

NOTICE OF DISCIPLINE

July 1, 2020

Officer Michael Osbeck
Pct. 4 CRT
Minneapolis Police Department

RE: OPCR Case Number 17-05038
Notice of Written Reprimand

Officer Osbeck,

The finding for OPCR Case #17-05038 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
4-401.02		Vehicle – Seat Belts	B	Sustained
13.43 - Personnel Data				

As discipline for this incident, you will receive this Letter of Reprimand.

This case will remain in the OPCR 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,



Medaria Arradondo
Chief of Police

By: Michael Kjos, Assistant Chief of Police
Henry Halvorson, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Michael Osbeck, acknowledge that I have received my Notice of Discipline for OPCR Case #17-05038.

Michael Osbeck Jr.
Officer Michael Osbeck

7/8/20
Date of receipt

Inspector Kelvin Pulphus
Inspector Kelvin Pulphus

7/8/20
Date

CC: Personnel
Inspector Pulphus
OPCR

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
17-05038	4	17-003588	January 03, 2017	11:35 PM	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
				January 31, 2017	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION			CATEGORY		
OPCR Ord. § 172.20(8)			VIOLATION OF THE P&P MANUAL		
BADGE/NAME			ALLEGED POLICY VIOLATIONS		
5377 ; Osbeck, Michael			MPD P&P § 4-401.02 - VEHICLE - SEAT BELTS 13.43 - Personnel Data		
ALLEGATION SUMMARY					
It is alleged that the officer was not wearing a seatbelt while responding to assist another squad. In the course of responding to the call, the officer allegedly crashed.					
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 <i>Khazaeinazmpour</i>			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 Supervisor <i>[Signature]</i>				Date <i>3/22/17</i>	
Director - Office of Police Conduct Review <i>[Signature]</i>				Date <i>3/22/17</i>	

Investigative Summary

Complaint Number: 17-05038
Investigator: Sergeant Marjane Khazraeinazmpour
Officer(s): Michael Osbeck Jr. Badge #5377
Case Type: Administrative
Date of Incident: January 3, 2017
Complaint Filed: January 31, 2017

CASE OVERVIEW

On January 3, 2017 Officer Osbeck Jr. and Officer Pearson were assigned to marked squad 412 with Officer Osbeck driving and Officer Pearson the passenger. They were responding to assist other officers on a Suspicious Vehicle stop (17-003583) when the squad car lost traction and slid into a tree on the boulevard on the south side of 25th Avenue North, between Humboldt Avenue North and Irving Avenue North. The accident resulted in property damage and minor injuries. At issue is Officer Osbeck's driving conduct and seat belt use.

ALLEGATIONS

Allegation 1: It is alleged Officer Osbeck Jr. failed to wear his seat belt while operating a city-owned vehicle, 4-401.02 Vehicles-Seat Belts.

13.43 - Personnel Data

CASE INVESTIGATION

13.43 - Personnel Data

13.43 - Personnel Data

Review of MPD CAPRS Report 17-003588

The CAPRS offense report 17-003588 was authored by Sergeant Will and lists the offense as MPD Squad Accident. The report includes supplements from Sergeant Will, Officer Gottsch, Officer Pearson and Officer Osbeck. It lists the offense time as January 3, 2017 at 2335 hours and location of 25th Avenue North and Humboldt Avenue North. The police report details the squad accident and the factors surrounding it. In Officer Osbeck's Supplement 4, he stated "In the end I made a mistake and damaged a City of Minneapolis police squad however was extremely thankful my partner and I were safe".

Review of Sergeant Will's Supplement

Sergeant Will entered Supplement 1 to the police report. Sergeant Will's regular assignment is a Sergeant in the Traffic Investigation Unit. Sergeant Will responded to the scene of Squad 412's accident, which per MPD Policy and Procedure a Traffic Investigation Squad and Supervisor should be sent to the accident scene. Once on scene, Sergeant Will speaks with Sergeant Suchta about the squad accident and was informed that Officer Osbeck and Officer Pearson were inside of the ambulance.

Sergeant Will spoke to Officer Osbeck who stated that he was driving the squad car westbound on 25th Avenue North just past the intersection of Humboldt Avenue North on the curved section of the road when the tires locked and he was unable to steer to correct the squad. Officer Osbeck told him the squad began to slide sideways and then hit a tree on the boulevard on the south side of 25th Avenue North. Sergeant Will observed abrasions on top of Officer Osbeck's head and was told that his neck was sore.¹

Sergeant Will spoke to Officer Pearson who stated that the squad began to slide and then struck a tree. Officer Pearson told him that he had pain in his knees. Officer Pearson told him that he was wearing his seat belt at the time of the accident.²

Sergeant Will described the road conditions on 25th Avenue North as dry and well-lit by streetlights and other lighting in the area, from the east through the intersection at Humboldt Avenue North. He went on in describing the road conditions toward the west almost immediately past the intersection of 25th Avenue North as iced over and the lighting in the area as very dark, as there were trees and little lighting to the west. Sergeant Will noted that the conditions were very slippery, which made it difficult to walk normally and that it could be difficult to see the changes in the road conditions due to the amount of lighting to the west.³

¹ MPD CAPRS Report 17-003588 Supplement 1 Paragraph 4

² MPD CAPRS Report 17-003588 Supplement 1 Paragraph 5

³ MPD CAPRS Report 17-003588 Supplement 1 Paragraph 6

Sergeant Will described the squad to have severe front end damage to the front corner on the driver's side. The road surface was ice covered on this part of the roadway.⁴ Sergeant Will completed the State Accident Report.

Review of Supplement of Officer Gottsch

Officer Gottsch entered Supplement 2 to the police report. Officer Gottsch's regular assignment is a Traffic Investigator. Officer Gottsch received a call from Dispatch notifying him of squad 412's accident and he responded to the scene.

Officer Gottsch observed Squad 412 stopped midblock on the curve on 25th Avenue North to the west of the intersection with Humboldt Avenue North. The squad was nearly perpendicular to the roadway and there was severe damage to the front and the driver side of the vehicle. The front end was off the roadway and near a tree.⁵ Officer Gottsch noted that the road surface on the curve on 25th Avenue North was completely covered in a layer of ice that was left-over from a freezing rain storm from the previous night. He went on stating that it was not hard-packed snow, but a layer of clear, shiny ice that the pavement could be seen through.⁶

Officer Gottsch also noted that the surface was clear at the intersection of 25th Avenue North and Humboldt Avenue North and the crossover from visible and clean pavement to the layer of ice occurred around where the last overhead streetlight provided coverage. The area where the accident occurred was very dark, as there are no street lights at that point on the curve on 25th Avenue North.⁷ Officer Gottsch photographed the scene, the damage to the squad and of injuries to Officer Osbeck's hands and the top of his head.

13.43 - Personnel Data

Review of Officer Osbeck's Statement

Officer Osbeck was interviewed at the Internal Affairs Unit office on May 29, 2018 as a Focus Officer. Officer Osbeck reported that he and Officer Pearson were assisting other officers on a felony stop when he hit black ice and got into a squad accident. Officer Osbeck reported on the

⁴ MPD CAPRS Report 17-003588 Supplement 1 Paragraph 7

⁵ MPD CAPRS Report 17-003588 Supplement 2 Paragraph 4

⁶ MPD CAPRS Report 17-003588 Supplement 2 Paragraph 5

⁷ MPD CAPRS Report 17-003588 Supplement 2 Paragraph 6

factors surrounding the incident before the squad accident. Officer Osbeck stated that he was not wearing his seatbelt at the time of the accident.

When Officer Osbeck was asked is there anything else that you would like to add to this statement that I have not asked you concerning this incident, he stated “I feel obviously very responsible for, um, damaging a police squad and one that was very new, I think, at the time, and I take full responsibility of that.”⁹

Review of Minnesota State Accident Report 17-003588

Sergeant Will completed the Minnesota State Accident Report. In this report it is documented that the road surface at the intersection of 25th Avenue North and Humboldt Avenue North was dry and well lit, but where the accident occurred was icy and there was minimal lighting. The squad lost traction and slid into a tree on the boulevard where 25th Avenue North curves. It also states that Officer Osbeck was not wearing his seatbelt.

Review of Crash Data Retrieval (CDR)

The Crash Data Retrieval system is the black box of a vehicle, although it is not a black box. Its purpose is to collect data after a recorded event, most often a crash. A complete file was recorded from P#76808 (Squad 412) of the squad accident on 01/03/2017. Officer Windus, who is an Event Data Recorder/Crash Data Recorder Technician and Analyst, imaged the recorder on 01/06/2017.

The analysis for Squad 412, P#76808 is as follows:

SEAT BELT USAGE DATA:

Pre-Crash Data -1 sec (First Record)

Ignition cycle, Crash	425
Frontal Air Bag Warning Lamp, On/Off	Off
Safety Belt Status, Driver	Unbuckled
Seat Track Position Switch, Foremost, Status, Driver	Not Forward
Seat Track Position Switch, Foremost, Status, Front Passenger	Not Forward
Safety Belt Status, Front Passenger	Buckled
Brake Telltale	Off
ABS Telltale	Off
ESC/TC Telltale	Off
ESC/TC Off Telltale	Default Mode
Powertrain Wrench Telltale	Off
Powertrain Malfunction Indicator Lamp (MIL) Telltale	Off

SPEED DATA COLLECTED FROM EDR/CDR:

DATA INDICATES THAT 5 SECONDS BEFORE AIR-BAG DEPLOYMENT – VEHICLE WAS TRAVELLING AT 42.0MPH, ACCELERATOR PEDAL AT 43.9% OF FULL, ZERO BRAKING AND ENGINE RPM AT 3,552
 DATA INDICATES THAT AT AIR-BAG DEPLOYMENT - VEHICLE WAS TRAVELLING AT – AT LEAST 20.8MPH, WITH ACCELERATOR PEDAL AT 0.0%, BRAKE ACTIVATED – INCLUDING ABS MODULE AND ENGINE RPMs AT 1, 076

⁹ Officer Osbeck’s Statement Page 6 Lines 14-17

Pre-Crash Data -5 to 0 sec [2 samples/sec] (First Record) - Table 1 of 2

Time (sec)	Speed, Vehicle Indicated (MPH [km/h])	Speed, Vehicle Indicated, Quality Factor	Accelerator Pedal, % Full	Accelerator Pedal, % Full, Quality Factor	Service Brake, On/Off	Service brake, Quality Factor	Engine RPM	ABS Activity (Engaged, Non-Engaged)
- 5.0	42.0 [68]	OK	43.9	OK	Off	OK	3,552	Non-engaged
- 4.5	43.1 [69]	OK	22.2	OK	Off	OK	3,660	Non-engaged
- 4.0	43.4 [70]	OK	0.0	OK	On	OK	3,184	Non-engaged
- 3.5	40.6 [65]	OK	0.0	OK	On	OK	2,528	Non-engaged
- 3.0	36.0 [58]	OK	0.0	OK	On	OK	2,148	Non-engaged
- 2.5	33.4 [54]	OK	0.0	OK	On	OK	1,160	Non-engaged
- 2.0	30.8 [50]	OK	0.0	OK	Off	OK	942	Non-engaged
- 1.5	29.7 [48]	OK	0.0	OK	Off	OK	1,162	Non-engaged
- 1.0	21.7 [35]	OK	0.0	OK	On	OK	1,008	Engaged
- 0.5	22.6 [36]	OK	0.0	OK	On	OK	784	Engaged
0.0	20.8 [33]	OK	0.0	OK	On	OK	1,076	Engaged

DISCUSSION

The first allegation deals with seat belts. The Minneapolis Police Department's Policy and Procedure Manual states in part:

4-401.02 VEHICLE-SEAT BELTS

Employees operating or riding in City-owned vehicles, or in privately owned vehicles while on City business, shall wear seat and shoulder belts in accordance with the manufacturer's recommendations. Under certain operational needs, sworn personnel may be exempt from wearing the seat and/or shoulder belts.

Officer Osbeck was operating city owned vehicle, P#76808, which is marked Squad 412 during the incident. It appeared that Officer Osbeck was not wearing his seatbelt, because he stated in his CAPRS Report Supplement, "I knew in the back of my head, I was going to crash and braced myself for impact that was going to occur. The collision occurred as we hit a large tree and the airbags went off in all direction, I could feel my head it what I believe was the top of the squad and saw my hands had blood on them".¹⁰

During Officer Osbeck's interview he stated that he was not wearing his seatbelt during the incident. When I asked him if there was any reason why he was not wearing his seatbelt at the time of the accident he stated, "Well, within a few blocks of where the actual felony stop was being conducted, I figured we needed to be out of the squad as soon as possible, so I wasn't wearing my seatbelt".¹¹

¹⁰ MPD CAPRS Report #17-003588 Supplement 4

¹¹ Officer Osbeck's Statement Page 5 Lines 40-41 And Page 6 Lines 1-5
Page 5 of 10

I asked Officer Osbeck is there anything you would have done differently when responding to the call, and he stated "Definitely wore my seatbelt".¹²

In the Crash Data Retrieval report for Squad 412, P#76808 it shows that the seatbelt status for the driver was unbuckled.¹³

The second allegation deals with emergency response. The Minneapolis Police Department's Policy and Procedure Manual states in part:

13.43 - Personnel Data

¹² Officer Osbeck's Statement Page 6 Lines 7-8

¹³ Crash Data Retrieval Page 8

¹⁴ MPD CAPRS Police Report #17-003588 Supplement 4

¹⁵ Officer Osbeck's Statement Page 5 Lines 1-11

13.43 - Personnel Data

-
- ¹⁶ Officer Osbeck's Statement Page 4 Lines 9-10
¹⁷ Officer Osbeck's Statement Page 5 Lines 13-24
¹⁸ Officer Osbeck's Statement Page 4 Lines 15-40
¹⁹ Officer Osbeck's Statement Page 5 Lines 29-38
²⁰ Officer Pearson's Statement Page 4 Lines 14-23

CLOSING

When making a determination on the allegations, there are three key issues to consider:

1. Whether Officer Osbeck failed to use his seat belt while operating a city owned vehicle.
 - Officer Osbeck was operating a city owned vehicle, Squad 412, P#76808, a Ford Explorer.
 - Officer Osbeck hit his head on what was believed to be the roof of the squad.
 - Officer Osbeck admitted to not wearing his seat belt.
 - The Crash Data Retrieval report for Squad 412, P#76808 showed the safety belt status for the driver unbuckled.

13.43 - Personnel Data

13.43 - Personnel Data

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

Investigator:

Date

EVIDENCE

1. Statements

- a. **13.43 - Personnel Data**
- b. Statement from Officer Michael Osbeck

2. Records

- a. Accident Review Committee Findings
- b. VisiNet Report #17-003583
- c. VisiNet Report #17-003588
- d. MPD CAPRS Report #17-003588
- e. Minnesota State Accident Report #17-003588
- f. Body Worn Camera Footage From Officer Osbeck
- g. Crash Data Retrieval Report
- h. Analysis For Squad 412 P#76808
- i. Email Correspondence With Officer Windus
- j. Preliminary Estimate
- k. Image Report
- l. Photographs Of Scene