

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
18-03974	3	18-051224	February 17, 2018	03:11 AM	
Location of Incident		City/State/Zip		Date of Complaint	
Portland AVE				February 21, 2018	
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		
5250 ; Oachs, Lucas			MPD P&P § 7-405 (4) - INITIATING OR CONTINUING A PURSUIT		
ALLEGATION SUMMARY					
It is alleged that Officer Oachs engaged in a pursuit which posed an unreasonable risk to the officers and the public. This pursuit resulted in an injury accident involving the officer's squad and an uninvolved civilian.					
SUPERVISOR ASSESSMENT					
INQUIRY (INTAKE - COMPLAINT FILED) <input type="checkbox"/>			3401 <input type="checkbox"/> Draft <input type="checkbox"/> Final approved		
MEDIATION <input type="checkbox"/> Refer to Mediation			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 Withdrawn 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 EIS <input type="checkbox"/> Refer to: _____		
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 Sgt. Aaron Prescott					
FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel					
IAU Supervisor <i>Lt. [Signature]</i>				Date <i>3/4/19</i>	
Director - Office of Police Conduct Review <i>[Signature]</i>				Date <i>3/4/19</i>	

Investigative Summary

Complaint Number: 18-03974
Investigator: Sergeant Aaron Prescott
Officer(s): Officer Lucas Oachs #5250

Case Type: Administrative
Date of Incident: February 17, 2018
Complaint Filed: February 21, 2018

CASE OVERVIEW

During the early morning hours of February 17, 2018, Officer Lucas Oachs and Charles Cape were on patrol as squad 331 in the Third Precinct when then attempted to stop a suspicious vehicle. The officers were in a fully marked MPD Ford Explorer (marked as 333 P#76845). The suspicious vehicle fled from them south bound in the alley between Portland Ave and 5th Avenue South from about Lake Street. During this pursuit, the suspect vehicle, a grey Pontiac Grand Prix being driven by Natanael Sanchez-Pimentel, fled at a relatively high speed away from the officers, drove up on and into snowbanks along the alley, and drove through cross streets without stopping and losing contact with the pavement. As the Oachs and Cape's squad exited the alley at East 36th Street, it was struck by a car uninvolved in the pursuit causing injury to the occupants of both the squad and car as well as property damage to both vehicles.

POLICY

1. 7-405(4) – INITIATING OR CONTINUING A PURSUIT

ALLEGATION

Allegation 1: It is alleged that Officer Oachs engaged in a pursuit which posed an unreasonable risk to the officers and the general public.

CASE INVESTIGATION

A CAPRS report was entered and both officers completed supplements to that report. In his supplement, Oachs explained that he observed the suspect vehicle travel southbound through the alley at a high rate of speed and driving such that the car was striking the pavement with its frame and then launching into the air multiple times as well as striking snow banks. He stated he saw that the suspect vehicle had appeared to crash and that he attempted to slow down as he approached 36th Street but was struck by another car.¹ Cape noted in his supplement that the suspect vehicle did not have its lights on and that when they initially pulled in behind it, the driver drove up onto a tall snow bank and nearly got stuck. He also stated that the suspect vehicle did not slow down for any cross streets and drove up onto several snow banks in the alley.²

MPD Accident Investigators responded to the scene. Sergeant Joseph Will investigated the crash and completed a supplement to the CAPRS report as well as a State Accident Report. Will noted in his supplement that the squad had significant damage to it as a result of the crash as did the Ford Fusion that struck the squad. The Fusion's driver's and passenger's airbags had also been deployed. He also saw that the suspect vehicle had crashed into a garage behind 3653 5th Avenue South and that that crash had resulted in severe damage to the garage and significant damage to the suspect vehicle.³

The driver of the Ford Fusion, [REDACTED], was interviewed by IAU. [REDACTED] stated that he was driving east on 36th Street approaching Portland Avenue when he had the crash with Oachs and Cape's squad car. [REDACTED] said he was traveling between 25 and 30 miles per hour and that there was no other traffic on the road.⁴ He stated that he did not see the squad until the collision and had no opportunity to avoid the crash. He also stated that he did not see Sanchez-Pimentel's car pass through the intersection.⁵ [REDACTED] said that both he and his passenger, [REDACTED], went to the hospital following the crash to seek treatment for injuries they sustained. [REDACTED] stated he had a herniated disk as a result of the crash.⁶

IAU attempted to contact [REDACTED] passenger, [REDACTED], by phone and certified mail. To date there has been to return contact by [REDACTED]

Oachs and Cape's squad MVR was activated during the pursuit and captured the squad's activity prior to the pursuit and through the crash at 36th Street and was reviewed by IAU. The video GPS data indicated that the squad's speed reached 39 MPH while traveling in the alley in the 3400 block, and then peaked at 44 MPH while in the 3500 block. Just prior to the intersection with 36th Street, the speeds slow as Oachs brakes, however the GPS data indicates that he was traveling 32 MPH just prior to exiting the alley and 24 MPH just prior to impact with the Ford.⁷

¹ CAPRS Report 18-051224 Supplement 3 Paragraphs 3-4

² CAPRS Report 18-051224 Supplement 2 Paragraphs 2-5

³ CAPRS Report 18-051224 Supplement 10 Paragraphs 3-7

⁴ [REDACTED] Q&A page 2 line 6 to page 3 line 13

[REDACTED] Q&A page 3 line 30 to page 4 line 23

⁶ [REDACTED] Q&A page 4 lines 33-40

⁷ MVR GPS data is not seen on the offline version of the video, but can be seen on the online version.

Although both officers were equipped with body worn cameras (BWC's), neither officer activated them until after the pursuit ended. Both officers documented this in their supplements and explained the lack of activation was due to the quickly unfolding incident, a concern for safety, and being preoccupied with other tasks during the pursuit.⁸

Both officers were interviewed by IAU pursuant to MPD Policy and Procedure and the Garrity decision.

DISCUSSION

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

7-405 INITIATING OR CONTINUING A PURSUIT

Officers involved in a vehicular pursuit shall exercise caution and due consideration for the safety of the public. Fully marked, low profile and unmarked squads can initiate a pursuit. Low profile and unmarked squads shall discontinue their involvement once a fully marked squad is involved. Motorcycles and other police vehicles shall not be used in pursuits. Officers shall use red lights and siren in a continuous manner for any emergency driving or vehicular pursuit. The use of red light and siren does not exempt officers from the need for caution.

Officers will not engage in pursuits outside the corporate city limits of Minneapolis, unless authorized. During a pursuit, officers shall not drive their vehicle the wrong way on freeways. They may, however, go down the wrong way of a freeway ramp to make a traffic stop on a vehicle going the wrong way to prevent it from entering the main portion of the freeway. Officers may not pursue the wrong direction on one-way streets without due consideration for existing conditions as listed below.

A pursuit is justified after an offender has engaged in evasive tactics only when an officer knows or has reasonable grounds to believe that the fleeing offender committed an offense and there is a reasonable expectation of a successful apprehension of the offender.

Officers shall not initiate a pursuit or shall discontinue a pursuit in progress whenever any of the following conditions exist:

4. Risks due to weather, road conditions, vehicle and/or pedestrian traffic outweigh the necessity to immediately arrest the suspect.

The questions to be answered is whether the pursuit Oachs and Cape were engaged in was allowed by policy and whether Oachs exercised caution and due consideration for the safety of the public.

Vehicle and pedestrian traffic is a consideration which factors into whether an officer should discontinue a pursuit. This pursuit occurred at approximately 0311 hours on a Saturday morning

⁸ CAPRS Report 18-051224 Supplement 2 Paragraph 8 and Supplement 3 Paragraph 6

in February. Oachs could reasonably believe that traffic conditions would be light in general at that time of day. Despite this, 36th Street in this part of the city is a primary east bound one way street and would therefore be handling a significant portion of any traffic that might be present.

Road conditions are a significant factor in whether a pursuit is allowed under policy. In this case, weather was not a factor and did not impact road conditions directly, however this pursuit ran down an alley for almost six blocks. In general, and in particular in the City of Minneapolis, alleys are designed for vehicle access to garages and commercial facilities. As such they are more narrow than avenues and streets and do not have boulevards or setbacks for buildings and garages. They also have blind spots at locations such as driveway entrances. Because of these design factors Minnesota State Statute sets a statutory speed limit in alleys at ten miles per hour and declares speeds over ten miles per hour to not be reasonable or prudent.⁹

Of significance to this pursuit was a commercial building on the west side of the alley and at the 36th Street.¹⁰ As seen in the MVR video and in Google Street View images, the building would block any view of eastbound traffic on 36th Street for a vehicle approaching down the alley from the north and would also obstruct the view of eastbound drivers on 36th Street of approaching southbound traffic in the alley.¹¹ Using aerial photography of the intersection and measuring tools from pictometry.com, the distance from the edge of the building at the alley to the center of 36th Street is approximately 49 feet.¹² At 30 miles per hour, that distance would be covered in 1.1136 seconds¹³ during which time a driver would have to identify a hazard, react to it, and account for braking distance.

Oachs stated that he did not directly notice the building but that it was possible that the building obstructed his view. He also noted that he was expecting traffic to be coming from his left and so was looking that direction initially, but should have been looking to the right due to 36th Street being a one way.¹⁴

13.43 - Personnel Data

The driver of the Ford echoed this sentiment when he told IAU that he did not see the squad at all until impact and that he had no opportunity to avoid the collision.

In addition to the design characteristics of the alley, maintenance also played a factor in this pursuit. Although road conditions on 36th Street were described as "not bad" with no ice by Oachs stated in his interview that the alley was "extremely slippery" and there were snowbanks on both sides of the alley with ice on the pavement.¹⁶

13.43 - Personnel Data

⁹ MSS §169.14(2)

¹⁰ 500 36th Street East as identified by Hennepin County GIS Property Map

¹¹ Google Maps Street View images: 36th St looking northwest; 36th St looking east; 36th St looking west

¹² pictometry measured.jpg

¹³ Using the formula time = distance / velocity where distance is 49 feet and velocity is 44.0001 feet per second (1 mile per hour = 1.46667 foot per second, 1.46667 * 30 = 44.0001)

¹⁴ Oachs Q&A page 6 line 32 to page 7 line 15

¹⁵ 13.43 - Personnel Data

¹⁶ Oachs Q&A page 3 lines 25-27

13.43 - Personnel Data.¹⁷ These conditions are also visible on the MVR video of the pursuit.

Last, the suspect's driving conduct and actions play a significant role in the relative danger the pursuit poses to the general public and should be evaluated by the pursuing officer. In this case Sanchez-Pimentel was driving without lights on at night, at a high rate of speed, and was driving in a manner such that he was driving up onto snowbanks and striking cross streets and curb cuts so that his car was bouncing and losing contact with the pavement. Under these conditions Sanchez-Pimentel would have much less control over his car than if he were driving in a more reasonable manner. Oachs stated that he believed Sanchez-Pimentel was trying to avoid being stopped at all costs. He was also not slowing or stopping for cross streets which Oachs agreed increased the risk to the public.¹⁸ This driving conduct resulted in Sanchez-Pimentel having his own crash separate from the squad and Ford Fusion.

In contrast to Sanchez-Pimentel's driving conduct, Oachs slowed and cleared the intersections with streets prior to 36th Street to make sure he would not collide with cross traffic. This also caused the squad to fall behind Sanchez-Pimentel from directly behind the suspect vehicle in the 3000 block to approximately one and one half block behind when in the 3500 block. When approaching 36th Street, Oachs stated that he saw what appeared to be the suspect vehicle crash in the block ahead of him. He then suddenly realized he was coming up to an intersection and began to slow as fast as he could. His squad slid on ice while braking.¹⁹ He first saw the Fusion when he was in the mouth of the alley at which point there was little he could do to avoid the crash although he noted that he could have slowed down more.²⁰

The need to capture the suspect is also factor in whether an officer should continue a pursuit or not. In this case, Oachs and Cape were attempting to stop Sanchez-Pimentel for driving at night without lights on and for not having a front license plate, minor traffic violations.²¹

The pursuit lasted approximately 83 seconds²². During that time period it would have been Oach's responsibility to determine if road conditions, Sanchez-Pimentel's driving conduct, and general circumstances existed individually or in combination to the point that they outweighed the necessity to immediately arrest the suspect.

13.43 - Personnel Data

¹⁷ Oachs Q&A page 4 lines 1-19

¹⁸ Oachs Q&A page 6 lines 25-30

¹⁹ Oachs Q&A page 7 lines 30-39

²⁰ CAPRS Report 18-051224 Supplement 2 paragraph 1 and Supplement 3 paragraph 1

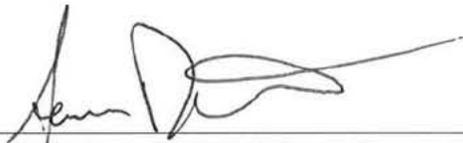
²¹ MVR video 03:11:10-03:12:33

CLOSING

In regards to the allegation there are several points to note:

- The offense the officers were stopping Sanchez-Pimentel for was driving without lights on at night, a petty misdemeanor.
- The pursuit took place in an alley which by nature and design are more hazardous for pursuits than other types of roadways.
- The road conditions in the alley were poor with snowbanks on either side of the alley and patches of compacted snow and ice on the surface of the alley.
- The suspect was driving without lights on at night and in a reckless manner ultimately resulting in him crashing his car.
- The suspect vehicle was pulling away from the squad and was a block and a half away just prior to the squad involved crash.
- Although Oachs had slowed for and cleared the prior intersections, he failed to slow for the intersection with 36th Street and entered it at such a speed that he was unable to avoid the crash with the Ford Fusion.
- The design of the intersection with 36th Street was such that a building blocked the view of traffic for both the squad and the Fusion. The drivers of both vehicles had little to no warning of the imminent crash and therefore had no way of avoiding the crash other than by the squad yielding right of way to the Fusion and approaching the intersection at a slower speed with more caution.

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



Investigator: Sergeant Aaron Prescott

2/15/19

Date

NOTICE OF DISCIPLINE

June 18, 2020

Officer Lucas Oachs
Precinct 3 Dogwatch
Minneapolis Police Department

RE: OPCR Case 18-03974
Notice of Suspension (10 hours suspension without pay)

Officer Oachs,

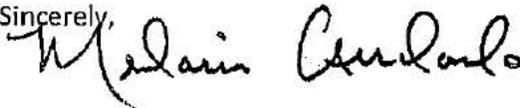
The finding for OPCR Case #18-03974 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
7-405 (4)		Initiating or Continuing a Pursuit	B	Merit

As discipline for this incident you are suspended for 10 hours without pay.

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,


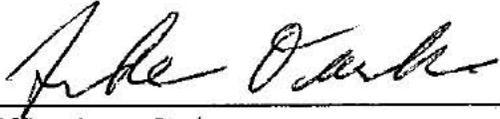
Medaria Arradondo
Chief of Police

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

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Lucas Oachs, acknowledge that I have received my Notice of Discipline for OPCR Case #18-03974.



Officer Lucas Oachs

6/25/2020

Date of Receipt



Inspector Sean McGinty

6/25/2020

Date

CC: OPCR Case File
Inspector McGinty
Payroll
Human Resources