

Investigative Summary

Complaint Number: 15-23900
Investigator: Sgt. Charlie Adams
Officer (s): Mark Bohnsack
Case Type: Administrative
Date of Incident: December 1, 2015
Complaint Filed: December 2, 2015

CASE OVERVIEW

On December 1, 2015, Officer Bohnsack was working in his capacity as a Minneapolis Police Officer while assigned to the 4th Precinct. Due to a large protest that had been taking place outside of the precinct, Officer Bohnsack's specific assignment for this particular night was to remain inside the precinct and provide security and take police action in the event the protesters began to riot.

It was learned that during his scheduled shift hours, Officer Bohnsack saw Congressman Keith Ellison in the crowd and subsequently conducted a query of the Department of Vehicle (DVS) database.

MPD POLICY and PROCEDURES

1. 4-501 Confidential Department Records, Reports and Information

ALLEGATIONS

Allegation 1: It is alleged that Officer Bohnsack used the DVS data to access the information of Keith Ellison without an official business related reason.

Key Issues:

Issue 1: Did Officer Bohnsack access the Department of Motor Vehicle site (DVS) was accessed for official business related reasons.

CASE INVESTIGATION

On 12/01/2015, Officer Bohnsack ran a DVS query on Keith Maurice Ellison DOB 08/04/1963. On 12/03/2016, the BCA sent a query question to the Chief of Professional Standards about Keith Ellison's name being queried.

On 12/3/2015, Sgt. Nick Torborg was asked by Inspector Friestleben to speak with Officer Bohnsack about his DVS usage. Officer Bohnsack told Sgt. Torborg that he had arrested Keith Ellison in the past for Driving after Suspension. Officer Bohnsack said that he was aware the Keith Ellison had warrants for his arrest in the past, so when he saw him in front of the 4th PCT he checked him on the computer to see his current driving status and to see if he had arrest warrants.¹

On 01/26/2016 at 0800 hours, an interview was conducted with Officer Mark Bohnsack and also present was Federation representative William Bjork. Officer Bohnsack was given a copy of the Tennessee warning that he read and signed. Officer Bohnsack was told the purpose of the interview, and it was regarding allegations that he accessed the Minnesota DVS database and ran a driver's license query of United States Congressman Keith Ellison without an official business-related reason.

Officer Bohnsack was asked if he knew Congressman Keith Ellison, and he said yes, and he said that he had cited Ellison in the past for misdemeanor driving offense. Officer Bohnsack was told a BCA audit showed on 12/01/2015 at 0336 hours that his login name was used to access Ellison DVS data. Officer Bohnsack confirmed that **13.37** is his DVS login. Officer Bohnsack was asked if he remembered running Ellison DVS data, and he said yes. Officer Bohnsack also confirmed that he was at work during that period. Officer Bohnsack was asked his assignment for that night, 12/01/2015, and he said that he was assigned to Fourth Precinct Dogwatch shift and his duty the night of 12/01/2016 was inner precinct security during the protest.

Officer Bohnsack was asked what caused him to run Keith Ellison's name through the database, and he said he has arrested Ellison in the past for driving after suspension, and he knows from the past that he had been suspended for unpaid tickets.² Officer Bohnsack said that he had seen Ellison in the community on a monthly basis in the community. Officer Bohnsack said that he had run Ellison before to see if he was suspended or not. Officer Bohnsack said this is something he does with multiple people not just Mr. Ellison. Officer Bohnsack said if you check his DVS history you will find he uses it daily and runs hundreds of people per week.

Officer Bohnsack produced a MPD police report with Ellison's arrest for driving after suspension from the date of 09/07/2005, and the case number for the arrest are 05-252642.³ Officer Bohnsack was asked how did Mr. Ellison come to his attention, and he said he saw him out front of the precinct during the protest. Officer Bohnsack said that he had recognized other people out there also. Officer Bohnsack said that he runs multiple people during that time period. Officer Bohnsack was asked what type of information was he looking for when he ran Ellison's name, and he said he was confirming whether Ellison was suspended or not. Officer Bohnsack also said that he was running names just to identify them as being part of the crowd that could have possibly to be hostile. Officer Bohnsack said that if something would have happen during the protest, Ellison could have become a potential witness.

¹ Sgt. Nick Torborg Memorandum

² Officer Bohnsack Q&A Statement, Page 4 Line 10-13

³ MPD CAPRS Case report 05-252642

Officer Bohnsack said he had a list of people he had run on DVS on various nights during the protest. Officer Bohnsack said he ran Demario Jefferson, who was on the front line screaming at officers. He said he ran Dennis Lee Byrd, who he arrested many times because he was in the crowd video-taping officers. Officer Bohnsack listed others he ran on the DVS during protest. Officer Bohnsack said he ran most of the DVS queries from the 4th PCT front desk computer. The other names Officer Bohnsack said he ran during the protest were JD Potts Snellenberger DOB 08/12/67, Anna Marguerite Gambucci DOB 11/19/72, and Angela Marie Bonfiglio DOB 01/31/1991.

DISCUSSION

The Minneapolis Police Department's Policy and Procedure Manual states in part:

4-501 Confidential Department Records, Reports and Information

Numerous official files, documents, records, reports and information held by the MPD or in the custody or control of MPD employees are regarded as non-public and/or confidential. Employees shall not access, disclose or permit the disclosure or use of such files, documents, reports, records, or information except as required in the performance of their official duties and consistent with State and Federal law related to data practices. If an employee is uncertain of the status of any document, he/she should consult with the MPD Data Practices Specialist or supervisor of the Records Information Unit. (04/22/09) (11/15/13)

Employees shall only access Department of Motor Vehicle (DMV) records for official business-related reasons.

The complainant's issue is whether Officer Bohnsack query of Keith Ellison was appropriate or not.

Officer Bohnsack said he ran Ellison name through the database because he has arrested Ellison in the past for driving after suspension, and he knows from the past he had been suspended for unpaid tickets.⁴

Officer Bohnsack said that he was running names just to identify them as being part of the crowd that could have possibly become hostile. Officer Bohnsack said that if something would have happen during the protest, Ellison could have become a potential witness.⁵

Officer Bohnsack said he had a list of people he had ran on DVS on various night during the protest, which he produce DVS photos of these individuals during the interview.⁶

⁴ Officer Bohnsack Q&A Statement, Page 4 Line 10-13

⁵ Officer Bohnsack Q&A Statement, Page 4 Line 36-42

⁶ Officer Bohnsack Q&A Statement, Page 5 Line 7-22

CLOSING

When considering this case, there are two key issues:

1. Does the evidence tend to show that Officer Bohnsack accessed the Department of Motor Vehicle site (DVS) for official business-related reasons?

- A DVS audit was requested from BCA on 12/18/ 2016 and asked for all queries made by Officer Bohnsack on 12/01/2015.
- Requested DVS audit information was received on 01/04/2016 and there were three queries made on 12/01/2016 by Officer Bohnsack.
- The names who were queried are Cathy Louise Stroud 12/31/1957, Ronald Lee Guy DOB 02/07/78, and Keith Maurice Ellison DOB 08/04/1963.
- The other names Officer Bohnsack presented in this investigation were not run that night except for Ellison's.

2. Does the evidence show that Officer Bohnsack used the DVS data to access the information of Keith Ellison without an official business-related reason?

- Officer Bohnsack acknowledges he did run Congressman Keith Ellison though the DVS data system.
- Officer Bohnsack gave his reasons why he ran Congressman Ellison DVS information and he said because Ellison has had warrants for driving on a suspended licenses.
- Officer Bohnsack was asked, if Ellison had come back with a warrant, what action he would have taken. Officer Bohnsack said he probably wouldn't have taken any action at that time due to the large crowd and the possibility it would have turned into a big storm.

I confirm that the information I provided in this case is true to the best of my knowledge.

Sgt. Charles F Adams

3/26/2016

Investigator:

Date

EVIDENCE

1. Statements

- a) Question and Answer statement taken from Officer Bohnsack.
- b) Memorandum from Sgt. Nick Torborg RE: Officer Bohnsack DVS usage

2. Records

- a) DVS Audit
- b) Work Force Director

August 4, 2016

Officer Mark Bohnsack
Fourth Precinct
Minneapolis Police Department

RE: IAU Case Number #15-23900
Notice of Suspension [REDACTED] 13.43 [REDACTED] suspension without pay)

Officer Bohnsack,

The finding for IAU Case #15-23900 is as follows:

MPD P/P 4-501 Confidential Department Records, Reports and Information...SUSTAINED (Category C)

As discipline for this incident you are suspended [REDACTED] **13.43** [REDACTED] without pay.

This case will remain in IAU 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

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Officer Bohnsack
Suspension Letter

I, Officer Mark Bohnsack, acknowledge receipt of this
Notice of Suspension.



Officer Mark Bohnsack

Date of Receipt

Inspector Michael Kjos

Date



9/13/2016

CC: Personnel
Inspector Michael Kjos
IAU

**IN RE:
THE MATTER OF**

THE CITY OF MINNEAPOLIS
(Minneapolis Police Department)

and

**Settlement Agreement
(Union Grievance # 16-27)**

**POLICE OFFICERS' FEDERATION
OF MINNEAPOLIS**
(Mark Bohnsack, 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 Mark Bohnsack, Badge No. 0656 ("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 is employed by the City in its Police Department ("MPD").
- C. The Federation is the Grievant's sole and exclusive certified bargaining representative.
- D. On or about 9/13/2016, the MPD suspended Grievant without pay for 10 hours for a Category C violation of the MPD's Policy and Procedure Manual under Section 4-501 Confidential Department Records following investigation number 15-23900.
- E. The Federation grieved the suspension, Grievance #16-27, citing a violation of "Section 4.1."
- F. The Chief of Police has the full authority of the City Council to resolve the grievance.
- G. 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 shall withdraw Grievance # 16-27, with prejudice.
2. The City shall impose and the Federation, on behalf of the Grievant, shall accept a 5-hour suspension for a Category C violation of the MPD's Policy and Procedure Manual under Section 4-501 Confidential Department Records.
3. The City shall make the Grievant whole in the following manner:
 - a. The City shall reimburse the Grievant for 5 hours of his regular 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.

ACCEPTED AND AGREED TO:

FOR THE FEDERATION:



Sherral Schmidt
President, Police Officers' Federation

Date: 4/8/2021

FOR THE CITY OF MINNEAPOLIS



Medaria Arradondo
Chief of Police

Date: 3-11-2021