

Investigative Summary

Complaint Number: 17-15133
Investigator: Sergeant Brian Sand
Officer: Anderson, Tobias #0746 & Klimmek, Joseph #3735
Case Type: Administrative
Date of Incident: August 13, 2017
Complaint Filed: August 17, 2017

CASE OVERVIEW

Officers Anderson and Klimmek are working squad 110 together monitoring bar close at 424 Hennepin Avenue South. Officer Anderson witnessed a male punch a security officer in the face and brings the suspect down to the ground where he places him in handcuffs. While the suspect is lying on his stomach, handcuffed behind his back, the security officer comes over to the suspect and punches him multiple times in the face.

13.43 - Personnel Data

13.43 - Personnel Data

13.43

A cell phone video taken by a bystander at the scene was uploaded to Facebook where it shows the security officer punching the suspect. City Pages produces an article showing the video and its headlines are "Minneapolis Cops let Auggies bouncer sucker punch man in handcuffs." The Star Tribune also runs an article with the headline "Video shows bouncer punching handcuffed man as Minneapolis Police look on."

ALLEGATIONS

Allegation 1: That Officer Klimmek and Anderson did not use reasonable judgment when a handcuffed arrestee in their custody was punched multiple times by another while lying on his stomach. (5-105 Professional code of Conduct)

13.43 - Personnel Data

CASE INVESTIGATION

Police report #17-305966 was reviewed along with Body Worn Camera from the involved officers. A Facebook video from a citizen on scene was reviewed and an interview was conducted with Officers Anderson and Klimmek on December 15, 2017. A body camera audit was done on who and when people viewed the video. Newspaper articles reporting on the incident were obtained and reviewed also.

DISCUSSION

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

5-105 PROFESSIONAL CODE OF CONDUCT

A. General

4. Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

Officer Anderson is standing over the handcuffed suspect when the security officer punches the suspect in the face.¹ Anderson states that he never saw the punch by security as he turned his head to the right and was internally thinking about what he was going to say on the radio.² Anderson escorts the handcuffed suspect to the squad car where he observes a cut over his right eye and has medical come to the scene.³ Anderson is not sure how he received the cut over his eye but says it is possible that it could have been from when he was taken to the ground by him and in hind sight a supervisor should have been called.⁴

Klimmek states that he did see the security officer punch the suspect while in their custody and when asked if he told anybody about this punch he stated "I, uh, believe I told my partner about it but I, you

¹ Facebook Video

² Anderson Statement page 2 line 37

³ Anderson Statement page 3 line 10

⁴ Anderson Statement page 4 line 10

know, don't know if, I thought we both saw it so I don't know what he saw but I thought he knew."⁵ Klimmek also didn't think about calling a supervisor because he didn't use force and the suspect made a comment that he deserved that and didn't want anything done.⁶ He continued to say that because the suspect who received the punch didn't want anything done and that the city attorney could charge the security officer later.⁷

In Anderson's second supplement he reports that he reviewed the body worn camera and realizes the suspect's injuries were from the listed victim punching the arrested party. Anderson was shown the body camera audit trail and it shows that he didn't review video until August 17, 2017 which was after his supplement was completed on the August 14, 2017. Anderson states that he might be mistaken and could have been from the Facebook video that was posted on-line.⁸

Anderson and Klimmek both agreed that they have a good working relationship with the security officers and Klimmek states that these guys are really good and we've known them for a long time.⁹ Looking back Klimmek states that he would have done the report and added a supplement saying how he witnessed the security officer strike the suspect. Anderson would have had a supervisor come to the scene and made sure that Klimmek did the report.

13.43 - Personnel Data

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CLOSING

The key issues presented when considering this case:

1. Whether Officers Klimmek and Anderson did not use reasonable judgment when a handcuffed arrestee in their custody was punched multiple times by another while lying on his stomach.
 - a. Officer Anderson stated that he did not see the punches by the security officer but Klimmek did and assumed Anderson saw the punches.
 - b. Neither officer thought about calling a supervisor to the scene.
 - c. The assault by security was not documented until 36 hours after the incident.

13.43 - Personnel Data

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

Investigator:

Date

13.43 - Personnel Data

EVIDENCE

1. Statements

- a) Officer Joseph Klimmek
- b) Officer Tobias Anderson

2. Records

- a) CAPRS Police Report #17-305966
- b) Body Worn Camera
- c) Newspaper Articles
- d) Facebook Video
- e) Body Camera Audit

NOTICE OF DISCIPLINE

February 7, 2020

Officer Joseph Klimmek
Pct. 1 Middlewatch
Minneapolis Police Department

RE: OPCR Case 17-15133

Notice of Suspension (40 hours suspension without pay)

Officer Klimmek,

The finding for OPCR Case #17-15133 is as follows:

Policy Number	Sub-Section	Policy Description	Category	Disposition
5-105	(E)(2)	Code of Conduct	C	Sustained
13.43 - Personnel Data				

As discipline for this incident you are suspended for 40 hours without pay. 13.43 - Personnel Data

13.43 - Personnel Data

This case will remain in 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,



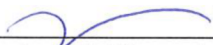
Medaria Arradondo
Chief of Police

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

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Joseph Klimmek, acknowledge that I have received my Notice of Discipline for OPCR Case #17-15133.



Officer Joseph Klimmek

2/18/20

Date of Receipt



Inspector Peterson

02/18/2020

Date

CC: OPCR Case File
Inspector Peterson
Payroll
Human Resources