

From the desk of:
Medaria Arradondo
Chief of Police
Minneapolis Police Department
350 South 5th Street, Room 130
Minneapolis, MN 55415



TO: Officer Anthony Maisano, #4361

CC: MPD Internal Affairs

DATE: 9/22/21

RE: OPCR/Administrative Case #20-11713

CHIEF'S DECISION:

- Discharge
- Suspension Duration: 10 hours
- Written Reprimand
- Permanent Demotion
- Temporary Demotion Duration:
- No Merit

SUMMARY OF BASIS FOR DECISION

This memo summarizes my approach and reasoning for my decision as Chief of the Minneapolis Police Department that the allegation against Officer Anthony Maisano is sustained. This memo accompanies the enclosed Suspension Form.

Policies Violated:

7-401 (D) (5) (b) Normal and Emergency Vehicle Operation

Facts Supporting Decision (see also Investigation Summary):

It is alleged that Officer Anthony Maisano engaged in emergency driving in a low-profile Minneapolis Police Department (MPD) squad without using extra caution and due consideration for the safety of the public; he entered the intersection at Lowry/University against the red light and the squad was struck by a vehicle that entered the intersection with the green light. According to the Accident Review Committee Summary, Officer Maisano was driving the Minneapolis Police Department unmarked [REDACTED] on 8/29/2020. He was responding to an emergency call with lights and siren, traveling westbound on Lowry Avenue NE. As he approached the intersection with University Avenue NE, Officer Maisano faced a red traffic light. He entered the intersection and was struck by the southbound vehicle, a Chevy Blazer traveling with the green light on University. According to crash data collected from the Crash Data Recorder, Officer Maisano slowed from a speed of 55 miles per hour at five seconds before the airbag was deployed to 23 miles per hour approaching the intersection and then accelerated to 39 miles per hour when the vehicle rolled after being struck. The accident was deemed preventable by the Accident Review Committee with the notation, "It is true the driver of the vehicle that struck the squad did not have a valid license (suspended), Minneapolis Police Department Policy specifically details that Officers driving low profile MPD vehicles, should be particularly aware of the less visible nature of the emergency equipment ... and should use extra caution."

Additional information from the police report and state accident report is that when it rolled over, the MPD [REDACTED] struck an eastbound vehicle causing minor damage. The driver of that vehicle reported that her three children (13, 8 and 3 years old) who were passengers were not injured, but she was experiencing head and neck pain as well as a headache. She did not require medical attention at the scene. Neither Officer Maisano nor the driver of the Blazer complained of any injuries. The driver of the Blazer stated that he didn't see the squad and wasn't paying attention. He did not have a valid driver's license and was cited.

Both the MPD [REDACTED] and the striking Chevy Blazer were towed from the scene. The [REDACTED] was inspected, and the estimated cost of the damage reported was \$25,387.63.

The facts of the case are as follows:

- On 8/29/2020, Officer Maisano was working as squad 222 driving a low-profile, [REDACTED].
- The low-profile [REDACTED] was equipped with interior red/blue lights as well as exterior lights only on the mirrors. There was no light bar on the roof.
- Officer Maisano was engaged in emergency driving with both lights and siren activated in response to an emergency call.
- Officer Maisano faced a red light as he approached the intersection with University Avenue NE on Lowry Avenue NE.
- Officer Maisano's speed was recorded at 55 miles per hour at five seconds before the deployment of the airbag and slowed to 23 miles per hour approaching the intersection.
- Officer Maisano entered the intersection against the red light.
- During his interview, Officer Maisano stated "I know I did not come to a fully complete stop at zero."
- The [REDACTED] being driven by Officer Maisano was struck by a Chevy Blazer that entered the intersection southbound on University with the green light.
- The MPD [REDACTED] rolled onto its roof striking a passing vehicle occupied by a woman and three children.
- Neither Officer Maisano nor any of the other drivers or passengers needed medical attention at the scene; however, the driver of vehicle struck by the [REDACTED] complained of back and neck pain and a headache.
- The driver of the Blazer stated that he did not see the squad and wasn't paying attention.
- The crash was determined to be preventable by the Accident Review Committee.
- When asked how he was trained to clear intersections during MPD driver's training, Officer Maisano stated, "Go up to 'em, if you have to come to a complete stop because people are not stopping, you should come to a complete stop and if you're clear you can proceed through."
- Officer Maisano stated that he did see the vehicle that struck the [REDACTED] but thought he had more distance to clear.
- During the Loudermill hearing, Officer Maisano apologized and stated he was not trying to hurt anyone or put himself or others in jeopardy. He stated he sought additional driving training for himself.
- MPD PP 7-401 establishes the standards for officers engaged in normal and emergency driving including the pertinent language in section D5 which states, "Officers performing emergency driving shall exercise caution and due consideration for the safety of the public. The use of the red lights and siren does not exempt officers from the need for caution nor does it exempt them from criminal or civil liability. Officers driving low profile, unmarked, or other MPD vehicles should be particularly aware of the less visible nature of the emergency equipment in/on the vehicle and should use extra caution."

As Chief of Police I am responsible for providing clear expectations for what is acceptable behavior in our workplace as well as what will not be tolerated. Based on my review of the facts of this

investigation, Officer Anthony Maisano did not use due care for the safety of the public and the extra caution required of an MPD officer engaged in emergency driving while operating a low-profile vehicle. The MPD [REDACTED] was not equipped with a roof light bar nor was it fully marked in black and white. MPD policy specifically directs officers to be aware of the less visible nature of the emergency equipment in a low-profile vehicle and to act with an extra measure of caution. That extra measure of caution was not in evidence when Officer Maisano entered the intersection against the red light without ensuring the intersection was clear. He acknowledged that he was trained in the need to come to a full stop if other traffic is not stopping. The crash in this case involved the drivers and occupants of three vehicles, the squad and two vehicles driven by community members. Fortunately, the only complaint of injury at the scene was back and neck pain and headache; however, Officer Maisano's driving conduct placed community members and the officer himself at risk for more serious injury. Additionally, his conduct caused property damage to three vehicles including over \$25,000 worth of damage to the MPD [REDACTED] and exposed the City to the risk of litigation.

Therefore, as Chief of Police with authority to discipline for violations of policy under Minn. Stat. §626.89 Subd. 17, I am imposing a 10-hour suspension.

DocuSigned by:
Medaria Arradondo
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Chief Medaria Arradondo

9/22/2021