleeding from his earring. A1 refused EMS, and the bleeding stopped before A1 was booked in jail.

About 20 minutes after the incident, I felt a throbbing pain in my left elbow that radiated up my arm to the shoulder when I moved it. I had full range of motion and the pain was not too severe at the time. I informed Sgt. WERNER of the injury and filled out an IOD form."

(A copy of this CAPRS Report is included in this case file.)

Statement of Officer Kenneth Feucht

Officer Kenneth Feucht was interviewed on 12/23/2014, at approximately 1832 hours, in the MPD Internal Affairs Unit by Sgt. Rolf Markstrom. Following is a summary of the interview.

- Officer Feucht is currently as Patrol Officer assigned to the 1st Pct Power Shift.
- On 07/27/2014, Officer Feucht was assigned to the 1st Pct Power Shift, and he was working the Booking Van, Squad 149. Officer Feucht believes he was working Able.
- Officer Feucht acknowledged that during his shift he was dispatched to pick up an arrested party by the name of James Peters, and to transport him to Hennepin County Jail.
- Officer Feucht did not initially remember where he picked up Peters. However, when presented with the information from the CAPRS report, that Peters had been transported to the 1st Precinct holding cell, Officer Feucht acknowledged that sounded correct.
- Officer Feucht described the following after arriving at HCJ:
 - Officer Feucht handed in the paper work and waited in the booking van to bring Peters in, as there was a line in front of him.
 - Officer Feucht observed on the booking van camera that covers the holding area of the van, that Peters was sitting on the bench and he had moved his handcuffed hands underneath his legs, and it appeared that Peters was trying to get his hands in front of his body.
 - Officer Feucht was concerned that if Peters got his hands in front he could assault Officer Feucht.
 - Officer Feucht got out and went to the side of the van. He opened the door and told Peters to put his hands back behind his back.
 - Peters exclaimed that he was not doing anything.
 - Officer Feucht instructed Peters to put his hands back behind his back again, and Peters did not comply.
 - Per Officer Feucht, he got into the van, took hold of Peters' arm and tried to pull it upwards and back. Peters continued to yell that he was not doing anything, while resisting Officer Feucht's efforts to get his hands back behind his back.
 - Officer Feucht did not remember how, but at some point they ended up face down on the ground. Officer Feucht was kneeling next to him trying to hold him down on his back and trying to get Peters' hands up, but it was not working.
 - Peters continued to thrash around and scream that he was not doing anything while kicking his legs.
 - Per Officer Feucht, other officers who were in the sally port came over to assist, as Officer Feucht assumed they could hear the yelling.
 - Because there were other officers to assist, Officer Feucht decided that he would un-cuff one hand and try to get Peters hands behind his back.
 - Because of the confined area inside the van, Officer Feucht was not able to get Peters re-cuffed.

- With the assistance of the other Officers, they picked Peters up and set him on the floor outside the Booking Van while he continued to yell and scream.
- Officer Feucht was then able to get Peters handcuffed.
- Officer Feucht told Peters that he needed to get back into the van. Peters keep screaming that he was not doing anything.
- Officer Feucht, with the assistance of the other Officers lifted Peters back into the van.
- When asked how many other officers assisted him, Officer Feucht said at least two.
- Per Officer Feucht, he thinks the other officers were from another department, but he was not sure.
- Per Officer Feucht, he did not know who they were at the time.
- Per Officer Feucht, when he set Peters back inside the van, he noticed a smudge of blood on the floor of the van, and he noticed there was blood on his earlobe.
- Officer Feucht asked Peters if he wanted an ambulance, and Peters said no.
- Per Officer Feucht, he wiped Peters' ear off with an alcohol wipe and found an earring on the floor. Per Officer Feucht he does not remember if Peters said he had an earring or if he just found it.
- Per Officer Feucht, he could consider the blood on Peters' ear an injury, albeit minor.
- Per Officer Feucht, he notified Sgt. Tammy Werner of the injury to Peters' ear.
- According to Officer Feucht, he described to Sgt. Werner what had happened, that Peters earring came out, and that Peters had blood on his ear.
- When asked if Sgt. Werner gave him any instructions, Officer Feucht said, "I don't remember. The reason I was talking to her about the situation at all was because I had injured my elbow, and so, I was explaining as a first report of injury, so she told me to do a first report of injury, but I don't-, that-, that's what I remember from..."
- When asked if Sgt. Werner gave him any instructions about completing a force report, Officer Feucht said, "No, because I would've done it if she had said it."
- Per Officer Feucht, he is familiar with MPD Policy 5-306, The Use of Force Reporting and Post Incident Requirements". I had Officer Feucht read the highlighted section of this Policy for the record. *(A copy of this policy is included in this case file with the aforementioned section highlighted.)*
- When asked if Sgt. Werner provided any explanation as to why she did not complete a Supervisor Force Review, Officer Feucht replied, "Not that I remember."
- When asked why he did not complete the Force Report Screen in the CAPRS report, Officer Feucht said, "I didn't consider what I did a use of force and I considered the injury-, I didn't consider it an injury caused by use of force in anyway."
- When asked if he would do anything different in the future in light of the policy he read, Officer Feucht responded, "I would make sure through my supervisor that they wanted me to make a force report."

At the conclusion of the interview with Officer Feucht, I met with I.AU. Commander Granger.

Follow-up Interview of Officer Kenneth Feucht

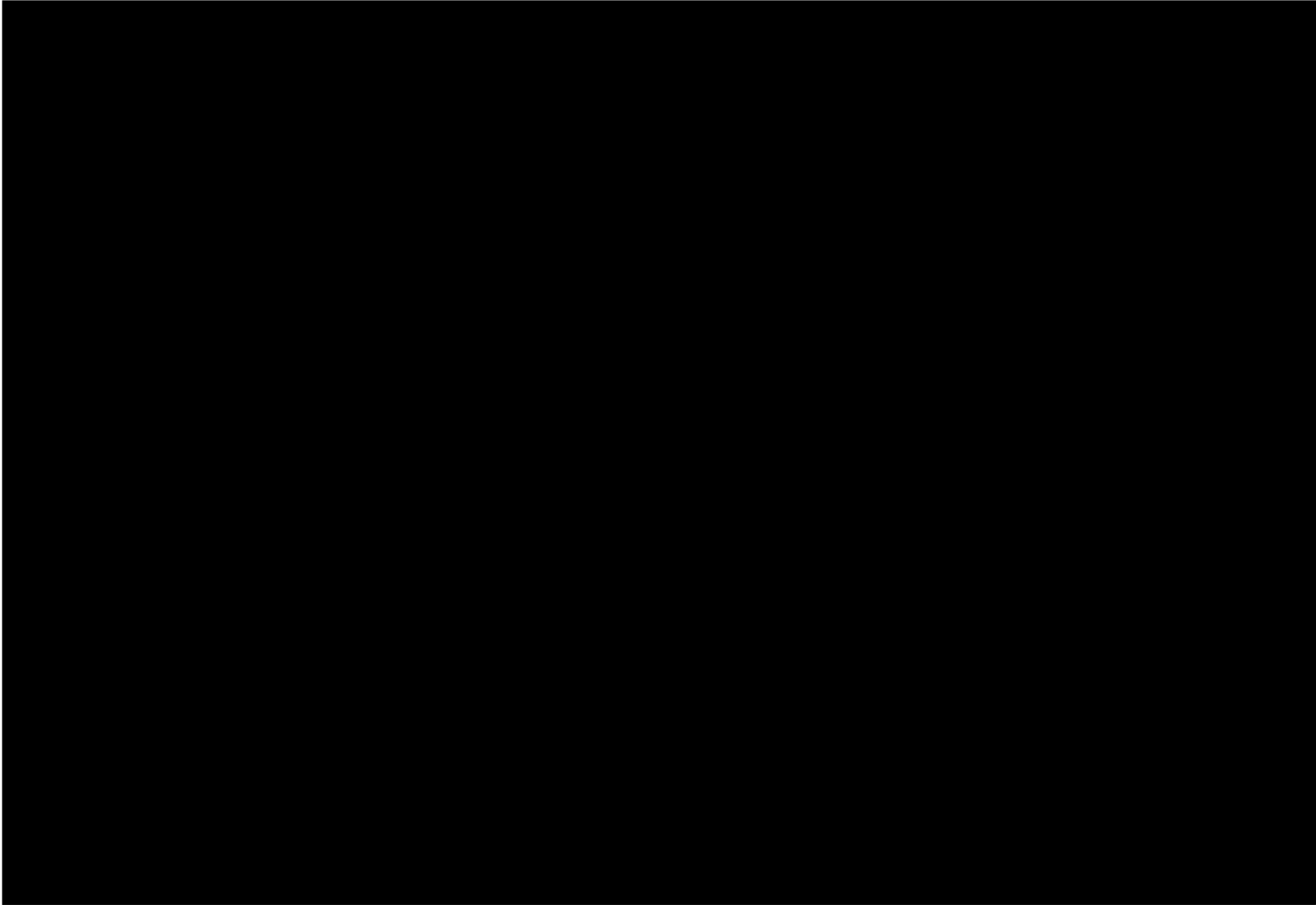
Because Officer Feucht, in his statement, said that he did notify Sgt. Werner about the injury to Peters' ear, and that he described to Sgt. Werner what had happened, that Peters earring came out,

and that Peters had blood on his ear, and Sgt. Werner ██████████ said that Officer Feucht did not notify her of this, Officer Feucht was called back in to provide a follow-up interview.

Officer Feucht was interviewed for a follow-up statement on 03/05/2015, at approximately 1853 hours, in the MPD Internal Affairs Unit by Sergeant Rolf Markstrom. Following is a summary of the follow-up interview.

- Officer Feucht acknowledged that he provided a statement to IAU on 12/23/20104, regarding the aforementioned allegations.
- Officer Feucht was provided a copy of the Q&A from his statement on 12/23/2014.
- From his original statement, Officer Feucht acknowledged that he considered the blood on A1/Peters' ear to be an injury.
- From his original statement, Officer Feucht acknowledged that he notified Sgt. Tammy Werner of the injury to A1/Peters.
- From his original statement, Officer Feucht acknowledged that the reason he notified Sgt. Werner at all was because of the injury he received to his elbow.
- From his CAPRS supplement, Officer Feucht acknowledged that he detailed the injury to his arm and notified Sgt. Werner of his injury.
- From his CAPRS supplement, Officer Feucht acknowledged that he did not include language that he notified Sgt. Werner of the injury to Peters.
- Officer Feucht was informed that Sgt. Werner, ██████████ said that Officer Feucht did not notify her of the injury to Peters.
- Officer Feucht was asked if he could explain the discrepancies between his statement and Sgt. Werner's statement regarding the reporting A1/Peters' injuries. Officer Feucht responded, "No".
- Officer Feucht was asked if it was possible that he did not notify Sgt. Werner of the injury to A1/Peters. Officer Feucht replied, "I believe I did".
- Officer Feucht was asked if he was 100% certain that he did. Officer Feucht provide the following answer:
 - "I don't remember my exact wording to her. I believe that I told her, um, what happened, and since I remember actually doing treatment to him, I believe that I told her about how I had, uh, done, you know, used the alcohol wipe on his ear and, and that. I believe I told her that."
- Officer Feucht was asked, if he did in fact notify Sgt. Werner of the Injury to A1/Peters, why he did not note that in his CAPRS supplement. Officer Feucht responded that he did not know. *(It should be noted that Officer Feucht's answer to this statement is not audible on the recording of his interview.)*
- Per Officer Feucht, to the best of his recollection, he notified Sgt. Werner that A1/Peters sustained the injury from the altercation with Officer Feucht.

A copy of the Report of Injury referred to in Officer Feucht's statement is included in this case file. It was filled out by Officer Feucht on 07/27/2014, and signed by Sgt Werner.



SUMMARY OF EVIDENCE

Based on a review of the evidence gathered during the OPCR investigation, the following occurred:

- 1.) On 07/27/2014, Officer Kenneth Feucht was assigned to the 1st Precinct Power Shift. He was working booking van, Squad 149, as an Able Officer.
- 2.) Officer Feucht picked up an arrested party, James Peters (A1/Peters) from the 1st Precinct holding cell and transported him to HCJ.

- 3.) Per Officer Feucht, while waiting in the HCJ garage, he observed A1/Peters in the holding area of the booking van attempting to get his handcuffed hands from behind his back to the front of his body.
- 4.) Per Officer Feucht, he got into the van and attempted to pull A1/Peters' hands back behind his back, but was unsuccessful.
- 5.) Per Officer Feucht he did not remember how, but at some point A1/Peters ended up face down on the ground. Officer Feucht was kneeling next to him trying to hold him down on his back and trying to get Peters' hands up, but it was not working. A1/Peters continued to thrash around and scream that he was not doing anything, while kicking his legs.
- 6.) Per Officer Feucht, with the assistance of other officers, he removed the handcuff from one of A1/Peters' hands and re-cuffed his hands behind his back.
- 7.) After putting A1/Peters back inside the booking van, Officer Feucht noticed blood on A1/Peters' ear, a smudge of blood on the floor of the booking van, and an earring on the floor of the booking van.
- 8.) Per Officer Feucht, he cleaned the blood off of A1/Peters ear with an alcohol wipe and asked him if he wanted an ambulance, to which A1/Peters said no.
- 9.) Per Officer Feucht, he contacted Sgt. Tammy Werner and notified her of the injury to A1/Peter's ear.
- 10.) According to Officer Feucht, he described to Sgt. Werner what had happened, that Peters earring came out, and that Peters had blood on his ear.
- 11.) Per Officer Feucht the reason he had contacted Sgt. Werner was because he had injured his elbow, and Sgt. Werner instructed him to complete a first report of injury.
- 12.) Per Officer Feucht's CAPRS supplement, he did not notify Sgt. Werner of his injury until 20 minutes after the incident.
- 13.) Officer Feucht did not complete the Force Screen in CAPRS.
- 14.) Per Officer Feucht the reason he did not complete the force screen was because he didn't consider what he did a use of force and he didn't consider it an injury caused by use of force in any way.
- 15.) Per Sgt. Werner, Officer Feucht did contact her to report that he had injured his own arm.
- 16.) Sgt. Werner filled out the Minneapolis Supervisor's Report of Injury.
- 17.) Per Sgt. Werner, Officer Feucht did not notify her that A1/Peters sustained an injury, nor did he notify her of how A1/Peters sustained the injury.
- 18.) In his follow-up statement, Officer Feucht could not explain the discrepancies between his original statement and Sgt. Werner's statement regarding the reporting of A1/Peters' injury.
- 19.) Officer Feucht was asked if it was possible that he did not notify Sgt. Werner of the injury to A1/Peters. Officer Feucht replied, "I believe I did".
- 20.) When asked if he was 100% sure that he notified Sgt. Werner of the injury to A1/Peters, Officer Feucht said that he believed he told her that.

- 21.) When asked why he did not note in his CAPRS supplement that he notified Sgt. Werner of A1/Peter's injuries, Officer Feucht said that he did not know.
- 22.) To the best of Officer Feucht's recollection, he notified Sgt. Werner of the injury to A1/Peters.

DISCUSSION

The Minneapolis Police Department's Policy and Procedure Manual, 5-306 USE OF FORCE REPORTING AND POST INCIDENT REQUIREMENTS, states in part:

All other force, injuries or alleged injury incidents require both a CAPRS report and Supervisor notification. The Sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used.

Officer Feucht in his initial interview stated that he notified Sgt. Werner of the injury to A1/Peters, and in his follow-up interview stated that he believed he notified Sgt. Werner of the injury to A1/Peters, and to the best of his recollection he notified Sgt. Werner of the injury to A1/Peters. However, in his CAPRS report he did not complete the force screen, nor did he make any notation in his supplement that he notified Sgt. Werner of the injury to Peters.

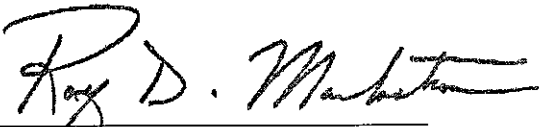
Officer Feucht's explanation for not completing the force screen was that he didn't consider what he did a use of force and he didn't consider it an injury caused by use of force in any way.

Officer Feucht's response for why he did not note in his CAPRS supplement, that he notified Sgt. Werner of the injury to A1/Peters, was that he did not know.

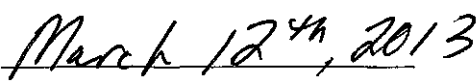
According to Sgt. Werner, Officer Feucht did notify her of the injury to himself, but he did not notify her of the injury to A1/Peters.

In comparing Officer Feucht's CAPRS supplement to the statements provided by both Officer Feucht and Sgt. Werner, Sgt. Werner's statement is consistent with Officer Feucht's CAPRS supplement, while Officer Feucht's own statement is not consistent with his CAPRS Supplement.

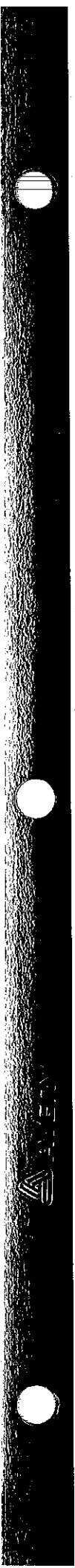
I confirm that the information I provided in this case is true to the best of my knowledge.



OPCR Investigator



Date



**Case Report with
Supplements****Minneapolis Police Department****CCN: MP-14-261197****Report Details**

Reporting Officer:	004526: Patrick Mc Carver	Approval Status:	Approved
Assisting Officer:	003950: John LaLuzerne	Approval Date:	Jul 27, 2014
Supervising Officer:	002216: David Garman	Date Returned:	
Approving Supervisor:	002216: David A Garman	Return Count:	0
Call/Sqd:	6174	Date Printed:	Dec 18, 2014
Precinct:	01	Last Uploaded:	Jul 28, 2014
Related CCN :	--	Solvability:	100
Reported Date:	Jul 27, 2014 02:56	Primary Routed Unit:	4031 - Pct 1 Desk
Entered By:	004526		

Incident Details

Offense1: DISCON	Desc: Disorderly Conduct	Statute: 609.72	Attempted:
Offense2: MISC	Desc: Doesnt Fit Any Crim	Statute:	Attempted:
Address:	7 ST S Minneapolis, MN 55403		
Intersection:	Hennepin AV S		
Occurred From:	07/27/2014 00:35	Dispatched:	00:00:00
Occurred To:	07/27/2014 00:40	Arrived:	00:35:00
Location:	7 St N / Hennepin Av S	Cleared:	02:48:00
Minor Involved:	No		

Public Data

AP1 walked slowly across 7 St. N, going NB at Hennepin Av S, against the light, causing numerous cars to stop and honk at him. Officer approached AP1 on foot, but he fled on foot through a crowd of people on the sidewalk. AP1 then went down the block and stood in the middle of the lane of traffic on Hennepin Av, refusing to get out of the street for passing cars. AP1 was stopped and placed under arrest for Interfering with vehicle traffic and Disorderly conduct. AP1 was uncooperative and tried to run from officer again, after being placed under arrest. AP1 was then transported by squad 132 to HCJ.

REC: case closed by arrest.

Arrestee

Role / Role #:	A001	MPD#:	0003004473
Name:	Peters, James Earl		
Residence:	1210 Newton AV N Apt. 1 Minneapolis, MN 55411		
Telephone:	O:612-588-9112		
Drv Lic #:	[REDACTED]		
Date of Birth:	09/22/1985	Event Age: 28	Est. Age: 28 - 28
Race:	Black	Medical Treatment:	No
Sex:	Male	Prior Injury:	No
Height:	511 - 600	City of Origin:	Minneapolis
Build:	ME	St. of Origin:	MN

Arrest Information

Arrest Address:	7 ST S Minneapolis, MN	Precinct:	01
Intersection:	Hennepin AV S		
Arrest Date:	Jul 27, 2014 00:40		
Arrest Location:	Street		
Disposition:	booked county		
Arresting Officer:	003950: LaLuzerne, John Michael	Call/Sqd:	6174
Arresting Officer:	004526: Mc Carver, Patrick E	Call/Sqd:	6174

Charges

<u>Status</u>	<u>Type</u>	<u>Charge Code</u>	<u>Statute</u>	<u>Citation</u>	<u>Related CCN</u>
Other	Misdemeanor	DISCON - Disorderly Conduct	609.72		
Other	Misdemeanor	misc - Doesnt Fit Any Crim			

Personal Description

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Appearance	Mad/Angry		
Appearance	Drunk	DISCON	
Appearance	Drunk	MISC	
Appearance	Drugged	DISCON	
Appearance	Drugged	MISC	
Appearance	Uncooperative		
Complexion	Dark		
Employment Status	Employed		
Eye Color	Brown		
Force Used	No		
Hair Color	Black		

Relationships

None Defined

Modus Operandi

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Crime Elements	Arrest(s) Made	DISCON	
Crime Elements	Arrest(s) Made	MISC	
Crime Location	Street/Sidewalk	DISCON	

Crime Location

Street/Sidewalk

MISC



Case Supplements

2 supplements begin on the following page.

Supplement number: 1 CCN: MP-14-261197 Author: 003950 - John LaLuzerne

Supplement of Off J.LaLuzerne #003950 on 07/27/2014 03:15
CCN 14-261197.

While working part time 6174, with my partner Officer McCarver, we watched as a black male, later id'd as AP/Peters, crossed 7th St N, heading SB, against the red don't walk signal. AP made all the vehicles, who had the green light heading WB, stop and wait for him to get across the intersection. Officer McCarver tried to catch up with AP to talk with him, but AP quickly got through the crowd and ran down the sidewalk.

Approx. 10 minutes later, we were notified by passersby that there was a black male out in traffic down at 8th St N. As we walked down the sidewalk, we saw that the male was AP. AP was standing out in the street, adjacent the bus stop shelter, blocking both lanes of traffic from going SB on Hennepin. AP had earbuds in his ears and was dancing in both SB lanes of traffic. We approached AP and escorted him out of the street.

AP was arrested for interfere with vehicular traffic and discon. AP was handcuffed and walked back to our area and sat on the bench. AP yelled that he was being hurt all the while he sat untouched on the bench, until he fell asleep. AP was very intoxicated or on some type of drug. The booking van was called for and we were notified that it was stuck in HCJ. Squad 132 (Hillbo and Rivard) arrived and transported AP to the 1st Pct where he was placed in the holding cell until the booking van was free. AP was booked HCJ for DisCon and Interfere with Veh Traffic.

END of Supplement 1

Supplement number: 2 CCN: MP-14-261197 Author: 109542 - Kenneth Feucht

Supplement of Off K.Feucht #109542 on 07/27/2014 04:22

On 7/27/14, I was working the Booking Van Squad 149. At around 0120 hrs, I was at HCJ in the intake parking area. A1 was in the front transport area of the booking van, handcuffed behind his back.

Through the rear window of the truck cabin, I saw A1 laying on the floor of the transport area with his knees pulled to his chest and his hands behind his knees. I believed A1 was trying to get his hands in front of himself. I opened the door to the transport area and told A1 to get his hands back behind his back. He said OK, and then moved his hands toward his feet. I then told A1 to roll onto his stomach so I could get his cuffs back. He said no and kept trying to pull his hands past his feet.

I then grabbed A1's right arm and got hold of one cuff. I tried to pull A1's arm back behind his back. A1 started screaming and thrashing saying he wasn't doing anything. I pushed A1's chest down on the floor, but he kept thrashing and trying to roll over. At some point his left earring got pulled out of his ear. Two other officers who were in the garage area were assisting in holding A1 while I tried to get the cuffs up.

After unsuccessfully trying to get A1's hands back up behind his back, I attempted to uncuff A1 to reposition his hands. A1 continued to thrash against me, and the other officers and I lifted A1 out of the booking van and onto the floor of the garage. I then uncuffed A1 and recuffed A1 behind his back. I asked A1 if he would get back in the van on his own, and he continued to scream and yell and say he didn't do anything. The other officers and I lifted A1 back into the van and I put a seatbelt around the chain of the cuffs to keep him secure.

A1's ear was bleeding from his earring. A1 refused EMS, and the bleeding stopped before A1 was booked in jail.

About 20 minutes after the incident, I felt a throbbing pain in my left elbow that radiated up my arm to the shoulder when I moved it. I had full range of motion and the pain was not too severe at the time. I informed Sgt. WERNER of the injury and filled out an IOD form.

END of Supplement 2

End of report for case MP-14-261197. Print ID: cf36c488-ab31-4f54-a4ab-6605ed4896f4

AVERY

Incident Detail Report

Data Source: Data Warehouse
 Incident Status: Closed
 Incident number: 14-261197
 Incident Date: 7/27/2014 00:39:45
 Last Updated: 12/19/2014 12:11:21

Incident Information

Incident Type: 2 Officer Response - Pct Car	Alarm Level:
Priority: 2	Problem: Suspicious Person (P)
Determinant:	Agency: POLICE
Base Response#:	Jurisdiction: MPD/MFD/HCMC
Confirmation#:	Division: Precinct 1
Taken By: Boblett, Jason	Battalion: P1 Sec 3
Response Area: 130	Response Plan: P1 2 Officer Response
Disposition:	Command Ch:
Cancel Reason:	Primary TAC:
Incident Status: Closed	Secondary TAC:
Certification:	Delay Reason (if any):
Longitude: 93274798	Latitude: 44977984

Incident Location

Location Name:	County: HENNEPIN
Address: 7 ST N / HENNEPIN AV S	Location Type:
Apartment:	Cross Street:
Building:	Map Reference: 416E
City, State, Zip: MINNEAPOLIS MN 55403	

Call Receipt

Caller Name:	Call Back Phone:
Method Received:	Caller Location:
Caller Type:	

Time Stamps

Description	Date	Time	User	Elapsed Times Description	Time
Phone Pickup	7/27/2014	00:39:45			
1st Key Stroke	7/27/2014	00:39:45		Received to In Queue	00:00:00
In Waiting Queue	7/27/2014	00:39:45		Call Taking	00:00:00
Call Taking Complete	7/27/2014	00:39:45	Boblett, Jason	In Queue to 1st Assign	00:00:00
1st Unit Assigned	7/27/2014	00:39:45		Call Received to 1st Assign	00:00:00
1st Unit Enroute	7/27/2014	00:39:45		Assigned to 1st Enroute	00:00:00
1st Unit Arrived	7/27/2014	00:39:45		Enroute to 1st Arrived	00:00:00
Closed	7/27/2014	02:48:50	Jones, Robin K	Incident Duration	02:09:05

Resources Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient Avail	Delay Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
6174	00:39:45		00:39:45		00:39:45	01:01:42	02:48:50			
132	00:58:33	AST-Assist	00:58:33		00:58:33	01:01:42	01:26:54	439.8	439.8	
149	01:03:31	TRN-Transport	01:03:33		01:07:05	01:12:13	02:35:54	32795.7	32796.6	

Personnel Assigned

Unit	Name
6174	LaLuzerne, John M (003950); McCarver, Patrick E (093985)
132	Hillbo, Griffin K (093112); Rivard, Deanna M (007905)
149	Feucht, Kenneth R (109542)

Pre-Scheduled Information

No Pre-Scheduled Information

Transports

Unit	Location/Address	City	Patient	Mode	Protocol	Mileage Start/End/Total	Depart	Arrived	Complete
149	HCJ/401 4 AV S	MINNEAPOLIS		Squad	Transport	32796.6/ 32797.1/ 0.5	01:26:11	01:28:57	02:35:54

Transport Legs

No Transports Information

Comments

Date	Time	User	Type	Conf.	Comments
------	------	------	------	-------	----------

7/27/2014	00:39:58	119872	Response	6174 OUT W/ 1 - C4 - REQ 149
7/27/2014	00:58:33	119872	Response	Backed up 6174 with 132
7/27/2014	01:03:31	064075	Response	Backed up 132 with 149
7/27/2014	01:03:54	064075	Response	132 AT THE STATION
7/27/2014	01:26:12	INT	Response	Transported person gender is M

Address Changes
No Address Changes

Priority Changes

Date	Time	Changed from	Priority	Reason	User
7/27/2014	00:39:50	1		Default	1

Alarm Level Changes
No Alarm Level Changes

Activity Log

Date	Time	Radio	Activity	Location	Log Entry	User
7/27/2014	00:39:45	6174	A Arrived	7 ST N / HENNEPIN AV S		119872
7/27/2014	00:39:50		Problem Nature		ID # 3788780 A Change in the Problem Nature change from On Site (P) to Suspicious Person (P)	119872
7/27/2014	00:41:56		Read Incident		Incident 780 was Marked as Read.	119872
7/27/2014	00:58:33	132	D Dispatched	7 ST N / HENNEPIN AV S		119872
7/27/2014	00:58:33	132	E EnRoute	7 ST N / HENNEPIN AV S	Responding From = HENNEPIN AVE S17 ST S	119872
7/27/2014	00:58:33	132	A Arrived	7 ST N / HENNEPIN AV S		119872
7/27/2014	00:58:33	6174	Unit Backed up	7 ST N / HENNEPIN AV S	Backed up with 132	119872
7/27/2014	01:01:03		Read Comment		Comment for Incident 780 was Marked as Read.	064075
7/27/2014	01:01:42	132	C4 Code 4	7 ST N / HENNEPIN AV S		064075
7/27/2014	01:01:42	6174	C4 Code 4			064075
7/27/2014	01:03:31	149	D Dispatched	7 ST N / HENNEPIN AV S		064075
7/27/2014	01:03:31	132	Unit Backed up	7 ST N / HENNEPIN AV S	Backed up with 149	064075
7/27/2014	01:03:33	149	E EnRoute	7 ST N / HENNEPIN AV S	Responding From = 3 AVE S14 ST S	064075
7/27/2014	01:07:05	149	A Arrived	7 ST N / HENNEPIN AV S		VisiNET
7/27/2014	01:12:05	149	Custom Timer		At Scene for Other Problem/Nat-Unit marked as late.	
7/27/2014	01:12:13	149	C4 Code 4	7 ST N / HENNEPIN AV S		064075
7/27/2014	01:26:11	149	TR Transport	HCJ		VisiNET
7/27/2014	01:26:54	132	__ Available	7 ST N / HENNEPIN AV S		VisiNET
7/27/2014	01:28:22		Read Comment		Comment for Incident 780 was Marked as Read.	064075
7/27/2014	01:28:57	149	AH At Destination	401 4 AV S [HCJ]		VisiNET
7/27/2014	02:35:54	149	__ Available	401 4 AV S [HCJ]		VisiNET
7/27/2014	02:48:50	6174	__ Available			064075
7/27/2014	02:48:50		Response Closed	7 ST N / HENNEPIN AV S		064075
7/27/2014	11:12:36		UserAction		User clicked Exit/Save	061633

Edit Log

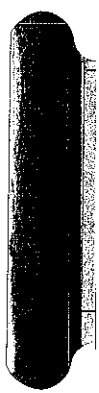
Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
7/27/2014	00:39:45	Pickup_Map		416E		Response_Transports	P04	119872
7/27/2014	00:39:45	Map_Info		416E		Response_Master_Incident	P04	119872
7/27/2014	00:39:50	Problem	On Site (P)	Suspicious Person (P)	UP 6174 SUSPP(P)	Response_Master_Incident	P04	119872
7/27/2014	00:39:50	Incident_T	1 Officer Response	2 Officer Response - Pct Car	UP 6174 SUSPP(P)	Response_Master_Incident	P04	119872
7/27/2014	00:39:50	Priority_N	1	2	UP 6174 SUSPP(P)	Response_Master_Incident	P04	119872
7/27/2014	00:39:50	Priority_D	1	2	UP 6174	Response_Master_Incident	P04	119872

7/27/2014	00:39:50	RespReconf	0	1	SUSPP(P Response reconf	Response_Master_IncidentP04	119872
7/27/2014	00:39:50	ResponsePI	0	1	UP 6174 SUSPP(P	Response_Master_IncidentP04	119872
7/27/2014	00:39:50	Response_P	P1 1 Officer Response	P1 2 Officer Response	UP 6174 SUSPP(P	Response_Master_IncidentP04	119872
7/27/2014	00:41:56	Read Call	False	True	(Recall Window)	Response_Master_IncidentP04	119872
7/27/2014	01:01:03	Read Comme	False	True	(Recall Window)	Response_Master_IncidentP03	064075
7/27/2014	01:26:11	Pickup_Map			Polygon	Response_Transports	M9MPN138 VisiNET
7/27/2014	01:26:11	Pickup_Map			Lookup	Response_Transports	M9MPN138 VisiNET
7/27/2014	01:28:22	Read Comme	False	True	(Recall Window)	Response_Master_IncidentP03	064075

Custom Time Stamps
No Custom Time Stamps

Custom Data Fields
No Custom Data Fields

Attachments
No Attachment



1 THIS IS A TAPE-RECORDED STATEMENT OF OFFICER KENNETH FEUCHT
2 ON DECEMBER 23, 2014, AT APPROXIMATELY 1832 HOURS IN THE MPD
3 INTERNAL AFFAIRS UNIT BEING INTERVIEWED BY SGT. ROLF
4 MARKSTROM. ALSO PRESENT IS SGT. RON STENERSON, MINNEAPOLIS
5 POLICE FEDERATION REPRESENTATIVE. TRANSCRIBED BY R. METCALF.

6
7 RE: OPCR Case Number #14-23252

8
9 Q: Officer Feucht, could you state your full name, spelling your last name,
10 please?

11 A: Kenneth Richard Feucht; F-E-U-C-H-T.

12
13 Q: And what is your present rank and work assignment?

14 A: Patrol Officer in the First Precinct.

15
16 Q: All right. And, uh, what is your employee number and date of appointment?

17 A: My employee number is 109542. My date of employment was September of
18 2006.

19
20 Q: OK. And, Officer Feucht, what shift are you working in the First Precinct?

21 A: Uh, Power Shift.

22
23 Q: OK. All right.

24
25 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL
26 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR
27 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO
28 MPD POLICY AND PROCEDURE.

29
30 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS
31 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST
32 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE
33 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO
34 EMPLOYMENT ALLEGATIONS.

35
36 Do you understand this warning?

37 A: Yes.

38
39 Q: AND I'M ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A
40 FALSE OR INTENTIONALLY INCOMPLETE STATEMENT, OR
41 INTENTIONALLY OMIT INFORMATION THAT IS PERTINENT TO THIS
42 INVESTIGATION, YOU WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO
43 AND INCLUDING SUSPENSION OR DISCHARGE.

44
45 Do you understand this?

46 A: Yes.

1
2 Q: And is it correct that you have read, understood, and signed the Data
3 Practices Advisory, otherwise known as the Tennessen Warning?
4 A: Yes.
5
6 Q: And have I informed you that the purpose of this statement relates to an
7 internal investigation, and specifically, an administrative review that is being
8 conducted and it is alleged that on, uh, July 27, 2014, you used force on an
9 arrested party identified as James Peters, which resulted in his earring being
10 pulled out causing minor injury to his ear and it is alleged that you did not
11 complete the CAPRS force screen and did not notify-, notify a supervisor of the
12 force; have I informed you of this?
13 A: Yes.
14
15 Q: And have I explained you are being called to explain the circumstances
16 regarding this allegation?
17 A: Yes.
18
19 Q: OK. Officer Feucht, um, as you noted, you are currently assigned to the First
20 Precinct Power Shift. Um, what was your assignment on July 27, 2014?
21 A: I was assigned to the Booking Van, uh, 149.
22
23 Q: OK. And were you-, and was that-, were you on the same shift as you are
24 now?
25 A: Yes.
26
27 Q: OK. And, uh, working the Booking Van on the 27th of July, were you Able or
28 were you working with a partner?
29 A: I believe I was Able.
30
31 Q: OK. Now, during your shift, um, were you dispatched to pick up an arrested
32 party by the name of James Peters and transport him to Hennepin County Jail?
33 A: Yes.
34
35 Q: OK. Do you remember where you picked him up?
36 A: I don't.
37
38 Q: OK. All right. Um, according to the CAPRS report, um, he was transported
39 to the First Precinct holding cell and then, um, that's where you allegedly picked
40 him up. Does that sound correct?
41 A: Yes.
42
43 Q: OK. All right. Um, can you tell me what happened when you, uh, arrived at
44 Hennepin County Jail, please?

1 A: I would've handed in the paperwork and there was a line, uh, of people ahead
2 of us, so I was waiting in the Booking Van waiting to bring the prisoner in to the
3 jail.

4
5 Q: OK.

6 A: Um, at some point while sitting-... There is a-, there's a camera that shows
7 inside of the, the holding area of the Booking Van, and I could see that the-, I
8 could see that the, uh, prisoner in the back had moved his hands from behind his
9 back where he was handcuffed to underneath his legs, and so, it appeared to me
10 that he was trying to move his hands in front of his body.

11
12 Q: OK. What, what was he-, what kind of position was he in?

13 A: He was sitting.

14
15 Q: OK.

16 A: Um, he was sitting on-, there's a bench.

17
18 Q: OK.

19 A: Basically, he was sitting and trying to put his hands... Um, because if he puts
20 his hands in front of him, that's a danger to me, so I don't want him putting his
21 hands in front his feet. Um, he can assault me. He can wait for me to open the
22 door and jump out, and his hands are in front of him. So, I got out to go and get
23 him to stop putting his hands in front of his body. I went around to the side. I
24 opened up the-, I opened up the door, and I told him stop putting your hands or
25 stop put-, doing that with your hands, get your hands back behind your back. He
26 said to me I'm not doing anything, I'm not doing anything. I told him again put
27 your hands back behind your back and he didn't. So, I got into the van to try and
28 stop-, just get his hands back behind his back.

29
30 Q: And how, how did you-, how did you do that? I mean physically what were...

31 A: Um, I took hold of his arm and simply tried to pull it upwards and back. This
32 whole time he was yelling and screaming, I'm not doing anything, I'm not doing
33 anything, and he was basically pulling against me trying to not get me to do what
34 he was doing-, or tried not to get me to do what I was trying to do to get his
35 hands back behind him. At some point, we ended up face down on the ground.
36 Um, he-, with the way he was thrashing around, I don't know if-, I don't know how
37 exactly we got on the ground. Um, at that point, I was kne-, I, I was kneeling next
38 to him. I was trying to hold him down and just hold him just in his back and trying
39 to get his hands up, and it still wasn't working. He was thrashing around the
40 whole time screaming, I'm not doing anything, kicking his legs, and I was just
41 trying to hold him down. Again...

42
43 Q: And at this point, was he still trying to pull his hands, um, in front of him?

44 A: I-, well, he wouldn't have been able to at that point just the way he was. His,
45 his hands were still underneath his legs, though.

46

1 Q: OK.
2 A: I hadn't gotten them back behind his back and he was pulling away from me-,
3 what I was doing. And I wasn't able to get his hands back behind his back. Um,
4 and he was screaming-, like I said, he was screaming and yelling, I'm not doing
5 anything, I'm not doing anything. And at some point, several other officers that
6 were in the Sally Port had come over cause they could hear-, I assume they
7 could hear the yelling and could hear the-, what was going on. And I asked them
8 to try and hold his legs and hold him just to see if I could do it. I wasn't able-, I
9 was not able to get his arms back from underneath-, from underneath his legs
10 where they were.

11
12 Um, after trying that several times, I decided that because there were other
13 officers there and I had enough control of the-, of the prisoner at that point I was
14 going to uncuff one hand and be able to keep a hold of it and try and-, and try
15 and get his hands back behind his back again. Um, and if I can describe the
16 inside of the van, it's basically a door wide, uh, stairwell that goes up and then
17 there are benches on each side and a-, and a floor. So, I was sitting-, he was-,
18 he was in the stairwell at this point and had gotten-, had gotten himself there, and
19 so there wasn't a lot of room to manipulate. I was able to get him uncuffed, but I
20 still couldn't get both his hands behind his back, so I asked the other officers to
21 help me pick him up and set him down on the floor outside of the booking van in
22 the-, in the Sally Port. We did that. He continued to yell and scream, I'm not
23 doing anything, I didn't do anything. Uh, we got him on the floor and I was able
24 to get him handcuffed once he was there and I had more room. At that point, I
25 said to him you need to get back in the van, do wanna get up and get in yourself
26 or do we have to-, or are we gonna put you back in the van. And he kept
27 screaming I didn't do anything, I didn't do anything, and so the other officers and
28 I, we lifted him back up and set him back inside van on the floor.

29
30 Q: OK. How-, um, could you just show me, um, where his hands were as he-,
31 as you were attempting to pull them back behind his back?

32 A: When he was trying to get them out?

33
34 Q: Yeah.

35 A: They were down, down here underneath behind his knees.

36
37 Q: OK. OK. Did he get them any farther than that from what you recall?

38 A: No, I don't. For sure, I can't. It was behind his knees and that's where they I
39 think he kind of got them stuck there-

40
41 Q: OK.

42 A: -at that point cause that's-, I couldn't get them back behind him.

43
44 Q: OK. And the other officers who were there assisting you, how many officers
45 assisted you?

1 A: I don't remember. I would-, I can't. I don't wanna guess. Um, there were at
2 least two others.
3
4 Q: OK.
5 A: There may have been...
6
7 Q: Were, were they Minneapolis officers or from another agency?
8 A: I think they were from another agency. There may have been Minneapolis as
9 well that were-, but I don't know. I don't remember for sure where they were
10 from.
11
12 Q: OK.
13 A: I was focused on the...
14
15 Q: OK. Do you know if-, um, do you know if they were Minneapolis officers what
16 precinct they were from?
17 A: No.
18
19 Q: OK. Were they male officers, female officers?
20 A: I believe they were all male.
21
22 Q: OK. OK. But, uh, you couldn't tell me who any of them are, correct? OK.
23 A: No, I don't think I knew who they were at the time even.
24
25 Q: All right. Now, um, according to the CAPRS report, um, you noted in your
26 statement that, uh, that, um, Mr. Peters earring came out.
27 A: Yes.
28
29 Q: Why don't you tell me when you noticed that and where you noticed it?
30 A: When I set him back inside the van, I saw that there was some blood-, a little
31 smudge of blood on the floor of the van. Um, I sat Mr. Peters back up on a
32 bench and I put the seatbelt through his-, between his hands through the
33 handcuffs to try and stop him from being able to pull his hands up in front and I
34 noticed that-, I noticed that there was blood on his ear, uh, just right on the
35 earlobe. And so I-, I'm trying to think what I did at that point. I said-, oh, I told
36 him there's-, I, I said there's blood here, do you want an ambulance, and he said
37 no. I then went and got a-, I had gotten out. I got an alcohol wipe probably from
38 my pocket and I just told him, I said can I wipe this-, can I wipe the blood off a
39 little bit for ya and I don't remember if he said yes or no, but I would guess he
40 said yes cause I did. I believe I wiped, wiped some of the blood off his ear with
41 the alcohol wipe. And I did find-, I found an earring. I think found the earring on
42 the floor. I don't remember if he had said he had an earring or if I just found it
43 there.
44
45 Q: OK. Now, um, so, would you consider this blood on his ear to be a-, the
46 injury or-, injury albeit a minor injury?

1 A: Yes.
2
3 Q: OK. Um, did you notify a, uh, MPD supervisor, um, of the injury to Mr.
4 Peters?
5 A: I did.
6
7 Q: OK. Who did you notify?
8 A: Sgt. Tammy Werner.
9
10 Q: OK. And what did you tell Sgt. Werner?
11 A: I told her the situation that had just happened. I described all of the-, what I
12 just described about trying to get him handcuffed behind his back and that he
13 had had a-, that he had had his earring pulled out and that there was a small
14 injury there.
15
16 Q: OK. And, uh, did Sgt. Werner give you any instructions?
17 A: I don't remember. The reason I was talking to her about the situation at all
18 was because I had injured my elbow, and so, I was explaining as a first report of
19 injury, so she told me to do a first report of injury, but I don't-, that-, that's what I
20 remember from...
21
22 Q: OK. But, um, I just wanna be clear. You, you did tell her about the struggle
23 and the injury to Peters; is that correct?
24 A: Yes.
25
26 Q: OK. Did, um, did she give you any instructions as far as, uh, completing a
27 force report?
28 A: No, because I would've done it if she had said it.
29
30 Q: OK. Um, are you-, are you-, are you familiar with, uh, uh, policy 50-, 5-306
31 the use of force reporting and post incident requirements?
32 A: Yes.
33
34 Q: OK. Would you just please read the highlighted portion for me?
35 A: CAPRS report required- Supervisor notification required. All other force,
36 injuries or alleged injury incidents require both a CAPRS report and supervisor
37 notification. The sworn employee shall remain on scene and immediately notify a
38 supervisor by phone or radio of the force that was used.
39
40 Q: OK. And do you recall when you notified, uh, Sgt. Werner?
41 A: It was after, um, Mr. Peterson (Peters) had been brought into jail.
42
43 Q: OK. And, um, did she provide you any explanation as to why she didn't
44 complete a supervisor, uh, force review?
45 A: Not that I remember.
46

1 Q: OK. Um, is there any reason you didn't, uh, complete the force screen in the
2 CAPRS report?

3 A: I didn't consider what I did a use of force and I considered the injury-, I didn't
4 consider it an injury caused by use of force in anyway.
5

6 Q: OK. After reading the-, uh, after reading the, the policy that I-, that I just had
7 you read, would you, uh, after reading that would you-, in the future would you do
8 anything different based on what you just read in the policy?

9 A: I would make sure through my supervisor that they wanted me to make a
10 force report.
11

12 Q: OK. All right. Um, that's all the questions I have for ya. Is there anything
13 else that you would like to add to this statement, um, that I have not asked you
14 today?

15 A: No.
16

17 Q: And are there any facts concerning this allegation that you have knowledge
18 of, but have not shared?

19 A: No.
20

21 Q: And is this a true and correct statement?

22 A: Yes.
23


24 Q: OK. And, uh, then

25
26 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO
27 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE
28 OTHER THAN YOUR FEDERATION REP OR ATTORNEY.
29

30 Do you understand this?

31 A: Yes.
32
33

34 STATEMENT CONCLUDED AT 1844 HOURS
35

36 
37 _____
38 Officer Kenneth Feucht 1/2/15
Date

39
40
41 _____
42 Witness

43
44
45 Job #: 19072
46

INT 



AVERY

1 THIS IS A TAPE-RECORDED STATEMENT OF OFFICER KENNETH FEUCHT
2 ON MARCH 5, 2015, AT APPROXIMATELY 1853 HOURS IN THE MPD
3 INTERNAL AFFAIRS UNIT OFFICE BEING INTERVIEWED BY SERGEANT
4 MARKSTROM. ALSO PRESENT IS SERGEANT STENERSON, MINNEAPOLIS
5 POLICE FEDERATION REP. TRANSCRIBED BY R. METCALF.

6
7 RE: OPCR Case Number #14-23252
8

9 Q: Officer Feucht, uh, could you state your full name, please, spelling your last
10 name?

11 A: Kenneth Richard Feucht; F-as in Frank-E-U-C-H-T-as in Thomas.
12

13 Q: OK. And what is your present rank and work assignment?

14 A: Officer and I work, uh, precinct-, First Precinct, uh, Power Shift.
15

16 Q: OK. What is your employee number and date of appointment?

17 A: 109542 and it's September of 2006 [inaudible].
18

19 Q: OK. Um, Officer Feucht, uh,
20

21 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL
22 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR
23 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO
24 MPD POLICY AND PROCEDURE.
25

26 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS
27 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST
28 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE
29 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO
30 EMPLOYMENT ALLEGATIONS.
31

32 Do you understand this warning?

33 A: Yes.
34

35 Q: AND I'M ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A
36 FALSE OR INTENTIONALLY INCOMPLETE STATEMENT, OR
37 INTENTIONALLY OMIT INFORMATION THAT IS PERTINENT TO THIS
38 INVESTIGATION, YOU WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO
39 AND INCLUDING SUSPENSION OR DISCHARGE.
40

41 Do you understand this?

42 A: Yes.
43

44 Q: And is it correct that you have read, understood, and signed the Data
45 Practices Advisory, otherwise known as the Tennessen Warning?
46

A: Yes.

INT 

1
2 Q: And have I informed you that the purpose of this statement relates to an
3 internal investigation, and specifically, an administrative review that is being
4 conducted and it is alleged that on 7/27/2014 you used force on an arrested party
5 identified as James Peters, which resulted in his earring being pulled out causing
6 a minor injury to his ear, and it is alleged that you did not complete a CAPRS
7 force screen and did not notify a supervisor of the force; have I informed you of
8 this?

9 A: Yes.

10
11 Q: And have I also informed you that you are being called back to IAU to provide
12 a follow-up statement regarding this allegation for the purpose of clarifying
13 discrepancies between your statement and Sergeant Werner's statement
14 regarding the reporting of AP Peters injuries, uh, to Sergeant Werner-

15 A: Yes.

16
17 Q: -have I informed you of this? OK. Um, now, Officer Feucht, is it correct that,
18 uh, you provided a statement to me on December 23, 2014, regarding the
19 aforementioned allegations?

20 A: Yes.

21
22 Q: OK. Now, I'm gonna give you your statement here and we're not gonna go
23 over the entire incident again. We're just gonna talk about the notifications. OK?

24 A: Yes.

25
26 Q: All right. Now, if you look on page 5 of your statement, uh -- the highlighted
27 portion there -- and when I'm referring to statement, I'm referring to the statement
28 you gave me not your CAPRS statement. OK?

29 A: Yes.

30
31 Q: All right. Um, now, on page 5, um, I asked you if you considered the blood on
32 Peter's ear to be an injury albeit a minor injury. Is that correct?

33 A: Yes.

34
35 Q: And then if you turn the page, please, and on page 6, your response to this
36 was yes. Is that correct?

37 A: Yes.

38
39 Q: And then also on page 6, I asked you if you notified an MPD supervisor of the
40 injury to Mr. Peters. Is that correct?

41 A: Yes.

42
43 Q: OK. And, um, and on page 6, your response to that question was I did.

44 A: Yes.

45
46 Q: Is that correct?

1 A: Yes.
2
3 Q: OK. And is it correct that you identified that supervisor as Sergeant Tammy
4 Werner?
5 A: Yes.
6
7 Q: OK. Now, on page 6, you also stated the reason you notified Sergeant
8 Werner at all was because you had an injury to your elbow. Is, is that also
9 correct?
10 A: Yes.
11
12 Q: OK. Now, I'm gonna refer to the last paragraph of, uh, of, uh, your statement
13 in CAPRS. Oh, you got a copy. OK. All right. Um, and from that last paragraph
14 of your CAPRS statement, you detailed the injury to your left arm and that you
15 notified Sergeant Werner of your injury. Is that correct?
16 A: Yes.
17
18 Q: OK. Um, now, in your CAPRS statement, you did not include language that
19 you had notified Sergeant Werner of the injury to Peters. Am I also correct about
20 that?
21 A: Yes.
22
23 Q: OK. Now, in the course of this investigation, I have interviewed Sergeant
24 Werner and she stated that you did notify her of the injury to yourself, but she
25 stated you never notified her of the injury to Peters. Um, can you ex-, explain to
26 me the discrepancy between your statement and Sergeant Werner's statement
27 regarding, uh, the reporting of AP1 Peters' injury to her?
28 A: No.
29
30 Q: OK. Um, uh, is it possible that you-, uh, is it possible that you did not notify
31 Sergeant Werner of the-, of the injury to Peters?
32 A: I believe I did.
33
34 Q: OK. Um, are you-, are you 100% certain that you did?
35 A: I don't remember my exact wording to her. I believe that I told her, um, what
36 happened, and since I remember actually doing treatment to him, I believe that I
37 told her about how I had, uh, done, you know, used the alcohol wipe on his ear
38 and, and that. I believe I told her that.
39
40 Q: OK. And, um, just following up with your CAPRS statement, um, if you-, if
41 you did in fact notify her of the-, uh, of the injury to, um, Peters' ear, um, why did
42 you not note that in your CAPRS statement?
43 A: [no audible answer]
44
45 Q: OK. So, I just want to be clear. Um, to the best of your recollection, you
46 notified her that, uh, AP1 Peters, uh, sustained this injury from your altercation-


1 A: Yes.
2
3 Q: -with him. Is that correct? OK. Um, at this point, I don't have any further
4 questions for you. Um, is there anything else you would like to add to this
5 statement that I have not asked?
6 A: No.
7
8 Q: OK. And are there any other facts concerning this incident that you have
9 knowledge of, but have not disclosed?
10 A: No.
11
12 Q: OK. And is this a true and accurate statement you've provided today?
13 A: Yes.
14
15 Q: OK.

16
17 THEN PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE
18 NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH
19 ANYONE OTHER THAN YOUR FEDERATION REP OR ATTORNEY.
20

21 Do you understand this?
22 A: Yes.
23

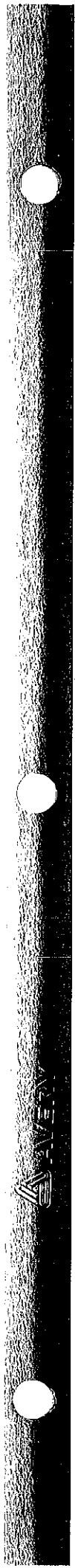
24 Q: OK. This will conclude the statement. The time is 1859 hours.
25

26
27 STATEMENT CONCLUDED AT 1859 HOURS
28

29  #1968 3/10/15
30 _____
31 Officer Kenneth Feucht Date

32
33
34
35 _____
36 Witness
37

38 Job #: 21650
39
40



AVEN





12/18/2014

Officer Kenneth Feucht
Minneapolis Police Department
1st Precinct Power Shift

RE: OPCR Case #14-23252
NOTIFICATION LETTER

Officer Feucht ,

You are being investigated for an alleged violation of the City of Minneapolis Police Department Policy and Procedures. Specifically you are alleged to have violated:

MPD POLICY & PROCEDURE 5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS

CAPRS Report Required- Supervisor Notification Required.

All other force, injuries or alleged injury incidents require both a CAPRS report and supervisor notification. The sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used.

Summary of allegations:

*Per **MPD CAPRS Report #14-261197**, on 07/27/2014 you used force on an arrested party, identified as James Peters, which resulted in his earring being pulled out and a minor injury to his ear. It is alleged that you did not complete the CAPRS Force Screen and did not notify a supervisor of the force.*

Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for Tuesday, 12/23/2014, at 1830 hours. It is your responsibility to arrange for a Federation representative prior to your interview if you choose to have Federation representation. I can be contacted by e-mail or phone at 673-2814 between 0700 and 1500 hours Monday through Friday. Failure to show for your scheduled interview or to request an alternate date and time will result in additional charges.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/federation representative or attorney. You are entitled to be represented at this interview by a union/federation representative and/or an attorney.

Respectfully,

A handwritten signature in black ink, appearing to read "Rolf D. Markstrom". The signature is written in a cursive style with a large initial "R".

Sergeant Rolf Markstrom
Internal Affairs Unit
Minneapolis Police Department

CC: Inspector Arradondo



02/24/2014

Officer Kenneth Feucht
Minneapolis Police Department
1st Precinct Power Shift

RE: OPCR Case #14-23252
NOTIFICATION LETTER #2

Officer Feucht ,

You are being investigated for an alleged violation of the City of Minneapolis Police Department Policy and Procedures. Specifically you are alleged to have violated:

MPD POLICY & PROCEDURE 5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS

CAPRS Report Required- Supervisor Notification Required.

All other force, injuries or alleged injury incidents require both a CAPRS report and supervisor notification. The sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used.

Summary of allegations:

*Per **MPD CAPRS Report #14-261197**, on 07/27/2014 you used force on an arrested party, identified as James Peters, which resulted in his earring being pulled out and a minor injury to his ear. It is alleged that you did not complete the CAPRS Force Screen and did not notify a supervisor of the force.*

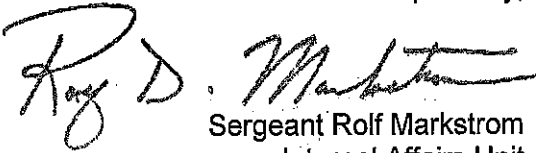
You are being called back in to IAU to provide a follow-up statement for the purpose of clarifying discrepancies between your statement and Sgt. Werner's statement regarding the reporting of AP/Peters' injuries to Sgt. Werner.

Your appointment to provide a follow-up statement to the Internal Affairs Unit has been scheduled for Thursday, 03/05/2015, at 1900 hours. It is your responsibility to arrange for a Federation representative prior to your interview if you choose to have Federation representation. I can be contacted by e-mail or phone at 673-2814 between 0700 and 1500

hours Monday through Friday. Failure to show for your scheduled interview or to request an alternate date and time will result in additional charges.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/federation representative or attorney. You are entitled to be represented at this interview by a union/federation representative and/or an attorney.

Respectfully,

A handwritten signature in black ink, appearing to read "Rolf D. Markstrom". The signature is written in a cursive style with a large initial "R".

Sergeant Rolf Markstrom
Internal Affairs Unit
Minneapolis Police Department

CC: Inspector Arradondo

DAVEY

DATA PRACTICES ADVISORY


Internal Investigation Warning for Employees under Investigation (Tennessee Warning)

You are being questioned as part of an official internal investigation into a complaint of misconduct. The information you provide will be used in a fact-finding process, as part of the total evidence, to determine if misconduct occurred and for assessing whether disciplinary action should be taken. Any admissions that you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline. The information you supply may also be used in a grievance hearing, arbitration, or appeal procedure. The following individuals and entities may have access to the information you provide:

- The subject of the data, which includes you, but may include someone else.
- Employees and officials of the City of Minneapolis whose work assignments reasonably require access to the information.
- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis reasonably requiring access to the information.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

Failure to provide the information requested means that the internal investigation must be concluded based upon all evidence and testimony received by the investigator(s) without your statement.

I have read the above warning or have had it read to me.


Signature

12/23/14 1831
Date/Time


Witness

12-23-14 1831
Date/Time

DATA PRACTICES ADVISORY

Internal Investigation Warning for Employees under Investigation (Tennessee Warning)

You are being questioned as part of an official internal investigation into a complaint of misconduct. The information you provide will be used in a fact-finding process, as part of the total evidence, to determine if misconduct occurred and for assessing whether disciplinary action should be taken. Any admissions that you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline. The information you supply may also be used in a grievance hearing, arbitration, or appeal procedure. The following individuals and entities may have access to the information you provide:

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- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis reasonably requiring access to the information.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

Failure to provide the information requested means that the internal investigation must be concluded based upon all evidence and testimony received by the investigator(s) without your statement.

I have read the above warning or have had it read to me.

Signature

Witness

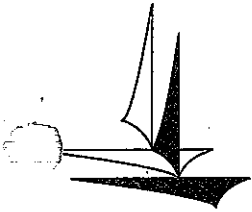
Date/Time

Date/Time

3/5/2015 1852

3-5-15 @ 1852





Minneapolis
City of Lakes

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

December 30th

Officer Kenneth Feucht
Minneapolis Police Department
1st Precinct Power Shift

Officer Feucht,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. At the end of reviewing your statement, and any corrections that you may have made, please sign and date the last page.

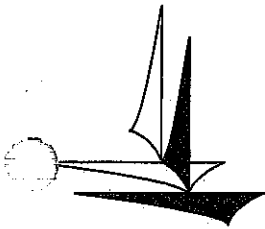
Please mail back, one of the reviewed and signed copies by the end of your next scheduled shift. You may keep the other copy for your own records. If a corrected and signed statement is not returned within five (5) days, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. Any questions or concerns you can reach me at (612) 673-2814.

Sincerely,

Sgt. Rolf Markstrom
Internal Affairs Unit
Minneapolis Police Department





Minneapolis
City of Lakes

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

Office Kenneth Feucht
Minneapolis Police Department
1st Precinct

March 6th, 2015

Officer Feucht,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. At the end of reviewing your statement, and any corrections that you may have made, please sign and date the last page.

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Thank you for your assistance in this case. Any questions or concerns you can reach me at (612) 673-xxxx.

Sincerely,

Sgt. Rolf Markstrom
Internal Affairs Unit
Minneapolis Police Department



City Information
and Services

www.ci.minneapolis.mn.us

Affirmative Action Employer





AVERY



CITY OF MINNEAPOLIS SUPERVISOR'S REPORT OF INJURY

cc: Work Comp (Fax: x2775); Payroll (Fax: x2849) Department Personnel File; Department Safety Rep.; Employee

WC CLAIM NO.: [] DEPT. NAME: [] DIV. NAME: []
TO BE COMPLETED BY EMPLOYEE, IF AVAILABLE, IF NOT AVAILABLE, SUPERVISOR TO COMPLETE

1. Name: Kenneth R Feucht 3. Employee No: 109542 Birthdate: []
2. Home Address: [] 4. Work #: 612-473-578 Home: N/A Call: []
City/State/Zip: [] 5. Marital Status: [] 6. Gender: Male Female
7. Date of Injury: 07/27/14 Time: 0130 AM PM 8. Is this a recurrence of a prior injury? Yes No Date []

9. Exact street address or location where accident, injury occurred:
401 4th Av S - HCT

10. Describe CURRENT Accident in Detail (including activities/details of how event occurred):
I was lifting and pushing an acastee in an attempt to get him handcuffed correctly - CCN 14-266197

10.a. Vehicle/equipment working on when injury occurred? N/A

11. Describe nature of injury or illness (including specific parts of body injured e.g. cut right index finger at 2nd joint, fractured left arm):
Pain in left elbow - throbbing and shoots up to shoulder when

12. Current Treatment (first aid, or name, address and phone number of doctor, hospital): meds
Ice, Aleve

13. Other regular employment: Yes No If yes, where: []
Employee Signature (if available): [Signature] Date: 7/27/14

TO BE COMPLETED BY SUPERVISOR
MUST BE COMPLETED AND FILED BY SUPERVISOR ON DATE OF INJURY OR RECURRENCE - FAX TO WORK COMP IMMEDIATELY

14. Date injury reported to Supervisor: 7-27-14 Time: 0300 15. Lost time from work: Yes No

16. Date Employee left work [] Time: [] 17. Date Employee returned to work [] Time: []

18. No. of Employees at Worksite at time of injury: [] Witnesses: []

19. Was employee working at an emergency disaster? Yes No Where? []

20. Was accident caused by a non-City employee? Yes No If yes, state their name, address, phone no., and insurance company.
Attach copy of all accident reports.

21. Please contact this department for further discussion. Yes No Response to #21 is required.
JAMES EARL POTERS

22. Supervisor's Name: TAMMIE WERNER Call No: [] Work No.: 6735701
23. Supervisor's Signature: [Signature] Date: []

TO BE COMPLETED BY ORIGINATING DEPARTMENT'S PAYROLL PERSONNEL
IF RECURRENCE, DO NOT COMPLETE FIRST REPORT OF INJURY FORM

24. HRIS Job Code: 08170C Original Hire Date: 12-28-05 Job Entry Date - present job: 9-5-06

25. Salary on date of injury (Line 7 above): Hourly (including longevity pay): 33.64 Other pay: Weekly: 1345.60

26. Work Comp Code: 7720 27. Union Code: CPO 28. Employment Status: Regular Temporary Seasonal

29. Date received: 8-4-14 30. Completed by: Christine Friedlieb Date: 8-4-14 31. Ext: []

FUND	DEPT	PROJECT	TASK	ACTIVITY ID
<u>00100</u>	<u>4002100</u>	[]	[]	[]



REPORT OF WORK ABILITY

MUST be completed form for:
 Risk Management & Claims 612-673-2775 AND
 RTW Coord. 612-673-2808

NOTE TO EMPLOYEE: THIS COMPLETED FORM MUST BE PROVIDED TO YOUR SUPERVISOR IN ORDER TO RETURN TO WORK

EMPLOYEE NAME (LAST, FIRST MI): Feicht, Kenneth A

DESCRIBE INJURY: Left elbow strain/spain

SOCIAL SECURITY NUMBER: [REDACTED]

DATE OF INJURY: 7/27/14

DATE: _____

TIME IN: _____

TIME OUT: _____

EMPLOYEE: _____

SUPERVISOR: _____

PHONE: _____

EMPLOYER CONTACTED?

Yes No

Faxed Phoned

Work Related Not Work Related Undetermined

Permanent Disability: Likely Not Likely Undetermined

AMI: No Yes If Yes, give date: _____

Workability Status

Return to work with no limitations on 8/8/14 Next scheduled shift

Return to work with limitations on _____ through _____

Unable to work from _____ through _____

		EMPLOYEE'S CAPABILITIES							
	NOT AT ALL	1-3 HRS	4-6 HRS	7-8 HRS		NOT AT ALL	1-3 HRS	4-6 HRS	7-8 HRS
LIFT/CARRY					BEND				
1-10 lbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	degrees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11-20 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Twist/Turn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21-40 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kneel/Squat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41-60 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PUSH/PULL					Stand/Walk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1-25 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Overhead Reaching	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26-50 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ladder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51-75 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stair Climb	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
76-100 lbs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rotate activities/Positions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Limit Use of:
- Shoulder/Elbow/Hand/Wrist
- Right Left Both
 - Avoid gripping/grasping
 - Avoid outstretched arms
 - No operating forklift
 - No operating machine
 - No driving motor vehicle
 - Keyboard Work

COMMENTS/OTHER RESTRICTIONS:
use elbow brace for next 1-2 weeks

Medication ibuprofen approx 500 bid PM Able to operate machinery? Yes No

Ice Heat Elevate Splint/Brace Crutches Neck/Lumbar Support Stretching Exercises

Physical Therapy

Special Referral: Followup if symptoms reoccur

Return to Clinic on: _____

PHYSICIAN SIGNATURE: [Signature]

NAME (TYPE OR PRINT): David Schuneman

LICENSE#/REGISTRATION#

CLINIC NAME AND FULL ADDRESS: Allina Health - 9055 Spring Lake Dr

Cor. Rapids, MN

PHONE#:
763-780-9155



Allina Health Coon Rapids Clinic
 9055 Springbrook Dr
 Coon Rapids MN 55433
 763-780-9155

CLINIC REPORT OF WORKABILITY

Employee: Kenneth R Feucht	Date: 7/29/2014	Arrival time:
SS#: [REDACTED]	DOB: [REDACTED]	Time roomed:
Employer: Minneapolis police dept	Date of Injury: 7/27/14	Time out:
Employer phone:	Employer fax:	Contact person:
Employer contacted: yes		

DIAGNOSIS: tendonitis left elbow
 Work related injury/illness? yes
 Maximum medical improvement? no
 Permanent Partial Disability? no
 Anticipate permanent restrictions: no

RETURN TO WORK Return to work WITH LIMITATIONS today through 8/7/14
 Light duty, desk work only.

Avoid repetitive activity with left elbow.

TREATMENT/OTHER RESTRICTIONS: Medication: naproxen as ordered
 Ice 15 minutes three times a day
 The above has been discussed with the employee.

~~RETURN TO CLINIC: Return to clinic on 8/7/14~~

DS License Number: _____

DAVID H SCHUNEMAN, PA
 7/29/2014

NOTICE TO EMPLOYEE: YOU MUST PROMPTLY PROVIDE A COPY OF THIS REPORT TO YOUR EMPLOYER OR WORKERS' COMPENSATION INSURER, AND QUALIFIED REHABILITATION CONSULTANT IF YOU HAVE ONE.



AMERY



5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS (08/17/07)

Any sworn MPD employee who uses force shall comply with the following requirements:

Medical Assistance:

As soon as reasonably practical, determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS) if necessary.

Supervisor Notification and CAPRS Reporting Requirements

- **No CAPRS Report Required.**
Unless an injury or alleged injury has occurred, the below listed force does not require a CAPRS report or supervisor notification.
 - Escort Holds
 - Joint Manipulations
 - Nerve Pressure Points (Touch Pressure)
 - Handcuffing
 - Gun drawing or pointing
- **CAPRS Report Required – No Supervisor Notification required.**
The following listed force requires a CAPRS report, but does not require supervisor notification.
 - Takedown Techniques
 - Chemical Agent Exposures
- **CAPRS Report Required- Supervisor Notification Required.**
All other force, injuries or alleged injury incidents require both a CAPRS report and supervisor notification. The sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used.
 - Supervisors shall not conduct a force review on their own use of force. Any other supervisor of any rank shall conduct the force review. (04/16/12)
 - A CAPRS report entitled "FORCE" shall be completed as soon as practical, but no later than the end of that shift. A supplement describing the use of force incident in detail shall be completed and entered directly into the CAPRS reporting system (no handwritten force reports). Employees shall ensure that all applicable force portions of the CAPRS report are completed in full.
 - Sworn employees shall complete a CAPRS report entitled "PRIORI" for all incidents in which a person has a prior injury, or prior alleged injury, and there is actual physical contact or transportation by the police.

Transfer of Custody:

Prior to transferring custody of a subject that force was used upon, sworn MPD employees shall verbally notify the receiving agency or employee of:

The type of force used,

- Any injuries sustained (real or alleged) and
- Any medical aid / EMS rendered

5-307 SUPERVISOR FORCE REVIEW (08/17/07) (12/15/09)

On-duty Supervisor Responsibilities.

The supervisor who is notified of a Use of Force incident by any sworn MPD employee shall:

1. Instruct the involved employees to have the subject of the use of force remain on-scene until the supervisor arrives, if it is reasonable to do so.
 - a. If the subject of the use of force does not remain on-scene, the supervisor shall go to the subject's location, if necessary, to complete the investigation.
2. Respond to the incident scene and conduct a preliminary investigation of the Use of Force incident.
 - a. Determine if the incident meets the criteria for a Critical Incident
-- If so, follow Critical Incident Policy, Section 7-810.
 - b. Debrief the employee(s) who engaged in the use of force.
 - c. Note any reported injury (actual or alleged) to any individual involved.
 - d. Photograph any visible signs of injury to any individual involved.
 - e. Note any medical aid/EMS rendered to any individual involved.
 - f. Locate and review any evidence related to the force incident (e.g. MVR, security video, private cameras, etc.). (12/15/09)
 - g. Ensure any on-scene evidence is preserved and collected.
 - h. Locate and identify witnesses to the use of force incident. (12/15/09)
 - i. Obtain statements from witnesses to the use of force incident.
 - j. Contact the Internal Affairs Unit Commander immediately by phone if the force used appears to be unreasonable or appears to constitute possible misconduct. (04/16/12)
3. Complete and submit the Supervisor Use of Force Review and Summary in CAPRS as soon as practical, but prior to the end of that shift.
 - a. Ensure that all actions taken in the preliminary investigation process and the information obtained from these actions are included in the Summary and that all other relevant information is entered in the appropriate sections of the report. (12/15/09)
 - b. If, based upon the totality of the information available at the time of the report, the supervisor feels that the use of force may have been unreasonable or not within policy, the supervisor will: (04/16/12)
 - State in the supervisor force review that they believe the use of force requires further review; and
 - Notify the commander of Internal Affairs of their findings that the force requires further review.
4. Review all sworn employees' CAPRS reports and supplements related to the use of force incident for completeness and accuracy.



