

Development Division and Lt. Tom Wheeler provided documents which support both that Officer Lehner was a defensive tactics instructor and that there is a technique called a "Foot Jab/Front Thrust Kick." Lt. Wheeler also provided an email that shows I participated in Instructor Level Training in 2005 and served as a Defensive Tactics Instructor.

Sgt. McLean points out on page 23 of the Investigative Report that Garcia-Pineda admits he was under the influence of alcohol, admits he does not recall many of the events that happened that night, and he was not clear when he was actually kicked by Officer Lehner. During Sgt. McLean's interview with Garcia it was found that Garcia would change his story about the events that happened that morning.

13.384 - Medical Data

The investigative Report was completed on March 30th 2017 and the Merit panel was given all of the available evidence in the case.

The Merit Panel convened on April 20th 2017 and after review the panel came back with a finding of No Merit. In the Supportive Findings justifying the No Merit it stated Officer Lehner used reasonable force based on the circumstances at the time. They also stated that Officer Lehner properly used a push kick to separate himself from the kicking legs. The officer's statement was consistent throughout multiple interviews and documents, while the complainants was not.

On April 20th 2017, that same day, the Merit Panel findings of No Merit were sent to the Office of Chief Harteau.

On April 21st 2017, the next day, former Deputy Chief Glampe remanded the case back to OPCR and stated new evidence was available and to have them contact Assistant City Attorney Trina Chernos in help obtaining this new evidence. This "new" evidence was in regards to an ALJ hearing where testimony was given in regards to this case.

I need to point out at this point that the Minneapolis Police Department and OPCR violated state law again. MN 172.50 of the Police Conduct Oversight has to do with the Request for Reconsideration by the Complainant. 172.50 states:

- (a) Within fifteen (15) days of receipt of notification of the review panel's decision recommending that a complaint not be sustained, a complainant may submit a written request for reconsideration to the office of police conduct review.
- (b) Any request for reconsideration shall be jointly and collaboratively reviewed by supervisory staff of the office of police conduct review from both the civilian unit and the internal affairs unit. If the review determines that the request for reconsideration alleges newly discovered and relevant evidence or information not previously available to the complainant, the complaint may be remanded for additional investigation by office staff and reconsideration

by the designated review panel. The review panel may sustain, reject or modify its prior recommendation regarding the complaint. Alternatively, the complaint and new evidence or information may be forwarded directly to the chief of police pursuant to [section 172.70](#).

- (c) The office of police conduct review shall provide written notification to the officer of the request for reconsideration and its outcome.

Never did I received written notification that a request for reconsideration was made. Not only was written notification not received by me nowhere in the case file is there mention of an attempt to notify me of reconsideration and or the request for reconsideration showing that it was timely and made within the 15 days. This is the second violation of the Minneapolis Police Department and OPCR in regards to MN Statute 172.

Since April 21st 2017 emails were sent back and forth between multiple individuals. Emails were sent related to this new evidence which turned out to not be new evidence at all. Emails showed that it was in regards to the ALJ testimony and this testimony was brought up in my internal affairs interview where I told Investigator Liisa Hill and Sgt. McLean to read this testimony because it showed that DC Glampe lied under oath about the incident and how I was trained.

In fact, on June 14th 2017 the transcripts were received by Iman Jaafar.

On June 19th 2017 an email conversation between Lt. Halvorson and Jaafar was found to contain information that stated the ALJ transcripts had to be redacted in regards to DC Glampes testimony in which he lied under oath and Expert witness testimony in which the expert witness Steven Frazer of the St. Paul Police Department stated that the force was reasonable. This appears to anger Commander Case because her responds in an email "I don't know why we would want to alter information that the panel views because we don't in other instances that I'm aware of."

August 1st 2017 the Merit Panel meets again and this time it is a split decision. The sworn side stated again for the second time there was No Merit and "Officer Lehner responded appropriately" along with more justification. The other half of the panel stated that they believed that force was necessary given the uncooperative and aggressive behavior of the complainant, even if the complainant was handcuffed. But found Merit in the allegation by stating "this was a close decision, however, the injuries sustained by the complainant lead this half of the panel to believe that the push kick was not deliver properly and it is questionable as to what technique was actually delivered."

The split decision is very interesting. The allegation made against me is for excessive force. The half that found No Merit the first time and now Merit the second time actually stated "that force was necessary given the uncooperative and aggressive behavior of the complainant." This half of the Merit panel is actually stating that I did not use excessive force and that it was necessary. But they appear to find merit in the case based solely on the injuries related to Mr. Garcia.

Nowhere in MPD policy or Law is the reasonableness standard of use of force based on the injury that is sustained due to the force used. An officer cannot predict what injury may or may not happen due to use of force. (Use Example)

Also, when you look at the Incident Summary for the Recommendation on April 20th 2017 where No Merit was found and then the Incident Summary for the recommendation on August 1st 2017 where it was a Split decision there is no new information provided. In fact, the information summaries are identical. What new information was provided from April 20th to August 1st that changed the civilian's minds to find Merit in this allegation. Nothing was added to the findings and nothing was added to the OPCR/IAU case file. What was said and when to these two individuals to find Merit in an allegation of excessive force that has nothing to do with the injury that Garcia sustained.

In fact, I have an email from Commander Case to Deputy Chief Glampe on August 3rd after the Merit Panel came back with a split decision in this matter that this will end up in possible "future litigation, which might get complicated."

Commander Case goes on to say in another email to Deputy Chief Glampe "This case has a long history of questions as to why it was started and why it took so long." This is the Commander of Internal affairs questioning the sheer validity of this investigation.

With all of this information said and the facts in the Case Summary it is obvious that excessive force was not used on Mr. Garcia at the time and I should be exonerated of all charges brought against me.

And finally, I am making a formal complaint against now Commander Glampe for truthfulness and harassment. Commander Glampe failed to provide an honest assessment of this case to the City Attorney's office when it came time for me to be indemnified in a federal lawsuit. Commander Glampe did not interview anyone prior to the decision to recommend to the City Attorney's office to not indemnify me and if he would have, he would have found just like Internal Affairs did on December 31st 2013 that no policies were violated and that the force was reasonable. Commander Glampe continued to fail to conduct proper investigative work in establishing the facts of this case and went so far as to lie under oath in an ALJ hearing about what happened that evening, what materials he reviewed in making his decision, and the training I had received through the Minneapolis Police Department. In my view these lies are the sole reason the ALJ hearing judge sided with the City to not indemnify. Even when the Merit Panel came back on April 20th of 2017 with a decision of No Merit it was Commander Glampe who continued to try to cover up his abuse of power and his lies because a finding in this case of No Merit exposes Commander Glampe of malfeasance and untruthfulness and a possible civil lawsuit.

This abuse of power by a Deputy Chief of the Minneapolis Police Department has cost me dearly. I have been banned from City Property, I have been unable to work in the capacity of a Minneapolis Police Officer, I have lost out on overtime opportunities, FTO opportunities,

Special Unit Assignments, Part-time opportunities, the department has even refused to allow me to attend in-service training where in turn I was forced to pay for the classes on my own to keep my post license valid, I have missed out on two different Sergeants exams, and lost tens of thousands of dollars in attorney fees and settlement fees related to not being indemnified due to Commander Glampe lying under oath.

Where was my Due Process? How much punishment is enough on me for doing nothing wrong. For responding to an incident and following every policy and state statute to the letter. For making sure Mr. Garcia received medical care and making sure that my supervisor and Internal affairs on that day was aware of what happen. Again, I am asking to be exonerated in this allegation of excessive force and to have this department hold the real individual responsible for policy violations and truthfulness and that is current Commander Glampe.

Before I finish, I am providing you a copy of MN statute 172 and the emails referenced in my rebuttal. Does the panel have any questions?

6

Notice of Loudermill Hearing

Date: November 8, 2018

Officer Blayne Lehner
Internal Affairs
Minneapolis Police Department

RE: 15-16258

Officer Lehner,

This letter is to inform you that a Loudermill Panel will be convened on Thursday, November 15 at 1300 hours at the Fifth Precinct in the Inspector's Conference Room. At this time you will have an opportunity to present information to the panel regarding the following allegations:

5-301.01 – Use of Force, Reasonableness -- Merit

Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

You may have a federation representative or an attorney present during the hearing. A written summary of the case file containing information collected during the course of the investigation shall be provided to you upon request. It is your responsibility to contact the Internal Affairs Unit to obtain a copy of the case file at least 72 hours prior to the time of your scheduled Loudermill hearing. A copy of the data will only be released if you provide a written request to the Internal Affairs Unit to have the data released to you, your representative, or attorney.

If you chose not to attend the Loudermill hearing you are ordered to notify the panel chair by Tuesday, November 13.

Sincerely,



Inspector Kathy Waite
Fifth Precinct
Minneapolis Police Department

172.30. - Complaint filing, preliminary review and investigation

- (a) *Complaint filing.* Any person who has personal knowledge of alleged misconduct on the part of a Minneapolis police officer may file a complaint with the office of police conduct review by submitting said complaint by means of any readily available method approved by the office. The office shall endeavor to facilitate the complaint filing process by providing multiple and accessible avenues for the filing of complaints. Absent extenuating circumstances deemed sufficient to warrant untimely filing, no person may file a complaint if more than two hundred seventy (270) days have elapsed since the alleged misconduct.

172.50. - Request for reconsideration by complainant

(a) Within fifteen (15) days of receipt of notification of the review panel's decision recommending that a complaint not be sustained, a complainant may submit a written request for reconsideration to the office of police conduct review.

(b)

(b) Any request for reconsideration shall be jointly and collaboratively reviewed by supervisory staff of the office of police conduct review from both the civilian unit and the internal affairs unit. If the review determines that the request for reconsideration alleges newly discovered and relevant evidence or information not previously available to the complainant, the complaint may be remanded for additional investigation by office staff and reconsideration by the designated review panel. The review panel may sustain, reject or modify its prior recommendation regarding the complaint. Alternatively, the complaint and new evidence or information may be forwarded directly to the chief of police pursuant to [section 172.70](#).

c) The office of police conduct review shall provide written notification to the officer of the request for reconsideration and its outcome.

Hill, Liisa

From: Hill, Liisa
Sent: Tuesday, December 20, 2016 11:22 AM
To: 'kbeck@kellyandlemmons.com'
Cc: Jaafar, Imani S.; Case, Jason; Kroll, Bob (Federation)
Subject: Officer Lehner interview

Tracking:	Recipient	Delivery
	'kbeck@kellyandlemmons.com'	
	Jaafar, Imani S.	Delivered: 12/20/2016 11:22 AM
	Case, Jason	
	Kroll, Bob (Federation)	
	McLean, Matthew	

Kevin,
Just checking in to see if you and Officer Lehner have some dates and times, as soon as possible, regarding Officer Lehner's interview with the Office of Police Conduct Review. I know that all parties want to get this matter resolved as soon as possible.

Thank you and Happy Holidays

Liisa

Liisa M. Hill
Case Investigator

City of Minneapolis – Department of Civil Rights
Office of Police Conduct Review
350 S. Fifth St. – Room # 239
Minneapolis, MN 55415

Office: 612-673-2093
Fax: 612-673-5510
liisa.hill@minneapolismn.gov

Hill, Liisa

From: Hill, Liisa
Sent: Tuesday, December 20, 2016 12:33 PM
To: 'kbeck@kellyandlemons.com'
Cc: Jaafar, Imani S.; Case, Jason; Halvorson, Henry; Kroll, Bob (Federation)
Subject: Officer Lehner OPCR Interview and Statement

This email is to confirm Officer Lehner's interview at the Office of Police Conduct Review, (Minneapolis Department of Civil Rights room 239)on Thursday, January 5, 2017 @ 11:00 am

Thank you Kevin for getting back to me so soon.

Liisa

Liisa M. Hill
Case Investigator

City of Minneapolis – Department of Civil Rights
Office of Police Conduct Review
350 S. Fifth St. – Room # 239
Minneapolis, MN 55415

Office: 612-673-2093
Fax: 612-673-5510
liisa.hill@minneapolismn.gov

Hill, Liisa

From: Kevin Beck <kbeck@kellyandlemmons.com>
Sent: Tuesday, December 20, 2016 12:08 PM
To: Hill, Liisa
Cc: Jaafar, Imani S.; Case, Jason; Kroll, Bob (Federation)
Subject: Re: Officer Lehner interview

Liisa,

Confirming that Jan. 5 at 11:00AM works on our end.

Cordially,

Kevin M. Beck
Kelly & Lemmons, P.A

Sent from my mobile.

On Dec 20, 2016, at 11:21 AM, Hill, Liisa <Liisa.Hill@minneapolismn.gov> wrote:

Kevin,

Just checking in to see if you and Officer Lehner have some dates and times, as soon as possible, regarding Officer Lehner's interview with the Office of Police Conduct Review. I know that all parties want to get this matter resolved as soon as possible.

Thank you and Happy Holidays

Liisa

Liisa M. Hill
Case Investigator

City of Minneapolis – Department of Civil Rights
Office of Police Conduct Review
350 S. Fifth St. – Room # 239
Minneapolis, MN 55415

Office: 612-673-2093
Fax: 612-673-5510
liisa.hill@minneapolismn.gov

From: Case, Jason
Sent: Wednesday, June 14, 2017 11:39 AM CDT
To: Jaafar, Imani S.
Subject: RE: Lehner case

Sounds fantastic

Jason Case
Commander
Internal Affairs Division

City of Minneapolis – Police Department
350 South 5th Street. Rm. 112
Minneapolis, MN 55415

612-673-2740 Office
612-353-7322 Cell
jason.case@minneapolismn.gov



From: Jaafar, Imani S.
Sent: Wednesday, June 14, 2017 11:38 AM
To: Case, Jason
Cc: Franson, Ryan; Halvorson, Henry; McLean, Matthew
Subject: Re: Lehner case

I think we need to discuss this one on Monday at procedural meeting since we received the transcripts.
I would like to discuss the process for this and then excerpting the transcripts. Thanks.

Sincerely,

Imani Jaafar
Director - Office of Police Conduct Review

City of Minneapolis – Department of Civil Rights
[350 S. Fifth St. – Room 239](#)
[Minneapolis, MN 55415](#)

Office: [612-673-2426](tel:612-673-2426)
Imani.Jaafar@minneapolismn.gov

MPD 9209 Non-Attorney002567

MPD 10287-000013

From: Case, Jason
Sent: Tuesday, June 20, 2017 11:41 AM CDT
To: Halvorson, Henry; Jaafar, Imani S.
Subject: RE: out

I'm not sure where the transcripts were at until the 14th but according to Matt, Imani and Ryan F. were notified on June 6th. Ryan Franson picked them up on the 8th. I'm preparing an email regarding the main issues Imani has and will forward it to Glampe, Trina and Joel Fussy. I don't know why we would want to alter information that the panel views because we don't in other instances that I'm aware of.

Jason Case
Commander
Internal Affairs Division

City of Minneapolis – Police Department
350 South 5th Street. Rm. 112
Minneapolis, MN 55415

612-673-2740 Office
612-353-7322 Cell
jason.case@minneapolismn.gov



From: Halvorson, Henry
Sent: Monday, June 19, 2017 10:50 AM
To: Case, Jason
Subject: RE: out

Here are the responses to the below issues:

- 1) Ryan said that the cases they were looking for have been found.
- 2) Director Jaafar has some issues with the transcripts. (Director Jaafar states she did not receive the transcripts until Wednesday, June 14th) Main issues:
 - a. How to address new procedure of re introducing case to the panel
 - b. Transcripts should be redacted with several items taken out (Glampe's testimony, Lenher's expert force witness testimony removed, etc.)
 - c. Need clean copies of transcripts- This copy has notes and highlights.
 - d. Can't give the panel any conclusionary language from transcripts.

MPD 9209 Non-Attorney002578

MPD 10287-000014

3) That case has been deleted in OPCR and I will get an IAU case number.

Lieutenant Henry Halvorson
Minneapolis Police Department
Internal Affairs Unit
350 South 5th Street -Room 112
Minneapolis, MN 55415
(612)-673-3634
Henry.Halvorson@minneapolismn.gov

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From: Case, Jason
Sent: Monday, June 19, 2017 6:41 AM
To: Halvorson, Henry
Subject: out

I'm taking a couple days off. Things to discuss at procedural meeting include

1. the missing case file that Ryan inquired about, it was last signed out to Imani on 3/22, I'm not sure how the files keep getting lost but I would assume that everyone on our end is still using the receipt when a file leaves the office.
2. The Lehner case. The transcripts were provided to OPCR almost 2 weeks ago and it has still not been assigned to panel
3. Ensure that the OIS Prescott is assigned has been removed from OPCR database and new IA was completed

If you have any question feel free to call

Thanks

Jason Case
Commander
Internal Affairs Division

City of Minneapolis – Police Department
350 South 5th Street. Rm. 112
Minneapolis, MN 55415

MPD 9209 Non-Attorney002579

MPD 10287-000015

From: Case, Jason
Sent: Thursday, August 3, 2017 7:58 AM CDT
To: Glampe, Travis
Subject: FW: Open Cases

First they told me they couldn't find the file, then all of a sudden it was set for panel. I would assume that it had been sitting on someone's desk and they forgot to get it to panel. This case has a long history of questions as to why it was started and why it took so long.

Jason Case
Commander
Internal Affairs Division

City of Minneapolis -- Police Department
350 South 5th Street. Rm. 112
Minneapolis, MN 55415

612-673-2740 Office
612-353-7322 Cell
jason.case@minneapolismn.gov



From: Case, Jason
Sent: Thursday, July 06, 2017 1:07 PM
To: Jaafar, Imani S.
Subject: RE: Open Cases

13.43

Jason Case
Commander
Internal Affairs Division

City of Minneapolis -- Police Department
350 South 5th Street. Rm. 112
Minneapolis, MN 55415

MPD 9209 Non-Attorney002699

MPD 10287-000016

From: Case, Jason
Sent: Thursday, August 3, 2017 7:34 AM CDT
To: Glampe, Travis
Subject: RE: OPCR Cases
Attachments: Discipline Worksheet - 2017.docx

Oh boy.....I asked her again yesterday and she stated that she had spoken to Ryan Franson about the issue previously. She told me that there is an issue with permissions and for some reason the documents don't get uploaded. I have no idea if that is accurate or not.

I would say produce them and I will again follow up with her today. I believe she is out of the office till 11.

We may want to include a notes section on your sheet so that you can document if you concur on the merit/no merit findings of the panel prior to you sending it to the Chief? Also, on the Lehner case I think you pick Kjos, Waite and Moore. Schoenberger provided documents for the investigation and could be considered a witness in future litigation, which might get complicated. Waite is the current inspector, Kjos is an obvious pick and Moore has no ties or previous supervision of Lehner.

Also, there will be file added to the IA sharepoint site related to this investigation. The file was created independently of the investigation and is meant to serve as a tool for the Discipline panel.

Jason Case
Commander
Internal Affairs Division

City of Minneapolis -- Police Department
350 South 5th Street. Rm. 112
Minneapolis, MN 55415

612-673-2740 Office
612-353-7322 Cell
jason.case@minneapolismn.gov



MPD 9209 Non-Attorney002697

MPD 10287-000017

October 20, 2016

Officer Blayne Lehner
Internal Affairs
Minneapolis Police Department

Officer Blayne Lehner,

I am placing you on "Relieved of Duty with Pay" status effective today. This status will remain in effect pending a decision on your employment status with the Minneapolis Police Department.

As you are on the City of Minneapolis payroll, the following conditions are effective immediately, pending a decision on your employment status.

1. All department approved off-duty employment is suspended. No new contracts for off-duty employment will be agreed upon or initiated from this date forward.
2. Your duty hours are now 0800 to 1600 hours, Monday through Friday with weekends and holidays off. This will be effective immediately. On your scheduled work days you must contact the Internal Affairs investigator assigned to you by 0800 hours. Sgt. Brian Grahme is the assigned investigator and he can be reached at 612-673-2527. If you are unable to reach Sgt. Brian Grahme by 0900 hours, you are required to call the main Internal Affairs line (612-673-3074) and check in with the sergeant answering the line.

You are required to be at your residence (as listed in Workforce Director) during the above work hours. You may be contacted by Internal Affairs during those hours to ensure you are in compliance.

3. If you wish to use vacation, sick or compensatory time, or will be otherwise unavailable during these duty hours, you must contact the Internal Affairs investigator assigned to your case to request that day off. In this event, your approved time off will be debited from the appropriate accrued paid leave balance.
4. You must maintain a permanent address and phone number (answering machines, pagers and answering services are not acceptable), so you may be contacted by the department. You are required to answer this phone if contacted by the Minneapolis Police Department. Any address or phone number changes must be provided to Internal Affairs immediately upon the change.

5. If there is no contact between you and the Internal Affairs Unit for three consecutive work days, we will have considered you to have abandoned your position with the Minneapolis Police Department and we will move for your termination based on Civil Service Rule 13.04, which states:

“The unexcused absence of an employee from duty for a period of three successive days or longer, will be considered a resignation.”

Other unexcused absences during the above prescribed work hours can result in discipline as well.

6. You are prohibited from being in or on Minneapolis Police Department property except in the case of an emergency. If you need any personal items from your place of assignment, you must make arrangements through Sgt. Brian Grahme to escort you while on the police property.

7. You are prohibited from taking any enforcement action using your authority as a peace officer. This includes carrying a firearm unless you have another legal authority to do so such as on private property or with a Minnesota Permit to Carry a Firearm.

During this period you are expected to comply with the Rules and Regulations of the Minneapolis Police Department as they relate to your employment.

Sincerely,



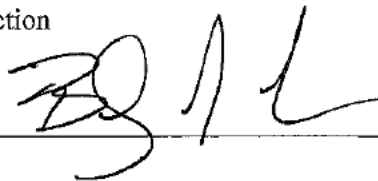
Kristine Arneson
Assistant Chief
Minneapolis Police Department

Janeé Harteau
Chief of Police
Minneapolis Police Department

Hand-delivered by Sgt. Brian Grahme, Employee #2384, on October 24, 2016.

Signed Copies to: Human Resource
Internal Affairs File
Payroll Section

I have received a copy of this letter



Date: 10.24.16

Hill, Liisa

From: Hill, Liisa
Sent: Wednesday, December 07, 2016 2:42 PM
To: 'kbeck@kellyandlemmons.com'
Subject: Officer Interview

Mr. Beck

I am sending an Office of Police Conduct Review Interview Notification letter to MPD Officer Blayne Lehner. I was wondering if he has retained you as his counsel. Please let me know if in fact you are representing Officer Lehner so that I can forward you a copy of the letter.

Thank you
Liisa

Liisa M. Hill
Case Investigator

City of Minneapolis – Department of Civil Rights
Office of Police Conduct Review
350 S. Fifth St. – Room # 239
Minneapolis, MN 55415

Office: 612-673-2093
Fax: 612-673-5510
liisa.hill@minneapolismn.gov

Hill, Liisa

From: Microsoft Outlook
To: kbeck@kellyandlemmons.com
Sent: Wednesday, December 07, 2016 2:42 PM
Subject: Relayed: Officer Interview

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

kbeck@kellyandlemmons.com (kbeck@kellyandlemmons.com)

Subject: Officer Interview

Hill, Liisa

From: Hill, Liisa
Sent: Thursday, December 08, 2016 9:37 AM
To: 'Kevin Beck'
Cc: Jaafar, Imani S.
Subject: RE: Officer Interview
Attachments: OPCR Officer Notification Letter-Blayne Lehner.docx

Tracking:	Recipient	Delivery	Read
	'Kevin Beck'		
	Jaafar, Imani S.	Delivered: 12/8/2016 9:37 AM	Read: 12/8/2016 9:57 AM
	McLean, Matthew	Delivered: 12/8/2016 9:37 AM	Read: 12/8/2016 10:36 AM

Mr. Beck,

Thank you for getting back to me. Attached is Officer Lehner's OPCR Notification letter. Officer Lehner is getting a copy hand delivered to him today, December 08, 2016. His scheduled appointment to provide a statement is scheduled for Wednesday December, 14, 2016. I understand that date may or may not work with your schedule. Just let me know. We would like to get his interview done as soon as possible.

Thank you
Liisa

From: Kevin Beck [<mailto:kbeck@kellyandlemmons.com>]
Sent: Wednesday, December 07, 2016 2:52 PM
To: Hill, Liisa
Subject: RE: Officer Interview

Ms. Hill,

Thanks for reaching out. I do represent Officer Lehner through the POFM. Please forward the letter to me.

Cordially,

Kevin

From: Hill, Liisa [<mailto:Liisa.Hill@minneapolis.gov>]
Sent: Wednesday, December 7, 2016 2:42 PM
To: kbeck@kellyandlemmons.com
Subject: Officer Interview

Mr. Beck

I am sending an Office of Police Conduct Review Interview Notification letter to MPD Officer Blayne Lehner. I was wondering if he has retained you as his counsel. Please let me know if in fact you are representing Officer Lehner so that I can forward you a copy of the letter.

Thank you

Liisa

Liisa M. Hill
Case Investigator

City of Minneapolis – Department of Civil Rights
Office of Police Conduct Review
350 S. Fifth St. – Room # 239
Minneapolis, MN 55415

Office: 612-673-2093
Fax: 612-673-5510
liisa.hill@minneapolismn.gov

Hill, Liisa

From: Gomez, Jose
Sent: Wednesday, December 14, 2016 11:07 AM
To: Hill, Liisa
Subject: Delivery of letter

Liisa,

On Thursday, December 8th, Sergeant Brian Sand and I drove out to Officer Blayne Lehner's house and hand delivered an official notification letter to him.

Respectfully,

Sergeant Jose F. Gómez
Minneapolis Police Department
Internal Affairs Unit
350 5th Street South, RM 112
Minneapolis, MN 55415
Office: (612) 673-3644
Fax: (612) 673-3843



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MINNEAPOLIS POLICE DEPARTMENT

Internal Affairs Unit

OPCR Administrative Case #15-16258

Officer Blayne Lehner

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7. Incident Detail Report, CCN 13-430045
8. OPCR Investigative Report
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10. Statement of Officer Blayne Lehner
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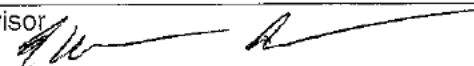

**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
15-16258	5	13-430045	December 29, 2013	3:00 AM	
Location of Incident		City/State/Zip		Date of Complaint	
3710 Nicollet Av		Minneapolis, MN 55409		August 5, 2015	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
Lehner, Blayne L (004073);		OPCR Ord. § 172.20(1) - Excessive Force MPD P&P § 5-301- USE OF FORCE: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.			
		13.43			
ALLEGATION SUMMARY					
The joint supervisors were notified of this complaint after Plaintiff initiated a lawsuit against the City of Minneapolis and Officer Lehner. Plaintiff was a passenger in a vehicle that was stopped for accelerating too close to an officer on foot. Plaintiff alleges while he was in the back of a squad car, Officer Lehner opened the squad door and kicked the Plaintiff in the face.					
13.43 - Personnel Data					

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

SUPERVISOR ASSESSMENT	
<p>MEDIATION <input type="checkbox"/> Refer to Mediation</p> <p>COACHING <input type="checkbox"/> Refer to Precinct</p> <p>INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation: Investigator <input type="checkbox"/> Admin Investigation: Investigator</p>	<p>DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate</p>
<p>FINAL APPROVED INVESTIGATIVE REPORT <input type="checkbox"/> Refer to Panel</p>	
IAU Commander	Date
Director – Office of Police Conduct Review	Date

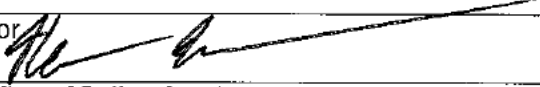
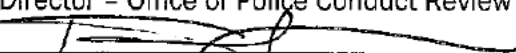
**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
15-16258	5	13-430045	December 19, 2013	03:00 AM	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
3710 Nicollet Ave.		Minneapolis 55409		August 13, 2015	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION			CATEGORY		
OPCR Ord. § 172.20(1)			Excessive Force		
BADGE/NAME			ALLEGED POLICY VIOLATIONS		
Lehner, Blayne L. (004073)			MPD P&P § 5-301.01- USE OF FORCE: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.		
ALLEGATION SUMMARY					
Mr. Garcia-Pineda was a passenger in a vehicle that was stopped for accelerating too close to an officer on foot. Mr. Garcia-Pineda alleges through the course of a lawsuit that while he was in the back of a squad car, Officer Lehner opened the squad door and kicked him in the face. Mr. Garcia-Pineda alleges that Officer					
13.43 - Personnel Data					
SUPERVISOR ASSESSMENT					
MEDIATION <input type="checkbox"/> Refer to Mediation COACHING <input type="checkbox"/> Refer to Precinct INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input type="checkbox"/> Admin Investigation:			DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate <input type="checkbox"/> Refer to Dispatch <input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Closed - Pending Further Information		
FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel					
IAU Supervisor 				Date 4/19/17	
Director - Office of Police Conduct Review 				Date 4/19/17	

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
15-16258	5	13-430045	December 19, 2013	03:00 AM	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
3710 Nicollet Ave.		Minneapolis 55409		August 13, 2015	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION		CATEGORY			
OPCR Ord. § 172.20(1)		Excessive Force			
13.43					
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
Lehner, Blayne L (004073)		MPD P&P § 5-301- USE OF FORCE: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.			
		13.43			
ALLEGATION SUMMARY					
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13.43 - Personnel Data					
SUPERVISOR ASSESSMENT					

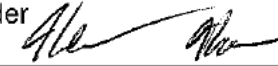

**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

<p>MEDIATION <input type="checkbox"/> Refer to Mediation</p> <p>COACHING <input type="checkbox"/> Refer to Precinct</p> <p>INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input checked="" type="checkbox"/> Admin Investigation: Investigator - Hill</p>	<p>DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate <input type="checkbox"/> Refer to Dispatch <input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Closed - Pending Further Information</p>
<p>FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel</p>	
<p>IAU Supervisor </p>	<p>Date 3/31/17</p>
<p>Director - Office of Police Conduct Review </p>	<p>Date 3/31/17</p>

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
15-16258	5	13-430045	December 19, 2013	03:00 AM	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
3710 Nicollet Ave.		Minneapolis 55409		August 13, 2015	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION			CATEGORY		
OPCR Ord. § 172.20(1)			Excessive Force		
13.43					
BADGE/NAME			ALLEGED POLICY VIOLATIONS		
Lehner, Blayne L (004073)			MPD P&P § 5-301- USE OF FORCE: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.		
			13.43		
ALLEGATION SUMMARY					
Complainant was a passenger in a vehicle that was stopped for accelerating too close to an officer on foot. Complainant alleges while he was in the back of a squad car, Officer Lehner opened the squad door, and kicked the Complainant in the face.					
13.43 - Personnel Data					
SUPERVISOR ASSESSMENT					

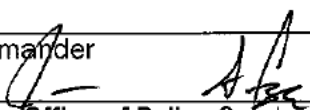

**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

<p>MEDIATION <input type="checkbox"/> Refer to Mediation</p> <p>COACHING <input type="checkbox"/> Refer to Precinct</p> <p>INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input checked="" type="checkbox"/> Admin Investigation: Investigator - Hill</p>	<p>DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input checked="" type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate <input type="checkbox"/> Refer to Dispatch <input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Closed - Pending Further Information</p>
<p>FINAL APPROVED INVESTIGATIVE REPORT <input type="checkbox"/> Refer to Panel</p>	
<p>IAU Commander </p>	<p>Date 6-23-16</p>
<p>Director - Office of Police Conduct Review </p>	<p>Date 6-23-16</p>

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
15-16258	5	13-430045	December 19, 2013	03:00 AM	No Preference
Location of Incident	City/State/Zip			Date of Complaint	
3710 Nicollet Ave.	Minneapolis 55409			August 13, 2015	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address	City/State/Zip			Primary Telephone	
JURISDICTION		CATEGORY			
OPCR Ord. § 172.20(1)		Excessive Force			
13.43					
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
Lehner, Blayne L (004073)		MPD P&P § 5-301- USE OF FORCE: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.			
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ALLEGATION SUMMARY					
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13.43 - Personnel Data					

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

SUPERVISOR ASSESSMENT	
MEDIATION <input type="checkbox"/> Refer to Mediation COACHING <input type="checkbox"/> Refer to Precinct INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input checked="" type="checkbox"/> Admin Investigation: Investigator - Hill	DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate <input type="checkbox"/> Refer to Dispatch <input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Closed - Pending Further Information
FINAL APPROVED INVESTIGATIVE REPORT <input type="checkbox"/> Refer to Panel	
IAU Commander	Date
	10/24/16
Director - Office of Police Conduct Review	Date
	10/24/16



Office of Police Conduct Review

Civilian Unit
350 S. Fifth St. – Room 239
Minneapolis, MN 55415
TEL 612.673.5500

Internal Affairs Unit
350 S. Fifth St. – Room 112
Minneapolis, MN 55415
TEL 612.673.3074
www.minneapolismn.gov

June 22, 2016

OPCR Case Number 15-16258

The above referenced case was brought to the attention of the Joint Supervisors of the Office of Police Conduct Review. On August 18, 2015, the allegations were reviewed and a case was subsequently opened. On January 22, 2016, Officer Blayne Lehner's employment with the Minneapolis Police Department was terminated due to a previously sustained misconduct violation.

Due to Officer Lehner's termination of employment from the Minneapolis Police Department, it is recommended this case be Exceptionally Cleared. Officer Lehner's termination is currently being grieved. If Officer Lehner's termination is overturned as the result of the grievance process, and he is returned to duty with the Minneapolis Police Department, it is recommended this complaint be considered for re-opening.

A handwritten signature in cursive script that reads "Lisa M. Hill".

LIISA M. HILL
Case Investigator
Office of Police Conduct Review

**Case Report with
Supplements****Minneapolis Police Department****CCN: MP-13-430045****Report Details**

Reporting Officer:	004366: G Malloy	Approval Status:	Approved
Assisting Officer:	003680: Christopher Kelley	Approval Date:	Dec 30, 2013
Supervising Officer:	005882: Kurt Radke	Date Returned:	
Approving Supervisor:	005882: Kurt D Radke	Return Count:	0
Call/Sqd:	521	Date Printed:	Mar 8, 2017
Precinct:	05	Last Uploaded:	Dec 30, 2013
Related CCN :	--	Solvability:	100
Reported Date:	Dec 29, 2013 03:08	Primary Routed Unit:	4116 - Assault
Entered By:	004073		

Incident Details

Offense2: RD	Desc: Reckless Driving	Statute: 169.13S1	Attempted:
Offense3: CBYMIN	Desc: Consump-liq By Minor	Statute: 370.30	Attempted:
Offense4: OBSTRU	Desc: Obst Legal Process	Statute: 609.50	Attempted:
Offense5: FORCE	Desc: Use Of Force	Statute:	Attempted:
Address:	43 ST E Minneapolis, MN 55409		
Intersection:	Nicollet AV S		
Occurred From:	12/29/2013 02:40	Dispatched:	02:40:00
Occurred To:	12/29/2013 02:42	Arrived:	02:42:00
Location:		Cleared:	05:00:00
Minor Involved:	No		

Public Data

The driver of MN 170-JHT was observed accelerating at an officer who was crossing Nicollet Ave S on the 3700 block. Assisting squads stopped the vehicle in the 4300 block of Nicollet Ave S. AP1 was booked HCJ for RECKLESS DRIVING. AP2 was booked HCJ for OBSTRUCTION and CONSUMPTION BY A MINOR.

AP1's vehicle was towed to the impound lot.

REC: CASE CLOSED BY ARREST.