

# The Bad Cops: How Minneapolis protects its worst police officers until it's too late

By **Max Nesterak** | **Tony Webster** - December 15, 2020



*Illustration by Rob Dobi for Minnesota Reformer.*

**OFFICER BLAYNE LEHNER** opened the back door of his squad car and grabbed the handcuffed teenager kicking the partition. He ripped Luis Garcia's 5-foot-5, 125-pound body from the car and dropped him face down on the concrete.

Garcia remembers feeling blows to his face before he lost consciousness.

Three years later, when the Minneapolis Police Department was investigating the events of that night in December 2013, his sister Miriam Garcia said she heard loud noises like "someone hitting something metal."

She got out of the car she was waiting in to find her little brother motionless on the pavement, blood pooling beneath his face as five or six cops stood around him.

"Luis, just get up!" she screamed. "Stop playing. You're scaring me."

She tried to get closer, but an officer cut her off, saying "That's enough. Shut the f\*\*k up. Just get back in the car."

The next thing Luis Garcia remembers is feeling excruciating pain as an unfamiliar voice commanded him to get up. He was placed back in the squad car, dizzy and his mouth so full of blood he couldn't speak.

Garcia's account can be found in the 26-page [investigative report](#) of the incident, one of 195 police disciplinary files obtained by the *Reformer* through lengthy and ongoing freedom-of-information litigation with the city of Minneapolis.

The officer remembers the incident differently. Lehner told investigators Garcia was just “bleeding from his lip a little bit” and “was talking with us just fine” as they drove him in their squad car to the emergency room, according to the disciplinary file. Doctors would find he had a broken jaw, several facial fractures and two missing front teeth.

It was a tragic outcome for a traffic stop that turned up no serious crimes.

Garcia had been riding home from a house party with his sister and a couple of friends when they were pulled over for appearing to speed up toward a police officer crossing the road.

The driver would testify he didn’t know the dark shape in the street was a police officer and revved his engine because his car horn was broken. Police caught up to him six blocks away and arrested him at gunpoint.

Lehner and his partner didn’t arrive on the scene until after another officer had radioed in “code four,” meaning everything was under control, and left. Garcia, who was sitting in the back seat, had a few drinks that night and got mouthy with police.

“They kept asking me for identification, when I told them I didn’t have one. I told them I can give you my information. So I talked back like, ‘I don’t have an ID, but I’m not a f\*\*king criminal. Why are you treating us like criminals?’” Garcia said in an interview with the *Reformer*.

Officers handcuffed him, searched him and put him in the back of a squad car. Garcia started kicking the back partition in frustration.

Lehner, who declined to comment through his lawyer, would later tell investigators he opened the back door because he was worried Garcia would hurt himself. Then, according to Lehner’s account, Garcia aimed a kick at him and Lehner reacted with a defensive kick meant for his chest but which hit Garcia in the face.

When investigators interviewed the five other officers on the scene, none of them said they saw Lehner’s kick, not even Lehner’s partner who was going through Garcia’s possessions on the trunk of the squad car.

When police dropped Garcia off at the hospital, Lehner’s partner Steve **Wuorinen** told the nurse that Garcia fell and “his face hit concrete,” according to Hennepin County Medical Center records.

Years later, **Wuorinen** and Lehner would offer up the theory that the handcuffed Garcia could have knocked his own teeth out when he was thrashing in the back of the squad car.

“I believe he did it when he was banging his head in the car,” Lehner told investigators in 2017, according to the disciplinary file. “There is no way you can convince me that a front push-kick, even to someone’s face, can kick their teeth out.”

Lehner was speaking from some experience, having previously been disciplined for excessive force including at least one instance of kicking a suspect.

But there's no video evidence to corroborate Lehner's story. He had a dash camera, but he didn't turn it on when he confronted Garcia.

When investigators pressed Lehner on his theory — that Garcia knocked his own teeth out — he told them: “I said what I did and I said where I hit him. Do you know how easy it could have been for me because I knew it was not on the video just to lie?”

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*Medaria Arradondo, then-Deputy Police Chief, speaks with people outside of the 4th Precinct Police Station after 5 people were shot at a Black Lives Matters protest November 24, 2015 in Minneapolis, Minnesota. Photo by Stephen Masuren/Getty Images.*

**THE MINNEAPOLIS POLICE DEPARTMENT** is notoriously ineffective at removing bad cops from its ranks. Numerous lawsuits, independent investigations and the disciplinary files obtained by the *Reformer* show a pattern of mismanagement when it comes to holding officers accountable.

Department leaders are routinely blind to numerous warning signs that problem officers pose a danger to the public. Managers are often unaware their subordinates are being investigated for misconduct, promoting them through their ranks and lauding them for their aggressive tactics even as complaints pile up.

Only when officers commit the most egregious acts of abuse — like Derek Chauvin kneeling on George Floyd's neck until he died, or Mohamed Noor fatally shooting Justine Damond when she called 911 for help — are they removed from the force.

City data on police misconduct is often disorganized and contradictory. The [city's website](#) says there are 301 open cases alleging misconduct by Minneapolis police officers, although a spreadsheet obtained from the city and dated earlier this month showed there are 242 open complaints against 176 officers. The Civil Rights Department, Police Department, and city communications office did not provide an explanation for these discrepancies.

Many of these complaints may very well turn out to be illegitimate once they're investigated. Most will not result in discipline. Just 2.7% of complaints of police misconduct have resulted in disciplinary action between 2013 and 2019.

But if the past is any guide, cases of egregious misconduct are also among them.

 A Flourish data visualization

Even as successive mayors and police chiefs have promised transparency and reform, the department has maintained its staunch resistance to outside oversight. It obfuscates and delays information requests from City Council members, civilian oversight committees and journalists, and disciplines officers who speak to the press with the swiftness that police reform advocates wish they would impose on officers who brutalize citizens.

About six months before Floyd's death, a *Reformer* contributor filed a public records request for all disciplinary records of the city's roughly 800 officers, which are public under state law. But it took a lawsuit for the city to provide even a single document. Although the 195 files eventually provided by the city are just a fraction of the disciplinary incidents, they show a department that is slow to address accusations of abuse, often taking years to mete out a letter of reprimand or week's suspension without retraining or other corrective actions.

The documents detail officers failing to report beating suspects, fighting in bars, yelling racial slurs and sexually harassing domestic abuse victims.

There's Officer Heather Sterzinger, who in 2012 roused a woman who had passed out in the atrium of her own apartment building with a pressure point maneuver, according to [disciplinary documents](#). Sterzinger allegedly kneeled on the woman's back until she couldn't breathe and then dragged her out by her handcuffs. Sterzinger then pulled down the woman's dress so one of her breasts was exposed as she was put into the back of a squad car and laughed when the woman asked her dress to be pulled up, according to the documents. Sterzinger never reported her use of force — nor did her partner. The department only investigated after the woman filed a complaint. A year and a half later, Sterzinger was suspended for 10 hours. She is now a sergeant and is also accused in an ongoing lawsuit against the city for [creating a hostile work environment](#) for a Japanese-American officer.

Then there's Officer Tyrone Barze, who while working off-duty at a Minneapolis bar in 2014 sprayed the bar manager in the face at close range with a "party can" of chemical irritant intended for crowd control and effective 18-20 feet away, according to [department records](#). The spray hit several other people standing outside the bar. He allegedly told the bar

manager that he would arrest him if he didn't pay him for his off-duty shift. Nearly three years after the incident, the case was resolved: Barze was suspended for 10 hours and prohibited from working off-duty at places that sell alcohol for 90 days. He is now a sergeant.

And there's Officers Peter Brazeau and Alexander Brown, who in 2016 both punched a handcuffed drunk man in the face, breaking his nose and possibly causing a traumatic brain injury, [discipline documents](#) say. The officers also put a spit hood over his face and then an EMT injected him with ketamine; doctors had to intubate him to keep him breathing, according to arbitration documents. When asked at a [disciplinary proceeding](#), Brazeau said he wouldn't do anything differently. More than two years after the incident, Police Chief Medaria Arradondo fired both the officers. But in the intervening years, they were promoted to training officers, a "mitigating factor" cited by the arbitrator in deciding to overturn their terminations. Brazeau is currently an officer; Brown's status is unclear.

Most people who put on a uniform and head out to patrol do not violate people's civil rights.

"We have 3 to 6% of cops who shouldn't be cops," then-Deputy Chief Art Knight [said in January](#) — that's about 25 to 50 officers, based on the size of the department at the time. "We have some members on this department who shouldn't be here, but the vast majority of them should be here," Knight said. (Knight [was demoted](#) from deputy chief later this year after another instance of being too frank, when he warned that unless the department changed its recruiting practices, it would wind up with "the same old white boys.")

But failing to discipline and terminate problem officers is also a systemic problem in the police department that endangers residents, especially those who are Black, Native and Latino. It forces the city to pay out large settlements and squanders any goodwill earned by good cops.

"I don't think you can work around them. There's too many opportunities for it to go bad," said Lucy Gerold, a former Minneapolis Police Department Commander, about problem officers.

What we don't see from the department's disciplinary files are the part of the iceberg submerged underwater. Only the small percentage of complaints which result in discipline may be viewed by the public under Minnesota's public records laws. Everything else is kept a secret.

The disciplinary records obtained by the *Reformer* also reveal a pattern in the department of relying on victims or members of the public to file a complaint before it investigates misconduct. Because officers reliably protect one another and fail to report misconduct by their colleagues, that points to an unknown number of abuses, which may only come to light in court.

For example, years before Derek Chauvin knelt on George Floyd's neck, he allegedly hit a 14-year-old boy twice with a flashlight and [kneeled on his back](#) as he pleaded that he couldn't breathe — but Chauvin's public file doesn't include that use of force. The details only became known through an

investigation by the state attorney general, who is prosecuting Chauvin for murder.

Since the killing of Floyd, Minneapolis has found itself in a familiar position: apologizing for abuse by one of its officers while blaming forces beyond its control and also promising transformational change.

Minneapolis Mayor Jacob Frey and Police Chief Arradondo have rolled out a steady stream of reforms for months — some with teeth, some just “shallow remixes of previous reforms” as one council member [described them](#). But they often say their hands are tied, blaming the Minneapolis Police Federation and its arbitration process as the biggest barriers to ridding the department of bad cops, neither of which can be changed without the state Legislature.

Gerold disagrees. “There’s been too much put on the union as excuse making,” Gerold said. “People are not willing to look at leadership. And I think it boils down a lot to leadership.”

Indeed, the presence of a strong union and arbitration process do not explain why the department is so slow to investigate abuses and make disciplinary decisions. Over the past decade, the department has spent 539 days on average resolving a case from the time it’s opened, according to the disciplinary files reviewed by the *Reformer*.

They also do not explain why department leaders routinely sign off on glowing performance reviews for problem officers, which later bolsters their defense in arbitration. And they don’t explain why the department has reinforced the warrior cop culture by bestowing officers with awards for aggressive tactics which would later put them before a disciplinary panel.

The city declined to make Arradondo available for an interview and did not respond to a list of written questions.

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*A Minneapolis Police canine unit responded to a call at a convenience store on Nicollet Avenue on March 10, 1998. Other 5th precinct officers were already on the scene with guns drawn and suspects on the ground when the canine partners arrived to assist. The two men were released after questioning by police. Photo by Charles Bjorgen/Star Tribune via Getty Images.*

**OFFICER BLAYNE LEHNER'S** only stated work experience when he was hired as a Minneapolis police officer in 1998 was milking cows on a farm in central Minnesota.

He had just earned an associate's degree in law enforcement from Hibbing Community College, where his extracurriculars included martial arts and the law enforcement drill team. He applied to the department in February and was earning \$15.25 an hour on the force by December.

Lehner was coming onto the department during a period of continued expansion of policing in America.

Through the 1980s, the federal government began defunding mental health and other welfare programs, while beefing up local police and equipping them with military training and equipment to fight the "war on drugs."

In 1994, Congress passed the "Violent Crime Control and Law Enforcement Act," or so-called "Crime Bill," championed by then-Sen. Joe Biden, approved by a Democratic Congress and signed by President Bill Clinton. Along with funding for 100,000 new police officers, the law ramped up the war on drugs and raised penalties for dozens of offenses.

Violent crime was spiking in Minneapolis through the mid-90s, as it was in many other American cities. Grim marketing branded the city as a particularly deadly hellhole: In 1995, a gun store owner in south Minneapolis printed T-shirts reading "Murderapolis, City of Wakes" during a legal fight over zoning with the city.

The shirts soon caught the attention of a *New York Times* writer, giving Minneapolis national notoriety for gun violence. Nowhere was this moniker

so potent as in the Twin Cities and the surrounding suburbs.

Two months after the *Times* story ran, then-Gov. Arne Carlson sent state troopers and helicopters into Minneapolis without warning local officials.

“This is a clear case where perception is reality,” he said at the time, warning that Minneapolis’ bad reputation was bad for business.

Even as violence dropped through the rest of the decade — following the downward trend nationwide — being unconditionally “tough on crime” was a prerequisite for getting elected. Police, meanwhile, were increasingly called upon to treat the symptoms of broader social problems like mental illness.

In pop culture, too, police were the foot soldiers in the war against America’s social ills: addiction, gun violence and gangs. The television show “COPS” launched on the eve of the ’90s, glorifying the police’s hand-to-hand combat against the collapse of law and order.

The Minneapolis Police Department was featured in an early season right before the show went to primetime. COPS only came to an end in the U.S. after Floyd was killed, with Minneapolis bookending one of the longest running TV shows. The show has [since resumed production](#) but will reportedly not air in the United States.

Through the ’90s and 2000s the Minneapolis Police Department trained its officers to be “warrior cops,” formally with courses like “Weapons of Mass Destruction,” and informally on the streets.

Discipline [documents reveal](#) that when Chauvin was still a recruit in 2002, he helped arrest three Black men suspected of burglary. One of the men started swearing at Chauvin, so the senior officer, Bill Palmer, hit the brakes, causing one suspect to slam his head into the back of the partition. The man was treated at the hospital and then released after they learned he wasn’t involved in the burglary. Palmer was sent to an anger management evaluation and told he would be suspended for 20 hours if he had any more violations.

This was Chauvin’s on-the-job training.

In 1998, Human Rights Watch [published a report](#) on police brutality in Minneapolis and about a dozen other cities several months before Lehner joined the force. It reads like it could have been published yesterday:

“Officers who repeatedly commit human rights violations tend to be a small minority who taint entire police departments but are protected, routinely, by the silence of their fellow officers and by flawed systems of reporting, oversight, and accountability.”

The report details cases like those found in the Minneapolis Police Department’s disciplinary records two decades later.

Like Michael Lardy and Marvin Schumer, who in 1993 allegedly [handcuffed](#) two intoxicated Native American men, stuffed them in the trunk of their



squad car, and drove erratically to knock them around. Even after the city paid out \$100,000 to each victim, the cops stayed on the force.

The Humans Rights Watch report also details the case of Lt. Mike Sauro, whose name is still invoked to this day when talking about police brutality.

Sauro was promoted through the ranks while dozens of complaints of excessive force failed to stick to his record. That included a botched raid Sauro led in 1989, which [killed an elderly Black couple](#) when the officers' flash bang grenade set fire to their house.

He cost the city a then-record setting \$1 million for kicking and beating a handcuffed college student in the back of a bar while working off duty on New Year's Eve in 1990.

Local and federal prosecutors declined to bring criminal charges, believing a jury wouldn't convict. But the victim, Craig Mische, brought a civil lawsuit that went to trial. One of many damning details that emerged was that the police department reportedly did not investigate Mische's complaint because they believed it could hurt the city's defense in a civil trial.

The jury ruled in Mische's favor and put forth a striking condemnation — not just of Sauro, but of the entire Minneapolis Police Department. They found the city liable for “maintaining a custom of deliberate indifference to complaints about excessive force in the department.”

After another incident, the police chief tried to fire Sauro for a second time in 1996 calling him “incompetent, unprofessional and inappropriate, at best. At worst it constituted criminal assault,” according to the *Star Tribune*. An arbitrator overturned the termination, and like Frey and Arradondo, Chief Robert Olson [said the arbitration system](#) was possibly the biggest impediment to accountability.

For all the bluster, however, the police department also rewarded Sauro repeatedly.

Sauro stayed on the force until 2016. He went on to lead the sex crimes unit, which a *Star Tribune* [investigation](#) found to be alarmingly ineffective in catching, arresting and convicting sexual assault suspects, while at times showing indifference to victims.

This is the police department — at once celebrated and attacked for its aggressive tactics — that attracted cops like Lehner and Chauvin. And as they rose through the ranks, they were rewarded for using those same aggressive tactics.

The city of Minneapolis faces the same conundrum now. Officers like Lehner and Chauvin — stewed in this culture — went on to perpetuate it, with Lehner serving as a leader in the union and Chauvin as a seasoned training officer.

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A bystander captured video of Minneapolis Police Officer Blayne Lehner appearing to choke a protester in 2012.

**IT'S UNCLEAR** what kind of officer Lehner was at first. The city of Minneapolis provided the *Reformer* his personnel file, which includes his high school transcripts, application and résumé. But it doesn't have any unredacted notes of concern or praise for seven years.

By 2013, though, there were plenty of warning signs that Lehner was at risk of using excessive force like the kick that would break Luis Garcia's face.

Lehner was named in two federal lawsuits against the city of Minneapolis for excessive force and seen in media reports [choking](#) and [macing](#) protesters.

Within the span of one month in 2012, Lehner was found to have used excessive force three times, including at least one incident in which he kicked a suspect.

It's unclear what sanction was imposed, however, because the city has refused to provide public records for six other incidents in which Lehner was disciplined.

The department doesn't appear to have taken any action to prevent Lehner from kicking future suspects in the face, like the handcuffed Garcia. He wasn't reassigned or taken off the street, either.

To the contrary: Even if his undisciplined use of force was a massive liability, Lehner's aggressive style was repeatedly praised and rewarded by his colleagues. Around this time, he was elected to a leadership position in the union.

In July 2013, Lehner was named 5th Precinct Officer of the Month. In nominating him, his supervisors noted: "He is looked at as a shift leader by the younger Officers on the shift and produces great numbers every month."

The department appeared to have embraced a tradeoff: a few civil rights violations in return for good stats.

"Minneapolis in particular has struggled with the tension that every police department has, which is between rewarding the aggressive officers who are out there stopping crime and making sure that police aggression doesn't cross the constitutional line," said Eric Hageman, an attorney who represented Garcia in his case against the city.

Two months before he would break Garcia's jaw, Lehner received an "Award of Merit" for tackling an armed suspect and putting him in a chokehold. The city would later ban all chokeholds and neck restraints shortly after Floyd's death as part of an agreement with the state's Department of Human Rights, which is [currently investigating](#) the Minneapolis Police Department for systemic discriminatory practices against people of color.

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**THE CLEAREST PATTERN** to emerge when examining the disciplinary files is that when a Minneapolis police officer does something wrong, no matter how big or small, other officers on the scene will minimize what happened or report not having seen or heard anything.

Just like when Lehner kicked Garcia in the face and the five officers on the scene said they saw nothing, in file after file, officers tell investigators they didn't see anything.

In 2014, a Minneapolis police officer suggested a group of six young East African men were members of Al-Qaeda and called one a "piece of s\*\*t" during an expletive-laced pat down, according to [discipline documents](#). Three witnesses heard it and filed complaints against the officer, including then-Minneapolis Park Board Superintendent Jayne Miller, who was doing a ridealong with Park Police at the time. The officer, Christopher Guelcher, admitted to making a comment about Al-Qaeda and using profanity, but the three other officers on the scene told investigators they didn't hear a reference to Al-Qaeda.

The Office of Police Conduct Review finished its investigation a year after the incident. A year after that, the department issued its discipline recommendation: training related to "Somalian culture" and a suspension, which three years later the union negotiated down to 15 hours. By the time the discipline file was closed — almost five years after the incident — the officer had already been retired for about two years.

In another incident in 2014, Officer John Haugland yelled "Get on the f\*\*\*ing ground," "I'm gonna f\*\*\*in kill you" multiple times to a man seen running after hearing gunshots, [discipline documents](#) say.

After the man was handcuffed, reports say Haugland's partner Troy Carlson said the man seemed to move suddenly, so Carlson hit him in the head, causing him to fall to the pavement. There were six other officers on the scene; two said they saw Carlson hit the suspect. Both those officers appeared on the squad camera footage, which they reviewed before reporting they had seen Carlson use force. One said it looked like Carlson was trying to push the subject into the back of the squad car. The other said he thought Carlson smacked him in the head to get the suspect's attention.

The victim was let go and not charged with a crime.

Carlson was disciplined a year and a half later, although it took nearly three years for the case to be settled after the union appealed. He got a 40-hour suspension, by which time he had been promoted to sergeant. His partner

Haugland was issued a letter of reprimand for swearing nearly two years after the incident. Under new police guidelines created this summer, threatening to use force is considered a use of force. Haugland and Carlson are now both sergeants.

In the warrior cop ethos, officers have to protect each other from all danger including unfair censure from Internal Affairs, civilian oversight panels, politicians and the press, who just don't understand the job.

"When I'm on the street and I'm in uniform, everybody's got to have my back because I could be the next one at the end of someone's gun," said Gerold, the retired police commander. "And there's something that starts to happen that crosses the line into not telling the truth ... It's a problem, and I don't have a good answer for it."

The blue wall of silence also extends to some sergeants and lieutenants, members of the same union as the rank-and-file but whom they are supposed to be holding accountable.

For example, Sgt. Richard Altonen arrived on the scene where Lehner kicked Garcia to review the use of force. Altonen, a former Internal Affairs investigator, didn't report seeing anything concerning despite the bloodied teenager.

In 2002, then-Sgt. Bob Kroll, now president of the police union, failed to report for nearly two weeks that an officer under his supervision drunkenly fired his weapon over the head of another officer at a shift party. Kroll was demoted for 90 days, according to [discipline documents](#). The city did not provide the investigatory file related to this incident, and it's unclear if it was challenged by the union.

In another case from 2015, a police officer hit a fleeing suspect with his squad car. The officer reported his use of force to his supervisor, Sgt. Christie Nelson. But in her report, Nelson wrote that the suspect tripped on his untied shoes, hit a tree and ricocheted onto the squad car.

A complaint was filed against Nelson. That set in motion a nearly [two-year-long investigation](#), despite a camera in the squad car capturing the conversation Nelson had with her subordinate, in which he told her he hit the suspect with his car. There is also footage of the arrest captured on a dash cam — footage that Nelson did not review before advancing the theory that the suspect fell out of his shoes, according to disciplinary documents.

Nelson was ultimately suspended for 10 hours without pay. Nelson is now a lieutenant.

The blue wall of silence is paradoxical: Police rely on truth-telling witnesses to solve crimes, but they adhere to rigid omertà when it comes to their own. And most rank-and-file officers don't like dealing with bad cops. "Good cops want good discipline," said Gerold, the retired police commander. "They don't like officers getting away with bullsh\*t."

The most effective inoculation against the blue wall of silence has been body cameras.

“Having video footage changes the game. We’ve seen that over and over again, from Rodney King to George Floyd,” said Hageman, Garcia’s attorney.

“Before we had body camera footage, we always needed to have some independent witness because we can almost never win a case where it’s our client’s word against the police’s word, because the police are always going to back each other up.”

But body cameras are far from a cure-all for police accountability.

After they were introduced in Minneapolis in 2016, officers rarely turned them on, making them little better than a \$400 brooch.

An [internal audit found](#) that in the first year of use, police officers were turning their body cameras on when they were required to just 65% of the time. The department’s SWAT team officers were not using body cameras at all.

The reason for the infrequent use, according to the audit, was that officers had broad discretion in deciding when to use them.

There was also a glaring management problem detailed in the audit: Supervisors were supposed to review video recordings to ensure officers were using body cameras, but failed to do so.

What forced a change to the department’s body camera policy was the 2017 killing of Justine Damond, who called 911 to report a possible assault and then was shot by former Officer Mohamed Noor. Neither Noor nor his partner had their dash camera or body cameras turned on at the time of the shooting.

After that, Arradondo changed the policy to require officers to turn on their cameras for any police-related activity, in line with what the city’s [civilian oversight commission](#) had recommended two years before Damond’s killing, before the city adopted the cameras department-wide.

Police use of body cameras has steadily risen since, with compliance today [estimated to be around 95%](#).

Despite early troubles with compliance, just one officer has ever been disciplined for not turning on her body camera, according to city data. Heather Sterzinger, the same officer accused of roughing up a drunk woman, received a letter of reprimand 20 months after not turning on her body camera in a different incident.

Research suggests body cameras make police officers more honest. A [recent study](#) of officers in New York found those with body cameras reported 40% more stops, likely because officers are more inclined to document their work if they know they’re being recorded.

And yet, body camera footage is often only reviewed if a complaint triggers an investigation. As in the case with Chauvin and the 14-year-old boy he [knelt](#) on



for 17 minutes, officers' reports may not trigger review of bodycam video or further investigation.

As part of Minneapolis's legal agreement with the state's Department of Human Rights, police officers are required to report unauthorized use of force they see, and body camera footage may be audited by the city's Office of Police Conduct Review, an agency within the city's Department of Civil Rights that investigates some allegations of police misconduct.

Although body cameras should make disciplinary investigations easier and more accurate, they haven't shortened the length of investigations in Minneapolis. Fewer than a dozen cases from 2017 had been resolved by the end of 2019, according to city data.

The use of "coaching" provides another crypt into which citizen complaints against the Police Department can be disposed of.

The city has said the practice of diverting complaints into retraining opportunities — which keeps the matter off the discipline books — is only used for minor policy violations, like speeding and inappropriate language, allowing the city to prioritize more severe incidents for investigation.

But city records reveal that coaching has been used in allegations involving excessive force, failure to provide protection, discrimination, and police retaliation and harassment. The specifics of the allegations — and the names of the officers involved — aren't revealed to the public, however, because the city considers coaching a "non-disciplinary" outcome.

"I don't think anyone is going to have a problem with low-level problems being sent to coaching, particularly because it is likely very effective," said Andrew Gordon, deputy director for community legal services at The Legal Rights Center, a Minneapolis nonprofit. "But some of the things that we're seeing getting referred [to coaching] are not low-level offenses."

Abigail Cerra, a lawyer who joined the city's Police Conduct Oversight Commission, earlier this year, said it's unclear what coaching involves.

"It was a really difficult process to find out what coaching is," Cerra said. "I couldn't get staff to answer my questions, people started shutting me down, and no one wanted to talk to me."

After Cerra drafted a report making the case that complaints which result in coaching are discipline and thus public information, [the city attorney issued a memorandum](#) stating that the department can withhold coaching data because it's merely a spontaneous informal conversation with a supervisor. But Cerra said there's nothing spontaneous about a formal complaint being lodged against a police officer.

Cerra said many complainants receive a letter stating their complaint has been closed with no discipline. "If I were a complainant, I would think nothing happened," Cerra said.

Some attorneys have also expressed concern that since discipline files of an officer involved in a case must be disclosed to the defense, the use of coaching conceals from them an unknowable amount of misconduct.

“When the city aids in that failure to disclose by hiding these disciplinary decisions it undeniably contributes to the perversion of our criminal legal system,” said Gordon in a September letter to the city, which was co-signed by several civil rights and racial justice organizations.

Imani Jaafar, who heads the Office of Police Conduct Review, referred an interview request to interim civil rights director Frank Reed, who did not respond to multiple requests for an interview.

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*Police prepare to open fire with tear gas and non-lethal rounds on a group of demonstrators protesting the death of George Floyd while he was in police custody on May 29, 2020 in Minneapolis, Minnesota. Photo by Scott Olson/Getty Images.*

**UNDISCIPLINED BEHAVIOR** on the part of some rank-and-file officers and lack of accountability from Minneapolis Police Department management was abundantly clear in George Floyd’s May 25 death and its aftermath.

After Chauvin ignored Floyd’s pleas for his life on camera, protests swelled. [Arrandondo told the press](#), “I directed our folks to practice restraint. That meant, quite frankly, that a building was significantly damaged. But I’d rather have that than our officers being involved in an encounter where either they get hurt physically or a person from our community gets hurt.”

And yet, scattered instances of a thrown water bottle at police were met with rubber bullets fired indiscriminately into crowds, permanently blinding a journalist in one eye and at least one demonstrator. A group of reporters and another group of protestors have filed class action lawsuits. The police also sprayed chemical irritants without provocation, including a now-infamous incident of an officer spraying peaceful protesters with mace from the [driver’s window of a squad car](#).

Unchecked behavior of officers — coupled with a failure to arrest violent agitators — escalated tensions to potentially deadly levels for protesters and police alike.

As protests turned to riots, the mayor ordered police to abandon the Third Precinct to avoid loss of life; officers retreated behind the remaining police stations, barricaded as people from across the region set fire to the city.

Meanwhile, Kroll flexed the union's muscle when he sent a [letter](#) to the rank-and-file amid the riots blasting Frey and Gov. Tim Walz and hinting he would form an alliance with state Senate Majority Leader Paul Gazelka, R-East Gull Lake, to take control of the National Guard, a brazen act that illustrated his own perceived influence.

On June 10, Arradondo said he was withdrawing from contract negotiations with the police union, which had come to be seen as the biggest institutional barrier to reform, blocking new policies and protecting problem cops under the banner of organized labor. But in fact, just the chief withdrew, since ending negotiations would have exposed the city to potential labor lawsuits.

Arradondo also said the Police Department would [adopt a system](#) that alerts supervisors to complaints against an officer, as the U.S. Department of Justice recommended in 2015.

He argued it would put the department at the vanguard of policing, and give supervisors the tools to intervene before an officer could act as Chauvin did when he kneeled on Floyd's neck.

"For the first time in the history of policing, we here in Minneapolis will have an opportunity to use real-time data and automation to intervene with officers who are engaged in problematic behavior," he told reporters.

The implication was that the department's leaders didn't yet have the ability to keep track of patterns that signal trouble: multiple use of force complaints; fights outside the job; even prosaic signals like being late for work could all indicate a troubled officer.

"There have been questions raised about when an incident occurs, 'Well, Chief Rondo, how come you didn't know about this person and this number of complaints?' and what have you. We need to reevaluate that. We need to do it with real-time data," Arradondo said.

Early intervention systems aren't new. They've been around for more than three decades, and aren't new to the Minneapolis Police Department, which started such a system in 2009.

But police sergeants and other supervisors didn't use it, so there was little data to analyze, according to the 2015 Department of Justice report.

Arradondo knows this history well because he's seen the department's flawed disciplinary system up close for more than two decades. Even as the Minneapolis Police Department rewarded problem white officers with promotions and awards, Black officers accused the department of unfairly

meting out discipline. Arradondo was one of five Black officers to sue the department in 2007 for discrimination.

The lawsuit details how a Black precinct inspector was demoted for allegedly driving a squad car under the influence, and he was replaced by Sauro, the white cop who had been disciplined and sued multiple times for brutality.

The city settled the suit in 2009 for \$740,000, and then, in 2013, then-Chief Janeé Harteau tapped Arradondo to lead the Internal Affairs Unit, overseeing the department's investigations into officer misconduct.

In 2014, the Department of Justice under President Barack Obama reviewed Minneapolis Police Department's early intervention system and its other oversight processes and found them failing.

The DOJ also reported the department's primary intervention was to refer officers to "coaching."

Even though Arradondo claimed in 2020 that the new early warning system would be a critical management tool, he sought funding through a philanthropic foundation, not the police budget. The philanthropy pulled out and again the program stalled.

It resurfaced this month during budget negotiations. The chief **insisted** the program had to be separated from discipline in order to be effective.

Setting aside the lack of a real-time data system, supervisors often don't know their subordinates have *any* complaints against them. One Minneapolis supervisor said they aren't told about one of their officers being disciplined until after it happens — sometimes *years* after the event.

"Every cop could have two or three complaints ongoing against them. And I'd know nothing about it. No one tells us," said a current Minneapolis Police Department supervisor, who was granted anonymity because they were not authorized to speak to the press.

Picture a school district in which a principal doesn't know a teacher is under investigation for poor performance, racial bias against a student, or sexual harassment.

The same police source says the department also fails to adequately train new sergeants and lieutenants in holding their officers accountable.

"Our department does a terrible job of training supervisors how to be supervisors," the source said.

Sergeants and lieutenants also don't have much authority to hold their officers accountable. They can't issue a suspension or letter of reprimand, for instance, a fact that's used to keep them in the same bargaining unit as patrol officers. What they can do is write reports, and wait for the chief to make a decision.

...



*Security video show Minneapolis Police Officer Blayne Lehner pushing a woman down in her apartment building in August 2014. His termination for the use of force would be overturned by an arbitrator.*

**THE MINNEAPOLIS POLICE DEPARTMENT** didn't begin investigating Blayne Lehner for breaking Luis Garcia's face until nearly two years after it happened, and not until Garcia filed a lawsuit against the city.

Garcia first had to clear up the charge against him for underage drinking — the only criminal conviction to come out of that traffic stop.

"Someone who is the victim of police excessive force often has to play defense before they can go on offense," Hageman, Garcia's lawyer, said, "And that was the case here."

For weeks after his arrest, Garcia's jaw was wired shut and he could only eat food his mom liquefied in the blender. He lost his job as a forklift driver because he couldn't leave the house. Doctors also performed multiple root canals because the kick or kicks to Garcia's face not only knocked out his top two teeth but killed his bottom front teeth as well, he said.

Even with multiple pain medications, he could still feel throbbing pain in his face. Sleeping was no less painful.

"I had nightmares about getting arrested again and having my teeth ripped out. And then I'd wake up and my teeth were ripped out," Garcia said.

Doctors recommended dental implants for his two front teeth, which he couldn't afford because he was uninsured.

"My sister was working two jobs at the time, and my mom was taking care of me," Garcia said.

In that time, Lehner stayed on the street but soon became the subject of another excessive force allegation.

While responding to a call of a domestic dispute between two women in August 2014, Lehner pushed one of the women down twice, slapped her



phone out of her hand while she was talking to 911 dispatch and allegedly called her a “c\*\*t.” Lehner denied to investigators that he ever used that word, according to [discipline documents](#).

The woman was drunk and acting aggressive, Lehner would tell investigators, although he said he did not feel personally threatened.

He didn't arrest her.

He never filed a use of force report, but an investigation was opened two days later because the property manager saw the footage on the building's surveillance tape.

She demanded a meeting with Lehner's supervisor, saying it was the second time in the past week a resident had told her an officer called them a “c\*\*t.”

“One of my big issues is, these officers ... come to my building, are rude to me, rude to my residents and don't actually take care of the issue they were called for,” Alyssa Kiffmeyer wrote in an email to Minneapolis sergeants at the 5th precinct.

The Office of Police Conduct Review finished its 75-page investigation into the incident some 14 months later in October 2015. By then, the city had just started its investigation into Lehner kicking Garcia and had put him on paid administrative leave the month prior.

Harteau, who was then the chief, terminated Lehner in January 2016.

Lehner appealed his termination for pushing and swearing at the woman, which went to arbitration. The arbitrator, Stephen Befort, overturned the termination and reduced it to a 40-hour suspension, reasoning that Lehner's behavior wasn't egregious enough for termination given his relatively clean disciplinary record.

The department had paused its investigation into Lehner's use of force against Garcia, so the arbitrator wasn't able to consider that event in making his decision.

Harteau issued a statement blasting the arbitrator's decision saying, “These rulings hinder my ability, as a Police Chief, to create an effective culture of accountability within the Department.”

Shortly after Floyd's death, Arradondo echoed his predecessor: “There is nothing more debilitating,” he said, than when an arbitrator “not only allows for that employee to be back on your department but to be patrolling in your communities.”

Police officers who are terminated are reinstated a little less than half the time through arbitration — about the same rate for other public employees — but the disciplinary cases that make it to arbitration are rare.

Despite their rarity, city and police department leaders blame arbitration for dragging out disciplinary cases and reversing disciplinary decisions.

Critics also say arbitrators are prone to a “meet in the middle” resolution, which winds up favoring the police union.

But the Minneapolis Police Department often fails to show arbitrators that problem officers have a history of misconduct.

In one case, an arbitrator reduced the discipline of a police sergeant for sexually harassing his subordinate because the department couldn't show he had the pattern of abuse they said he did.

A female police officer reported Sgt. Kent Warnberg for allegedly making inappropriate sexual comments to her on two separate occasions in 2013, according to the disciplinary files.

Eleven months after the incident was reported, Harteau issued her disciplinary decision, which was later reduced to a 90-day demotion by the arbitrator. In explaining her decision, Harteau wrote, “During my review I learned this complaint was not the first incident of inappropriate conduct.”

The arbitrator notes, however, “No evidence of prior disciplinary action or corrective action appears on the grievant's record.” In fact, this is the only case of discipline against Warnberg in his more than three decades on the Minneapolis police force, although he was **convicted** in Wisconsin of sexually assaulting a private at a National Guard training in 1992 while he was a captain. He was reinstated to the police force.

Warnberg said he couldn't remember making any such comments but stopped short of denying it, according to disciplinary documents. Of the 10 Minneapolis Police employees who were interviewed, only one said they might have heard anything. Warnberg retired earlier this year.

The department also often fails to show that they're not disciplining an officer more harshly than others. The union frequently argues there's been “disparate treatment,” pointing to officers who've only received a letter of reprimand for kicking suspects, for example.

“In my view, it is a problem with inconsistent management,” said labor expert Joe Slater.

While disparate treatment arguments are meant to ensure police officers are treated fairly, they can also cement a bad precedent.

If the department hasn't consistently fired officers for kicking handcuffed suspects in the face or sexually harassing a subordinate, the union may successfully argue that the officer must be treated like others. And then that officer receives a lesser punishment, which is used as a precedent the next time an officer comes before an arbitrator for a similar offense.

And so the snake goes on eating its own tail.

Department leaders blame the union and arbitration for being time consuming, even though litigating employment disputes before a judge and

jury would likely take even longer and may not yield a favorable result to police leaders.

Arbitration can only be blamed for about six months of the roughly two years it commonly takes to resolve a disciplinary case. At nearly every step of the process are delays, according to a review of the 195 disciplinary files.

Even if a complaint is filed immediately, the case lands on top of a large pile of other cases.

It took more than three weeks for an investigator to interview the property manager about the incident when Lehner pushed the woman down by the throat. It took an investigator 10 months to finish his work.



*Luis Garcia in 2012 before his nose and jaw were broken by a Minneapolis police officer during a traffic stop. Courtesy photo.*

In the case of Lehner kicking Garcia, about a year and a half lapsed from the time the complaint was filed to investigators completing their report.

Even seemingly straightforward instances of misconduct — like causing a car accident in a squad car, not turning on a body camera, or not showing up to court to testify — take months to investigate.

The police union has been a vocal critic of the delays, saying the department unfairly holds punishment over officers' heads for months or years without resolution. In other cities, unions have successfully negotiated for investigations to be completed within 90 or 180 days.

“The union ... wants to light a fire under them and force them to resolve these matters,” said Stephen Rushin, a professor at Loyola University Chicago, who studies police discipline.

But that can result in cases being dropped against officers because the department failed to complete their investigations on time.

Even after the investigation is complete, it often takes weeks or months for Minneapolis' police chief to make a decision.

Even the easiest part of the disciplinary process — telling an officer what their discipline is — seems to take longer than it should. In cases in which an officer receives a letter of reprimand, there are regularly weeks or even months between the date the letter was written and the date it was signed by the officer acknowledging receipt.

In the legal agreement between the state Department of Human Rights and the Police Department, the chief must make a disciplinary decision within 30 days of a recommendation from the Office of Police Conduct Review and publish it to the city's website.

Complaints can no longer stall on his desk like they did with Heather Sterzinger, who received a [letter of reprimand](#) three months after a disciplinary panel found merit to the allegation that she didn't turn on her body camera.

Or as with Brown and Brazeau — the officers who punched the handcuffed man in the face — who Arradondo fired 14 months after the Police Conduct Review Panel finished their work.

The delays can come at a huge cost to the city. The department risks more malfeasance by keeping an officer on the street, or keeps paying their salary while they're at home, tying up public safety resources for months, if not years.

For much of the time the department was investigating Lehner for kicking Garcia, they were paying him about \$39 an hour to stay home, and with regular pay increases, according to data provided by the city.

In March 2017, the investigator completed his review and determined that Lehner was justified in using force on Garcia, and Lehner had received training on the use of a "foot jab/front thrust kick" technique, according to discipline documents.

The Office of Police Conduct Review considered the case twice, and was split on whether there was merit to the allegation that Lehner used excessive force when he kicked Garcia. It's unclear why, but the police department took no action for eleven months while Lehner remained on paid leave. Department leaders called on him to present his side of the story again in November 2018.

More than three months after that, a disciplinary panel recommended Lehner be fired and then another three weeks passed before Arradondo issued his termination letter.

All told, Lehner was paid more than \$290,000 while on leave beginning in September 2015, about three and a half years of getting paid without working.

For all the deliberation and delay, Arradondo was resolute in his termination letter to Lehner.

“Just as disturbing about the level of force you used was that it was used against a member of our community who was ... handcuffed behind his back,” Arradondo wrote. “You used such unreasonable force that violated both department policy and the public trust.”

Lehner again challenged his termination, which again went to arbitration. The union, of which Lehner had been an elected director, argued that Lehner was justified and used the testimony of an expert witness to bolster that claim. They also argued that the discipline was too severe given Lehner’s record — despite being disciplined five times for his use of force, the arbitration documents say.

The arbitrator, again Stephen Befort, was unconvinced: “When the Garcia incident is added to the mix, this amounts to six serious use of force violations in the period from 2012 to 2015 ... This pattern of continued use of force violations poses a significant problem for the Minneapolis Police Department.”

He [upheld Lehner’s termination](#) on Nov. 6, 2019.

The union fought to keep Lehner. The blue wall of silence protected him. Managers showered him with praise. But the Police Department was ultimately able to fire him.

The city of Minneapolis fought accepting liability for Lehner’s actions and the case was eventually settled with Garcia for \$360,000. After lawyer fees and taxes, he received about \$200,000, he said.

“I don’t think I got a fair amount,” Garcia said. “It affected me and my family for life ... And the police should have had to pay, not the city. Because what do the people have to do with my case? Nothing.”

Garcia still hasn’t replaced his front teeth, nearly seven years after they were kicked out.

“Right now, thank God for coronavirus, because nobody can see you smile,” Garcia said. “I can’t just smile at strangers. People think you’re a crackhead. People judge you. They don’t understand what somebody went through.”

He says he has a good life now. He lives in the suburbs with his girlfriend and two kids. He socked his settlement away for their future, and works in a warehouse to support his family.

In the years since, he says he’s also lost his hatred and fear of all police, and he has fewer nightmares. But he’s been changed by the attack.

“Mentally and emotionally, I’m f\*\*ked for life,” Garcia said.

*Deena Winter and Rilyn Eischens contributed research to this report.*



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Max Nesterak is the deputy editor of the Reformer and reports on labor and housing. Most recently he was an associate producer for Minnesota Public Radio after a stint at NPR. He also co-founded the Behavioral Scientist and was a Fulbright Scholar to Berlin, Germany.

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