

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <https://www.djreprints.com>.

<https://www.wsj.com/articles/many-minnesota-police-officers-remain-on-the-force-despite-misconduct-11593097308>

U.S.

Many Minnesota Police Officers Remain on the Force Despite Misconduct

Employment and arbitration practices nationwide are now under scrutiny after the killing of George Floyd.

By [Coulter Jones](#) and [Louise Radnofsky](#)

June 25, 2020 11:01 am ET

Minnesota police officers who are fired for misconduct or charged with criminal behavior often end up back on the force.

Law-enforcement officers in the state who appealed terminations since 2014 were reinstated half the time, according to a Wall Street Journal review of records from the Minnesota Bureau of Mediation Services, which maintains a database of arbitration awards.

A Journal review of a different data set found that officers in the Minneapolis police department who faced criminal charges during the past 15 years have been routinely allowed to return to the force, and half of them are working there today.

Those who still have their jobs, according to the data sets, include an officer who punched a handcuffed suspect and a sheriff's deputy who was drunk and beat his canine partner.

It's a common phenomenon across the U.S., a previous Journal investigation found, but the issue is especially acute in Minneapolis, where a white police officer's killing of George Floyd, a black man, on May 25 ignited protests around the world against racism and policing.

The next day, the city's police chief, Medaria Arradondo, fired the officer, Derek Chauvin, who had pressed his knee into the neck of Mr. Floyd for around eight minutes. The chief

fired three additional officers who failed to intervene. All four face criminal charges, including second-degree murder for Mr. Chauvin.

Mr. Chauvin isn't part of the Journal's analysis, as he hasn't appealed his firing and didn't appear in the arrest data the Journal used. He had 18 complaints on his official record, including two that ended in discipline from the department, but no previous terminations.

Police officers are often entitled to special job protections that most other citizens don't get, including the right to appeal serious disciplinary actions before an arbitrator.



Minneapolis Police Department Chief of Police Medaria Arradondo on June 10.

PHOTO: RICHARD TSONG-TAATARI/STAR TRIBUNE/ASSOCIATED PRESS

Those protections are now being questioned. In Minneapolis earlier this month, Chief Arradondo said he would stop negotiations with the police union over its current contract and instead will meet with outside experts to discuss ways to change the way discipline and arbitration work.

Minnesota is one of 32 states with statewide collective bargaining rights for police officers. Officers, like all Minnesota public employees, have the right to appeal terminations to an impartial arbitrator. The state's Bureau of Mediation Services keeps a roster of potential arbitrators to oversee disputes.

At least 40 police, sheriff's deputies or corrections officers in Minnesota have appealed their terminations since 2014, according to arbitration records. Twenty terminations were reduced to a suspension, demotion or no punishment at all.

For cases involving use of force, seven out of nine officers were reinstated, including two officers from the Minneapolis police department.

Both Chief Arradondo and Minneapolis Mayor Jacob Frey have called on the state legislature to change the way arbitration works for police officers. “If the legislature is serious about deep, structural police reforms, this is the most impactful change they could make,” Mr. Frey said in a statement last week.

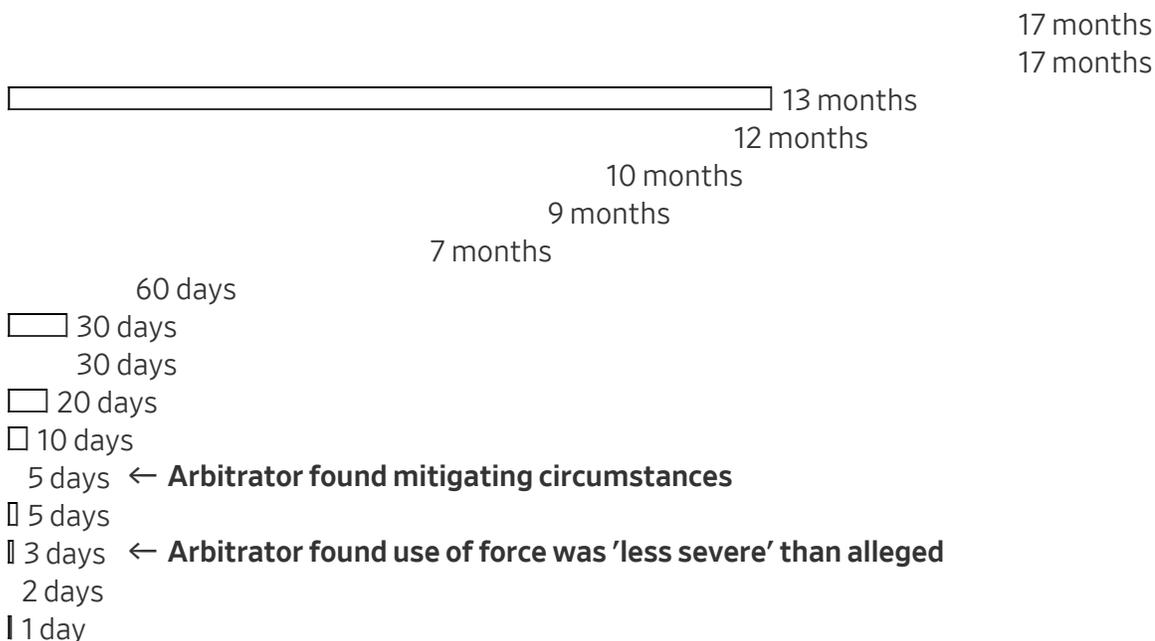
Overtured

Between 2014 and 2020, at least 40 law enforcement officers in Minnesota appealed their terminations. Some had been fired for excessive use of force. After they appealed, 20 officers remained terminated...

Terminated officers whose appeals were denied

...while the other half got their jobs back, usually with a **suspension** or **demotion**.

Reinstated officers, by length of punishment



One officer received only a written reprimand, and two officers were reinstated with no punishment.

Note: Assumes a workday is eight hours and a month has 30 days.

Source: Minnesota Bureau of Mediation Services

Minneapolis Police Department spokesman John A. Elder said the department wouldn't speak about individual cases, but it accepts the decision of arbitrators.

Even in places with no statewide collective bargaining rights for police departments, it can be difficult to permanently fire officers. In Atlanta—the center of a new round of protests after a white police officer fatally shot Rayshard Brooks, a black man, in the back—officers and other public city employees can seek remedy before the Civil Service Board.

Of the 18 officers who appealed their terminations there since 2016, one was reinstated and four had their appeals rejected, according to data from the Atlanta Police Department. The other 13 officers are awaiting decisions, withdrew appeals or reached a settlement with the department. The department declined to comment on the decisions.

A record of misconduct or criminal behavior bodes poorly for an officer's future policing, said Robert Kane, a Drexel University criminology professor. That misconduct can be contagious, and allowing those officers to stay on the job sends a damaging message about what will be tolerated, he said: "The more that happens, the more the organization itself becomes poorly misbehaved."

Police unions say that due process is necessary and that a poor decision, made in a split second, shouldn't necessarily end a career.

Minneapolis Police Department Officer Peter Brazeau was accused of beating a handcuffed, intoxicated man in December 2016 outside a downtown bar, according to records filed as part of his arbitration. The department put Officer Brazeau on limited duty, and an advisory panel ruled that he had violated the department's use-of-force policy.

He was returned to full duty in December 2017 while the department continued to hold internal hearings. More than two years after the incident, in February 2019, the department fired him for the violation.

In October 2019, an arbitrator agreed that Officer Brazeau violated use-of-force policies, but ruled that the termination was excessive given that the department trusted him to return to work after the incident. A job evaluation after the 2016 incident had said his performance "exceeds expectations."

Officer Brazeau got his job back.

Attempts to reach Officer Brazeau were unsuccessful. His attorney didn't respond for comment.



Minneapolis officers stood guard during a rally against the killing of George Floyd on May 31.

PHOTO: CARLOS BARRIA/REUTERS

Another officer, Blayne Lehner, was fired for a 2014 incident when he was accused of shoving a woman to the ground and calling her a derogatory name during a domestic disturbance call, according to arbitration records.

An arbitrator returned Mr. Lehner to the Minneapolis Police Department and reduced his penalty to a one-week unpaid suspension. The arbitrator wrote that the city's investigation into the use of force relied on hearsay and that lesser charges didn't warrant termination.

Mr. Lehner was fired a second time in 2019, related to a separate use-of-force case that happened even earlier, in 2013. Mr. Lehner was accused of kicking Luis Garcia, an 18-year-old who had been handcuffed during a traffic stop, in the face, breaking his jaw and knocking out his front teeth. Mr. Lehner said Mr. Garcia, who was a passenger in the car, appeared intoxicated. At the time he was kicked, Mr. Garcia was in the back seat of a squad car, according to court records. An arbitrator denied Mr. Lehner's appeal on the case.

Mr. Lehner and his attorney in the case didn't return calls for comment.

Officers are often given the benefit of the doubt by arbitrators and juries, said Eric Hageman, an attorney who represented Mr. Garcia in a civil case against the city of

Minneapolis and Mr. Lehner. Both parties settled with Mr. Garcia and neither admitted wrongdoing.

“The reality is because they’re allowed to use force, [police] get a lot of leeway in these cases,” Mr. Hageman said. “If you don’t always have credible witnesses to come forward and you don’t have police officers willing to testify against their fellow officers, it can be really difficult to win these cases.”

Arbitrators in Minnesota often cited an incomplete investigation or inconsistent punishment as reasons why terminations were overturned.

Unions agree, arguing that there are robust systems for removing problem officers but departments don’t always follow them.

“It’s not impossible to get rid of a bad cop,” said Bill Johnson, executive director of the National Association of Police Organizations. “If they follow the rules, believe me, they can make it stick. But if they short-circuit the law and they don’t honor the rights of officers, the arbitrator is going to pick up on that.”

SHARE YOUR THOUGHTS

Do labor practices contribute to the crisis in policing? Join the conversation below.

Many states, including Minnesota, have a slim list of reasons for formally revoking a police officer’s certification, such as criminal sexual conduct or armed robbery. If officers are fired from one department but don’t lose certification, they can get rehired elsewhere.

Roger Goldman, a Saint Louis University emeritus law professor, said that for many state-licensed professions, the standard for losing a license was far lower than a criminal conviction. “If we have that for professions that are less serious than the ability of a cop to carry a gun and use deadly force and enter your home, you’d think we’d want at least as strong a provision,” he said.

A [previous study by the Journal](#) of 3,458 officers nationwide whose arrests made local news between 2005 and 2011 found that 332 were still working as police officers in 2015, often for the same agency. Another 1,927 officers faced no formal barrier to re-entering law enforcement.

The Journal's recent study of the Minneapolis Police Department used data from Bowling Green State University criminologist Philip Stinson on 23 officers who were arrested between 2005 and 2013, and whose arrests became publicly known.

Eleven of those officers are working as police officers today and have had their licenses renewed following the arrest, according to data held by the Minnesota Board of Peace Officer Standards and Training.

Of the other 12 officers, six had their licenses revoked. Licenses for five others have now expired, though in two cases, the officers appeared to have continued working for years after their arrest. Records for the remaining officer couldn't be located.

Not all of the arrests ended in convictions. Some charges were dropped. Some officers were acquitted. Some officers pleaded guilty to lesser charges than the ones they had initially been accused of.



Police arrested a demonstrator in Minneapolis on May 31.

PHOTO: SCOTT OLSON/GETTY IMAGES

Those who continue to work as police officers include one who in 2011 was charged with two felonies related to an alleged assault, though the charges were dismissed after he pleaded guilty to a misdemeanor of disorderly conduct and agreed to undergo counseling.

That officer, Mukhtar Abdulkadir, also has been sued twice. A young Ethiopian immigrant alleged in a civil suit that in 2010, the officer choked him after he said that getting cited for riding a bicycle without a light was stupid, and the officer called him a racial slur. In another case, a driver waiting at a carwash in 2013 said that he was knocked down and repeatedly punched by the officer after he honked at the officer to take his turn, a claim

that was supported by video of the incident. Both cases were financially settled out of court, lawyers for the plaintiffs said.

The lawyer who represented the officer in his 2011 court case, Robert Fowler, said his client has a clean internal disciplinary record and has since been promoted to sergeant. He said the city should have vigorously defended the civil lawsuits rather than settling.

Mr. Fowler, who is general counsel for the Minnesota Fraternal Order of Police, said that the allegation about the 2011 assault was false and that his client was “exactly the type of police officer we need to ensure good outcomes in the contacts he has with the people of Minneapolis.”

Of the other 10 Minneapolis officers who are still working today after being charged with crimes, three had gotten into off-duty brawls with civilians. Five more had been charged with driving drunk—in one case fighting with fellow police officers upon arrest.

One was accused of false imprisonment while off-duty. The other was prosecuted by the U.S. Justice Department for assaulting a black teenager and acquitted. His department tried to fire him twice for employment misconduct relating to internal investigations, but he was reinstated.

—*Lisa Schwartz contributed to this article.*

Write to Coulter Jones at Coulter.Jones@wsj.com and Louise Radnofsky at louise.radnofsky@wsj.com

Appeared in the June 26, 2020, print edition as ‘.’

Would you like more stories like this?

YES

NO

Copyright © 2021 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <https://www.djreprints.com>.