

**CITY OF MINNEAPOLIS
CIVILIAN POLICE REVIEW AUTHORITY**

Note: This document is included in the investigative file for the sole benefit of the hearing panel.

In re Police Misconduct Investigation of :

Subject Officer

**WRITTEN SUMMARY OF
INVESTIGATIVE
FINDINGS OF FACT AND
RECOMMENDATION
CRA File No: XXXX**

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.10, the Minneapolis Civilian Police Review Authority (CRA) has the authority to adjudicate citizen complaints alleging misconduct against members of the Minneapolis Police Department (MPD) as provided by that chapter. This complaint was timely filed in the proper form as required by §§ 172.70 and 172.160, and the complaint has been referred to a panel of the board for hearing as provided by § 172.100.

I. SUMMARY OF COMPLAINT ALLEGATIONS

In a complaint filed with the Minneapolis Civilian Police Review Authority, Complainant alleged the following:

A. **Inappropriate Conduct.** Subject Officer conducted himself inappropriately toward complainant in the following manner:

B. Inappropriate Language

1. Subject Officer used inappropriate language toward complainant when he said to complainant, “Are you stupid?”

II. ISSUE(S)

A. Did the subject officer display inappropriate conduct during the stop, arrest, detainment, and the during the property inventory procedure?

B. Did the subject officer use inappropriate language toward the complainant during the stop?

III. SUMMARY OF EVIDENCE

(A list of the evidence – statements of Witnesses, Complainants, and Subject Officers, reports, medical records, and description of physical evidence and photographs)

Statements

1. Statement of the Complainant
2. Statement of the Subject Officer

Records

1. CAPRS report
2. ECC Log
3. Email from Complainant to MPD
4. Complainant's written statement of the events
5. MPD property inventory

Physical evidence (if applicable)

Photographs(if applicable)

IV. INVESTIGATIVE RECOMMENDED FINDINGS OF FACT

Based on a review of the evidence gathered by the CRA investigation, the complaint investigator finds the material facts regarding this complaint to be:

1. On _____ at 3:30 p.m., Complainant was pulled over by Subject Officer after driving down the bus lane on Scott Avenue and allegedly parking partially on the sidewalk in front of a store.¹
2. Subject Officer approached the driver's window of the minivan.²
3. Complainant alleged that Subject Officer asked him, "Are you stupid?" Subject Officer denied this allegation.³
4. Subject Officer asked Complainant for his license.⁴
5. When Complainant responded that he did not have a license, Subject Officer asked Complainant to step out of the vehicle.⁵
6. Upon exiting the vehicle, Complainant tried to put his comb into his pocket, alarming Subject Officer who grabbed at Complainant's hand.⁶
7. Complainant's comb fell to the ground.⁷
8. Subject Officer told Complainant to keep his hands out of his pockets, and then turned Complainant around, frisked him, handcuffed him, and placed Complainant in the back of his squad car.⁸
9. Subject Officer arrested Complainant for driving after revocation and a traffic violation.⁹

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V. INVESTIGATIVE ASSESSMENT OF CREDIBILITY

VI. STANDARD OF PROOF

The standard of proof necessary to sustain a complaint under Chapter 172 is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision. (§ 172.110.)

VII. INVESTIGATIVE ANALYSIS AND RECOMMENDATION

Allegation I: Inappropriate Conduct

It is recommended that this allegation be **not** sustained.

Allegation II: Inappropriate Language

It is recommended that this allegation be **not** sustained.

Pursuant to the Civilian Police Review Authority Ordinance, the investigator presents the Investigative Findings of Fact and Recommendation to a hearing panel.

Date: _____
Investigator

Concurred by

Date: _____
CRA Manager