

**IN RE:
THE MATTER OF**

THE CITY OF MINNEAPOLIS
(Minneapolis Police Department)

and

SETTLEMENT AGREEMENT
(Grievance # 16-23)

**POLICE OFFICERS' FEDERATION
OF MINNEAPOLIS**
(Christopher Guelcher, Grievant)

This Settlement Agreement ("Agreement") is made and entered into by and between the City of Minneapolis ("City"), the Police Officers' Federation of Minneapolis ("Federation") and Officer Christopher Guelcher, Badge No. 2513 ("Grievant").

STIPULATED FACTS

- A. The City and the Federation are parties to a collective bargaining agreement ("Labor Agreement") that governs the relationship between them.
- B. The Grievant was employed by the City in its Police Department ("MPD").
- C. The Federation is the Grievant's sole and exclusive certified bargaining representative.
- D. The MPD suspended Grievant without pay for **13.43** for a Category B violation of the MPD's Policy and Procedure Manual Section 5-105(10) and Category C violation of Section 5-105(15), Inappropriate Language.
- E. The Federation grieved the suspension, Grievance # 16-23, citing a violation of "Section 4.1" of the labor agreement then in effect.
- F. The Federation and the City wish to resolve this matter amicably and without resort to arbitration.

NOW THEREFORE, the City and the Federation agree as follows:

AGREEMENT

1. The Federation withdraws Grievance # 16-23, with prejudice.
2. The City shall impose and the Federation, on behalf of the Grievant, shall accept a 15-hour unpaid suspension for a Category B violation of MPD's Policy and Procedure Manual Section 5-105(10) and Category C violation of Section 5-105(15), Inappropriate Language.
3. The City shall reimburse the Grievant for **13.43** pay at the rate of pay in effect at the time the suspension was served. Payment shall be tendered within 30 days of the date of this Agreement.
4. The Federation, as an entity and on behalf of its members individually, agrees that the Federation, its bargaining unit members and the Grievant are bound by this Agreement as if they had entered into this Agreement individually.
5. The City and the Federation agree that: this Agreement is without prejudice or precedent to any future matter involving any City employee, other than the Grievant; the circumstances of this case and the discussions leading toward this Agreement will not be referred to, directly or indirectly, in any future arbitration, hearing, trial, appeal or other proceeding involving any City employee, other than the Grievant; and this Agreement shall be of no value as evidence, and shall not be submitted or received as evidence, in any arbitration, hearing, trial, appeal or other proceeding involving any City employee, other than the Grievant.

[signature page to follow]

ACCEPTED AND AGREED TO:

FOR THE FEDERATION:

Bob Kroll 4/24/19

Bob Kroll
President, Police Officers' Federation

FOR THE CITY OF MINNEAPOLIS

Medaria Arradondo 04/30/19

Medaria Arradondo
Chief of Police



POLICE OFFICERS FEDERATION OF MINNEAPOLIS

1811 University Ave., N.E.
Minneapolis, MN 55418
612-788-8444 phone • 612-788-7135 fax 

July 25, 2016

Deputy Chief Travis Glampe
City Hall, Room 130
350 S 5th St
Minneapolis, MN 55415

Dear Chief Glampe:

Enclosed please find the grievance filed on behalf of Officer Chris Guelcher regarding OPCR Case #14-20461, which resulted in a **13.43** suspension.. I would request to meet with you at your earliest convenience regarding POFM Grievance #16-23. Thank you.

Sincerely,



Lieutenant Bob Kroll

CC: Chief Harteau
CC: Assistant Chief Arneson
CC: Nina Doree, Police Admin Secretary
CC: Tim Giles, Labor Relations
CC: Cmdr. Jason Case, Internal Affairs
CC: Emily Kokx, Admin Assistant

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Adam J. Swierczek
Park Police Representative

**Police Officers' Federation of Minneapolis
Grievance Form**

Grievant: Chris Guelcher Grievant's Rank: Officer
Grievant's Work Location: 1st Precinct Grievance Number: 16-23
Name & Title of Grievant's Immediate Supervisor: Insp. Mike Sullivan

Statement of Grievance: No just cause for discipline.

Contract Violation(s): Section 4.1

Remedy Sought: Make whole.

Dated: July 25, 2016 Name of Federation Representative: Lt. Bob Kroll

Presented to: Deputy Chief Glampe Date: July 25, 2016



DISCHARGE, SUSPENSION OR INVOLUNTARY DEMOTION FORM

Please enter the requested information directly into the form and provide a copy to the employee once completed and signed.

Employee Name: Christopher Guelcher	Employee ID: 002513
Job Title: Officer	Job Code:
Department: Minneapolis Police Department	
Is this employee a Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	
Has this employee passed probation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

NATURE OF TRANSACTION:

- ☐ Discharge: Effective Date: At ☐ a.m. ☐ p.m.
- ☐ Probationary Release: Effective Date: At ☐ a.m. ☐ p.m.
- ☒ Suspension without pay: Total Working Days (or hours): **13.43** Beginning on: 07/20/2016 Ending on: **13.43 - Personnel Data**
- ☐ Demotion:
- ☐ Permanent – Effective Date:
- ☐ Temporary – Beginning on: Ending on:

Demoted to:

Job Title: Job Code: at the following hourly rate of pay or annual salary: \$

REASON(S) FOR THIS ACTION: (Attach Letter of Determination)

- ☒ Violation of Civil Service Commission Rule 11.03 – Subdivision: B-18
- ☐ A. Substandard Performance
- ☒ B. Misconduct
- ☒ Violation of the following Department Rule(s), Law(s), Ordinance(s), or Regulation(s): 5-105

NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS

DISCHARGE AND PROBATIONARY RELEASE AND SUSPENSION AND INVOLUNTARY DEMOTION

Probationary Non-veteran Employees - Employees who have not passed probation and are not eligible veterans do not have a right to a hearing before the Civil Service Commission (CSC).

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

Permanent Non-Veteran Employees have a right to a hearing by the CSC upon written request. Non-veterans who have passed probation are permanent employees.

Disciplinary Suspension or Demotion - Employees may be suspended without pay for disciplinary reasons for periods not to exceed 90 calendar days. Suspensions of 31 to 90 calendar days may be appealed by the employee to the CSC.

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



DISCHARGE, SUSPENSION OR INVOLUNTARY DEMOTION FORM

NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS continued

REQUESTING A HEARING

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

Requesting a Hearing: Non-Veterans - A written request for hearing must be mailed to the CSC within 10 calendar days of when this notice was served in person or was receipted for at the employee's last known address. The 10 days are counted from the first day after the notice was personally served or the date the notice was receipted by certified mail. If the tenth day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The date of postmark must be within that 10-day period. The request for a hearing may be accompanied by the employee's statement of his or her version of the case.

Requesting a Hearing: Veterans - A written request for hearing must be mailed to the CSC within 60 calendar days of when the notice was served in person or was receipted for at the employee's last known address. The 60 days are counted from the first day after the notice was personally served or the date the notice was receipted by certified mail. If the 60th day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The date of postmark must be within that 60-day period. The request for a hearing may be accompanied by the employee's statement of his or her version of the case.

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

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

NOTIFICATION TO EMPLOYEE:

☒ The employee was given an opportunity to respond to the written charges at a pre-determination meeting held on: Date: February 23, 2016

☐ The employee failed to appear at the pre-determination meeting.

☒ A copy of this form and relevant accompanying information was given to the employee on 07/15/2016.
☐ A copy of this form and relevant accompanying information was sent by US mail, to the employee's address of record provided by employee.

Signature of Department Head: _____
Date: _____

AC Omer

7-12-16

Signature of Person Mailing/Delivering Notice: _____
Date: _____

Conor Enright

7/15/2016

Entered into HRIS By: _____

Date: _____

July 11, 2016

Officer Christopher Guelcher
First Precinct
Minneapolis Police Department

RE: OPCR Case Number #14-20461
Notice of Suspension 13.43 suspension without pay)

Officer Guelcher,

The finding for OPCR Case #14-20461 is as follows:

MPD P/P 5-105 (10) Professional Code of Conduct.....**SUSTAINED** (Category B)
MPD P/P 5-105 (15) Professional Code of Conduct.....**SUSTAINED** (Category C)

As discipline for this incident you are suspended for **13.43 - Personnel Data**. You will also receive training as prescribed by L.O.D.D.

This case will remain in 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 disciplinary action up to and including discharge.

Sincerely,

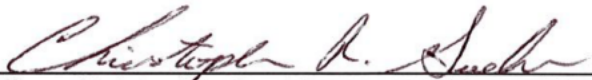
Janeé Harteau
Chief of Police

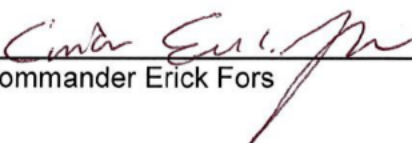


By: Kristine Arneson
Assistant Chief

Page 2
Officer Guelcher
Suspension Letter

I, Officer Christopher Guelcher, acknowledge receipt of this
Notice of Suspension.


Officer Christopher Guelcher Date of Receipt 07/15/16


Commander Erick Fors Date 7/15/2016

CC: Personnel
Commander Erick Fors
OPCR



Minneapolis

City of Lakes

Police Department

NOTICE OF DISCIPLINE PANEL MEETING

Janeé L. Harteau

Chief of Police

350 South 5th Street - Room 130

Minneapolis MN 55415-1389

Date: 2-15-2016

612-673-2735

TTY 612 -673-2157

Officer Christopher Guelcher

Minneapolis Police Department, 1st Precinct **13.43**

13.43 - Personnel Data

Officer Guelcher,

This letter is to inform you the Discipline Panel has reviewed OPCR Case #14-20461 and recommends the finding(s) as follows:

1. 5-105 Professional Code of Conduct, Subd. (10)
 - a. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
 - Sustained, Category B
2. 5-105 Professional Code of Conduct, Subd. (15)
 - b. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.
 - Sustained, Category C

The Discipline Panel will meet on Tuesday, February 23rd, 2016, at 0900 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 Monday, February 22nd, 2016.



City Information
and Services

www.minneapolismn.gov

Affirmative Action Employer

CUAPB004426



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

NOTICE OF DISCIPLINE PANEL MEETING

Date: 2-15-2016

You may have a union/federation representative or an attorney present during the meeting. You are also entitled to review the 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. Christopher House
Lt. Lawrence Doyle



City Information
and Services

www.minneapolismn.gov

Affirmative Action Employer

CUAPB004427



**Minneapolis Police Department
Leadership & Organizational Development Division**

Officer Christopher Guelcher #2513 was the focus officer for OPCR case 14-20461. The date of the incident was 8/15/2014.

The finding for OPCR case 14-20461 was:

- MPD P/P 5-105 (10) Professional Code of Conduct.....sustained (Category B)
- MPD P/P 5-105 (15) Professional Code of Conductsustained (Category C)

Officer Guelcher was notified of a 13.43 - Personnel Data without pay as a result a finding of merit. The outcome letter from the Chief's office was dated 7/11/2016.

L.O.D.D. reviewed the training record for Officer Christopher Guelcher. On 6/2/2015, Officer Guelcher attended Fair and Impartial Policing; he received 4 P.O.S.T. credits for the class. On 3/16/2016, Officer Guelcher attended Procedural Justice Module 1 and he received 7 hours of P.O.S.T. credit for attendance. On 7/19/2016, Officer Guelcher attended Procedural Justice Module 2 and he received 7 hours of P.O.S.T. credit for his attendance.

In conclusion, Officer Guelcher has attended 18 hours of "cultural sensitivity" training that has addressed ethics as well as principles of conduct that govern a profession. It is determined that the training Officer Guelcher received between the date of the incident (8/15/2014) and the date of the MPD outcome letter (7/11/2016) was sufficient remedial training to address the training needs for OPCR case 14-20461.

Respectfully,

Lt. Thomas Wheeler 8/4/2016

Lieutenant Thomas Wheeler
*Minneapolis Police Department
Leadership and Organizational Development Division
In Service Training Unit*



Case Finding Memorandum

OPCR Case #14-20461

To: Assistant Chief Arneson and Deputy Chief Glame

From: Inspector Michael Kjos (Panel Chair)

Subject: Case Finding Memorandum

Involved Employee: Officer Christopher Guelcher, Badge 2513

Date: 02/24/2016

Alleged MPD Policy Violations:

1. 5-105 Professional Code of Conduct, Subd. (10)
 - a. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
2. 5-105 Professional Code of Conduct, Subd. (15)
 - a. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.

Discipline Panel Members:

Inspector Michael Kjos	(Panel Chair)
Lieutenant Christopher House	
Lieutenant Lawrence Doyle	

Summary of Case and IAU Investigation:

Discipline Panel Preliminary Findings:

Discipline Panel met on February 12th, 2016 at 1400 hours, in the 1st Precinct Inspector's 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. Alleged violation occurred on August 15th, 2014, at approximately 2025 hours.
2. Involved officers were on-duty and responding to a 911 call of a reported fight.
 - a. Officer Guelcher was working a buyback beat in the Cedar Riverside Neighborhood.
3. Location was at Gold Medal Park in 1st Precinct
4. Officer Appledorn was the initiating officer who stopped a group of Somali males suspected of being involved in the reported fight.
5. Officer Guelcher and Officer Archer (Park Police) responded as back-up officers.
6. Officer Appledorn got into a discussion with at least one of the Somali males regarding the reason they were stopped. According to her statement, this individual called Officer Appledorn a “fucking racist bitch.” (p.5)
7. Officer Guelcher interjected himself into this conversation with the Somali males
 - a. At one point Officer Guelcher in response to this allegation of racism stated, “That’s a bunch of bullshit,” according to his statement. (p.7)
 - b. He attempted to explain to them that they were simply doing their job and they were stopped because of a caller stating they were fighting.
 - c. Officer Guelcher admits to using the terminology of “Al-Qaida” when he was speaking with these males; stating that he used it “factitiously though.” (p.5)
 - d. Officer Guelcher in his attempt to explain the reason for the stop used a phrase similar to “I don’t know you from Adam. For all I know you might be a member of Al-Qaida.” This phrase is a quote from Officer Guelcher’s statement on page 7.
8. There were multiple witnesses to this incident, who were not involved the situation at hand, but were within hearing distance and watched the interactions between the officers and the Somali males.
 - a. At least two of these witnesses registered complaints about the officer’s language and referring to the Somali males as being “Al-Qaida.”
 - b. Several witnesses said there was much swearing and claimed the officers used the word “fuck” multiple times while speaking to these individuals.
 - c. One of the witnesses was Park Board Superintendent Jayne Miller who was on a ride-along with Park Officer Archer.
 - i. Superintendent Miller described the officer as leaning over the Somali males as they sat on the ground and telling them they were “probably part of Al-Qaida.” She also said he repeatedly swore at these individuals.
 - d. Witness/complainant Claudia Kittock states she hear the male officer referring to the Somali males as probably being part of “Al fucking Qaida.”
 - e. Witness Raymond Vigil states he heard officers swearing at the Somali males and did hear an officer refer to them as being part of “Al-Qaida.”
9. Officer Guelcher said the conversation ended on good terms with a little joking around back and forth between him and the group.



10. Officer Guelcher denies using the swear word “fuck” or calling any one of these individuals a “piece of shit” as was alleged.
11. Policies involved:
 - a. 5-105 Professional Code of Conduct, Subd. (10)
 - i. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
 - b. 5-105 Professional Code of Conduct, Subd. (15)
 - i. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.
12. Officer Guelcher was very forthcoming in his statement admitting the language he used.
13. Panel felt the investigation was poorly conducted by OPCR Investigator Grostyan and the case file was put together in a jumbled mess.
 - a. Investigator rarely asked open ended questions from witnesses or the involved officers. He told each interviewee a one-sided version and then asked them if they recalled the situation as he described it. This is a very poor way to investigate. It basically eliminates individual recollection of the incident.
 - b. Albeit the investigation was somewhat inadequate; there was sufficient evidence to meet the standard of “preponderance of the evidence.”
14. Panel sustained both alleged violations.

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

Panel Preliminary Finding:

1. 5-105 Professional Code of Conduct, Subd. (10)
 - a. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
 - Sustained, Category B
2. 5-105 Professional Code of Conduct, Subd. (15)
 - b. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.
 - Sustained, Category C



On February 15th, 2016, written notice of Loudermill hearing delivered to Officer Guelcher listing the sustained allegations including the Category Level by Inspector Michael Kjos.

Loudermill Hearing:

On February 23rd, 2016 at 0911 hours, a Loudermill hearing took place in the 1st Precinct Inspector's Office. All three panel members were in attendance along with Officer Christopher Guelcher and Federation Representative, Lt. Robert Kroll.

Inspector Kjos conducted the meeting and recorded it on a digital recorder. Officer Guelcher was informed this meeting was convened for OPCR Case #14-20461 and involves a Category (C) and (B) violation.

Federation Statement:

Lt. Kroll spoke to the fact that the investigation was poorly conducted and not all witnesses were contacted. He also said the questions were not open ended and the investigator guided the witnesses toward his own conclusion. He spoke about the fact there was no squad video collected. He attacked the witness's mental state and questioned their personal agendas.

Officer's Statement:

Officer Guelcher stated that there was a supervisor on scene and no one approached the supervisor with any complaint about his or any other officer behavior. He said the Somali Males were swearing at officers and in his opinion claiming they were being harassed because of their race to try and get passersby to intervene in the situation. He said he only engaged in the conversation to de-escalate it and his comments were taken out of context. He admits he said something like, "you might be leader of Al-Qaida," but says it was for the purpose of getting a dialog going with these males intent on bringing the situation down and allow for a conversation about why they were stopped. Officer Guelcher said before they cleared the call the Somali males told him they liked speaking with him better some of our Somali officers. He was surprised by this complaint when it came forward many months after the incident had occurred.

Panel Review Following Loudermill:

Panel discussed the statements of Lt. Kroll and Officer Guelcher and the mitigating factors referenced below. Neither statement changed the panel's earlier decision that when closely examined (word by word) each of these policies were violated. The panel does not however believe it was Officer Guelcher's intent to be disrespectful. Officer Guelcher has consistently admitted his words and actions in this case and he has never



denied using the term “Al-Qaida” in this conversation. He only states it was done as a de-escalation technique to calm the situation and have a discussion with these individuals about why they were stopped in the first place.

Mitigating and/or Aggravating Circumstances:

1. Commendations or Service Recognition from Department or Community
 - a. 1 Medal of Valor
 - b. 1 Medal of Commendation
 - c. 1 Unit Citation Award
2. Prior Discipline – **None.**
3. Seniority – 22 years of service
4. Rank – Officer
5. Circumstances of the Incident
 - a. Situations involved legitimate police business, officers responded to a 911 call regarding a fight amongst these Somali males.
6. Culpability
 - a. Officer acted intentionally, but panel does not believe his intention was to purposely violate policy.
7. Employee Attitude
 - a. Employee accepts responsibility for his actions and openly admits his words and actions.
8. Performance Evaluations
 - a. Employee is consistently above the minimum standard of satisfactory.
 - b. Employee voluntarily performs additional duties in the 1st Precinct, he stocks the kitchen with supplies, purchases and fills the beverage machine, and collects funds for the flower fund.
 - c. Employee is a Field Training Officer.
9. Training – Training does not appear to be an issue in this situation.
10. Liability – no liability in this situation, involved parties refuse to cooperate with investigation.

Panel Findings on Policy Violations related to OPCR Case# 14-20461:

1. 5-105 Professional Code of Conduct, Subd. (10)
 - c. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
• Sustained, Category B
2. 5-105 Professional Code of Conduct, Subd. (15)
 - d. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.
• Sustained, Category C



Panel Recommendation for Discipline:

This Discipline Panel recommends

1. Officer Guelcher receive a Written Reprimand for the Category (B) violation.
2. Officer Guelcher receive discipline in-line with the discipline matrix after having considered the mitigating factors listed above for the Category (C) violation.

The base line suspension for this policy is listed as 40 hours; but the panel believes a lessor discipline would be sufficient and effective in this situation. Officer Guelcher has no prior discipline; he has a positive attitude and a willingness to take on additional duties with 22 years of service and several awards for his actions.

Respectfully Submitted,

Inspector Michael T. Kjos

Inspector Michael Kjos (Panel Chair)

CC: Panel Members and Internal Affairs Unit