

CITY OF MINNEAPOLIS
CIVILIAN POLICE REVIEW AUTHORITY

In re Police Misconduct Investigation of :
Subject Officer

FINDINGS OF FACT AND
DETERMINATION
CRA File No: XXXXX

Jurisdictional Statement:

This Complaint of police misconduct was filed with the Minneapolis Civilian Police Review Authority on (date). Complainant alleges that on (date), the Subject Officer engaged in (allegations) *inappropriate conduct and inappropriate language* during an encounter with the Complainant. This administrative agency has jurisdiction over the matter because the Complaint was timely filed, and the Complaint alleged incidents of police misconduct against a Minneapolis police officer.

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.100 (a), a properly convened Hearing Panel consisting of _____, _____, _____ reviewed the investigative findings and recommendation on _____. (*Indicate whether the parties appeared for the hearing*) Neither the Complainant _____ nor the Subject Officer _____ provided additional information to the Panel during the hearing.

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.100 (d), the Hearing Panel issues the Findings of Fact and Determination.

Findings of Fact:

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

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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

Issues:

- I. Did the subject officer display inappropriate conduct during the stop, arrest, detainment, and the during the property inventory procedure?
- II. Did the subject officer use inappropriate language toward the complainant during the stop?

Standard of Proof:

The Hearing Panel makes a determination as to whether to Sustain or Not Sustain the allegations of police misconduct.¹⁰ Sustain complaints are determined by a preponderance of the evidence presented.¹¹

Summary

Allegation I: Inappropriate Conduct

Summary

The Hearing Panel's determination is that the allegation of inappropriate conduct against Subject Officer be NOT SUSTAINED.

If multiple officers, the statement should be as follows:

Officer XXXX – The Hearing Panel determination is that the allegation of inappropriate language be NOT SUSTAINED.

Officer YYYY – The Hearing Panel determination is that the allegation of inappropriate language be not SUSTAINED.

Allegation II: Inappropriate Language

Summary

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The Hearing Panel determination is that the allegation of inappropriate language against Subject Officer be NOT SUSTAINED.

If multiple officers, the statement should be as follows:

Officer XXXX – The Hearing Panel determination is that the allegation of inappropriate language be NOT SUSTAINED.

Officer YYYY – The Hearing Panel determination is that the allegation of inappropriate language be NOT SUSTAINED.

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.130, the Hearing Panel forwards this Determination to the Chief of the Minneapolis Police Department who shall make a disciplinary decision based on the investigative file, Hearing Panel's findings of fact and determination.