

Investigative Summary

Matter Number: 19-03501

Investigator: Sergeant Andy Canadeo

Officer(s): Officer Ashley Bergersen, Officer Kyle Pond, and Officer Dylan Pearson

Case Type: Administrative

Date of Incident: March 3, 2019

Complaint Filed Date: March 18, 2019

CASE OVERVIEW

On March 3rd, 2019, Officer Ashley Bergersen, Officer Kyle Pond, and Officer Dylan Pearson were dispatched to a domestic disturbance at [REDACTED]. The Visinet Report stated the chief complaint as being "Physical Family Disturbance" with weapon involved, listed as "Machete." The caller, [REDACTED], called 911 and reported to dispatch that the suspect was her boyfriend, [REDACTED], who was still on scene. When the Offices arrived on scene, [REDACTED] was taken into custody for an outstanding DWI warrant issued on 10/28/2016. The original call for service did not include following the MPD domestic assault protocol. [REDACTED] called 911 a second time approximately ten hours later to request a domestic report be completed by MPD. Officer Christopher Lange and Officer Kyle Ruud responded to the scene and completed a report following MPD domestic protocol. The complaint was brought to the attention of MPD Internal Affairs.

ALLEGATIONS

Allegation 1: Officer Ashley Bergersen, Officer Kyle Pond, and Officer Dylan Pearson failed to follow the MPD's Domestic Abuse Incident Response Protocol after making the arrest on [REDACTED] for an outstanding traffic warrant. ***MPD P&P 7-314 DOMESTIC ABUSE PROTOCOL***

13.43

CASE INVESTIGATION

This investigation was initiated by way of patrol supervision reporting the matter. A patrol lieutenant learned of a domestic assault report from [REDACTED] that was taken by Daywatch Patrol Officers Kyle Ruud and Officer Christopher Lange on March 3, 2019 at approximately 13:40 hours. PIMS Report #19-061069 was taken documenting the domestic assault, a weapon (machete) was recovered, and photos were taken of the injuries the victim had sustained. The patrol lieutenant had observed that Officers Dylan Pearson, Kyle Pond, and Ashley Bergersen had all responded to the same address approximately ten hours earlier for a domestic disturbance with a weapon involved with the same caller. Officer Bergersen booked the suspect involved in the domestic for an unrelated warrant and completed PIMS Report #19-060892. The patrol lieutenant observed through the PIMS Report and body-worn cameras that the domestic disturbance with a weapon originally reported was never handled by officers indicating that Officers Pearson, Pond, and Bergersen failed to follow MPD Domestic Protocol Policy.

MINNEAPOLIS POLICE DEPARTMENT RECORDS

PIMS Report

The incident occurred on March 3, 2019, at approximately 03:00 hours at [REDACTED] in Minneapolis. The PIMS Report was titled WARRANT. Officer Bergersen is the primary reporting officer and Officer Pond and Officer Pearson were the assisting officers. The public information section documents that "ARRESTEE WAS TRANSPORTED AND BOOKED AT HCJ FOR A GROSS MISDEMEANOR WARRANT. THE WARRANT CONFIRMED THROUGH CHANNEL 7".¹ The public information section of Officer Bergersen's PIMS Report made no mention of the domestic call officers responded to. However, in the non-public, Officer Bergersen stated that officers responded to a domestic and that [REDACTED] stated it was an argument only.²

MECC/Dispatch Records

¹ PIMS Report 19-060892, Page 6, Public Narrative.

² PIMS Report 19-060892, Page 7, Non-Public Narrative.

Officer Bergersen was signed on as Squad 411 Able and Officers Pond and Pearson were signed on as Squad 425. Squad 411 was dispatched to a Domestic Abuse with Weapons at [REDACTED], a multi-unit apartment building. The caller, [REDACTED], called from the incident location reporting that the domestic disturbance was physical and that a machete was involved and the suspect, [REDACTED], was still on scene. [REDACTED] also informed dispatch that [REDACTED] had a machete and it was currently located above the stove.

Body-Worn Cameras

Officers on scene had been wearing body-worn cameras (BWC's) and all three officers' BWC's were activated.

Officer Pearson advised Officer Pond when they arrived on scene that [REDACTED] has a gross misdemeanor warrant.³ When officers made initial contact with [REDACTED] they immediately took [REDACTED] into custody and [REDACTED] was advised there was a warrant for him from a prior charge. Officer Pond stated to [REDACTED] "Do you just want him out of here?"⁴ In viewing the BWC, the domestic assault was never addressed by any of the officers on the scene. Officer Pond was seen on video holding the machete and Pond told [REDACTED] to, "Just throw it away."⁵ While Pond held up the machete, Officer Pearson stated, "Oh there's the machete. Look at that."⁶ Officer Bergersen appeared to be dealing with [REDACTED] while he put his shoes on and located a coat.

Interview of Officer Dylan Pearson

On May 23, 2019, I interviewed Officer Pearson in the MPD Internal Affairs Office under Garrity. Officer Pearson had Union Representative Officer Dean Milner with him for the interview. I provided Officer Pearson a copy of the Visinet Report, PIMS Report, Domestic Protocol Policy, and allowed him to view his body-worn camera.

Officer Pearson acknowledged that he had responded to [REDACTED] on March 3, 2019. Pearson read the Visinet Report and noted the following comments, "callers boyfriend assaulted caller", and that a, "machete", was involved.⁷ Pearson acknowledged he was the passenger and Pond was the driver when they responded to the listed call. Pearson confirmed he ran a check on [REDACTED] as Pearson and Pond arrived and [REDACTED] had a gross misdemeanor warrant. Pearson stated, "So, prior to entering the

³ Officer Pond's BWC, 1:07 mark.

⁴ Officer Pond's BWC, 2:21 mark.

⁵ Officer Pond's BWC, 3:14 mark.

⁶ Officer Pearson's BWC, 2:51 mark.

⁷ From digital dispatch (VISINET) records.

house we already knew we were definitely going to be placing him into custody and arresting him just for his warrant.”⁸ Officer Pearson confirmed Officer Bergersen transported [REDACTED] to Hennepin County Jail.

I asked Officer Pearson if he was familiar with Domestic Protocol and he responded, “Yeah, I guess I am fairly familiar with it.”⁹ I asked Officer Pearson, based on the call of an assault involving a weapon, if he or anyone on scene took any initiative to inquire about the call being domestic related. Officer Pearson responded he did not recall if Pond or Bergersen inquired about the call being a domestic. As far as himself inquiring, Officer Pearson responded, “That one I don’t know to be honest. I don’t believe that I did ask any questions about that at all.”¹⁰

Officer Pearson stated Officer Pond spoke to [REDACTED] on scene and Officer Pearson did not hear what Pond spoke to [REDACTED] about. When I asked Officer Pearson if he had any knowledge of Officers Pond, Bergersen, or himself completing a risk assessment for domestic protocol or asking [REDACTED] if the disturbance was physical and Pearson stated, “To my knowledge, no.”¹¹

Officer Pearson acknowledged the lack of communication between officers at the scene and stated, “I should have pursued it farther, just trying to make sure we covered our bases here and just went hey so what really is going on here, I mean what’s the story.”¹² Officer Pearson advised he got caught up on the warrant for [REDACTED] and wanted to make sure [REDACTED] was taken to a squad outside rather than inquire about the domestic incident. Pearson said, “Whatever happened, I should have taken more initiative and really dug into it a bit farther.”¹³

Interview of Officer Kyle Pond

On May 28, 2019, I interviewed Officer Kyle Pond in the MPD Internal Affairs Office, the statement was taken under Garrity. Officer Pond had Union Representative Officer Dean Milner with him for the interview. I provided Officer Pond a copy of the Visinet Report, PIMS Report, Domestic Protocol Policy, and allowed him to view his body-worn camera.

Officer Pond acknowledged that he had responded to domestic disturbance with a weapon involved at [REDACTED] on March 3, 2019, and that the weapon mentioned was a machete. Pond confirmed that he was working with Officer Pearson, who ran a warrant check on [REDACTED] as he arrived on scene with Officer Pearson. Officer Pearson’s check came back with a positive hit confirmation that [REDACTED] had an outstanding arrest warrant.

⁸ Interview of Officer Dylan Pearson, page 2, lines 36-37.

⁹ Interview of Officer Dylan Pearson, page 3, line 36.

¹⁰ Interview of Officer Dylan Pearson, page 3, lines 41-42.

¹¹ Interview of Officer Dylan Pearson, page 6, line 40.

¹² Interview of Officer Dylan Pearson, page 8, lines 18-20.

¹³ Interview of Officer Dylan Pearson, page 8, lines 26-27.

I asked Officer Pond if he had communicated with Officer Pearson or Officer Bergersen about the domestic disturbance while on scene and he stated "No."¹⁴ I asked Officer Pond if Officers Pearson or Bergersen questioned the caller, [REDACTED] about the domestic disturbance and Officer Pond stated "Uh, I briefly spoke to her, um, but I -, I didn't observe any visible injuries or anything like that. But, in hindsight, after watching my body camera, I should have asked more. I should have asked additional questions regarding the original domestic call for service."¹⁵ Pond was questioned if he asked the [REDACTED] if she was scared or concerned for her safety and he replied, "No, I did not."¹⁶

I referred to the domestic abuse policy and pointed out to Officer Pond that MPD Domestic Protocol states "shall attempt to determine primary aggressor in domestic assault"¹⁷ under the preliminary investigation. Officer Pond stated "Yes, I-, I, uh, I failed to follow policy. I take responsibility for that".¹⁸

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[REDACTED]
[REDACTED] Officer Pond acknowledged that there should have been better communication between officers on scene.

Interview of Officer Ashley Bergersen

On June 13, 2019, I interviewed Officer Bergersen in the MPD Internal Affairs Office under Garrity. Officer Bergersen had Union Representative Officer Dean Milner with her for the interview. I provided Officer Bergersen a copy of the Visinet Report, PIMS Report, Domestic Protocol Policy, and allowed her to view her body-worn camera.

Officer Bergersen stated she had remembered being dispatched to a domestic disturbance at [REDACTED] on March 3, 2019. Officer Bergersen confirmed she responded with Officer Dylan Pearson and Officer Kyle Pond, "So, we were responding to --- it came out as a DABUSE, um, said that the caller was a female and was in an argument, uh, but, uh, her boyfriend assaulted her."²⁰ When Officer Bergersen arrived on scene, she was informed by Officer Pearson and Officer Pond the suspect, [REDACTED] had a gross misdemeanor warrant. Officers handcuffed [REDACTED] immediately. Officer Bergersen confirmed that she assisted getting [REDACTED] ready to be transported to Hennepin County Jail.

Officer Bergersen advised she was familiar with MPD's Domestic Protocol. When she was asked why her PIMS Report was only titled "WARRANT" she responded, "Because, uh, we didn't ask the lady any

¹⁴ Interview of Officer Kyle Pond, page 3, line 32.

¹⁵ Interview of Officer Kyle Pond, page 3, lines 36-39.

¹⁶ Interview of Officer Kyle Pond, page 3, line 13.

¹⁷ MPD Domestic Protocol Policy and Procedure 7-314.

¹⁸ Interview of Officer Kyle Pond, page 4, line 23.

¹⁹ Interview of Officer Kyle Pond, page 4, line 34.

²⁰ Interview of Officer Ashley Bergersen, page 2, lines 9-10.

information.”²¹ Officer Bergersen was asked if there was any reason why and she replied, “We didn’t slow down the call, we should have slowed down the call and actually talked to her, it didn’t seem like anybody talked to her on the call.”²²

Officer Bergersen stated that she “Absolutely”²³ would have handled the call differently looking back on how things were handled originally. Officer Bergersen said she would have talked to [REDACTED] about what had happened and that she would have, “Pulled him away first and talk to her, cause maybe since he was still in the house, he, she was scared and she didn’t want to willingly give out any information in front of him and that is what I did, I pulled him out of the house but I never went back to talk to her.”²⁴

DISCUSSION

It is alleged that Officer Dylan Pearson, Officer Kyle Pond, and Officer Ashley Bergersen failed to follow the Minneapolis Police Department’s Domestic Abuse Protocol. As a result, the victim, [REDACTED], had to call police back to the scene to document the incident. Because of [REDACTED] calling police back the scene, MPD case #19-061069,²⁵ [REDACTED] was charged for Terroristic Threats and Domestic Assault by Strangulation by Sergeant Walter Alvarado of the MPD Domestic Abuse Unit.

13.43 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Minneapolis Police Department’s Policy and Procedure Manuel states in part:

7-314 DOMESTIC ABUSE (03/14/12)

(A-D)

I. PURPOSE

²¹ Interview of Officer Ashley Bergersen, page 3, line 19.

²² Interview of Officer Ashley Bergersen, page 3, lines 22-23.

²³ Interview of Officer Ashley Bergersen, page 4, line 14.

²⁴ Interview of Officer Ashley Bergersen, page 4, lines 20-23.

²⁵ PIMS Report 19-061069.

The purpose of this policy is to establish departmental protocol and procedures for responding to and processing information regarding domestic violence in accordance with Minnesota State Statutes.

II. POLICY

It is the policy of the Minneapolis Police Department to:

- A. Thoroughly investigate all allegations of domestic violence, make appropriate referrals, and take action according to the totality of the information known.
- B. Aggressively utilize the arrest powers granted by the State Legislature. Criminal laws will be enforced without regard to the relationship of the parties involved.
- C. Discourage dual arrests in Domestic Abuse situations, in accordance with Minnesota Statute 629.342.

III. DEFINITIONS

Bodily Harm: Physical pain or injury, illness, or any impairment of physical condition.

Dangerous Weapon: Any gun, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. (01/12/15)

Domestic Abuse: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, terroristic threats, criminal sexual conduct, or interference with an emergency call, when committed between family or household members.

Domestic Abuse No Contact Order: An order issued by a judge in a pending criminal case or during the probationary period following a conviction, prohibiting a defendant from having contact with a victim or his/her address. The CAPRS code to use for a violation of a Domestic Abuse No Contact Order is VDNCO. (01/12/15)

Domestic Assault in the 1st Degree: Assaulting another and inflicting great bodily harm. The CAPRS code to use is DASLT1.

Domestic Assault in the 2nd Degree: Assaulting another with a dangerous weapon. The CAPRS code to use is DASLT2.

Domestic Assault in the 3rd Degree: Assaulting another and inflicting substantial bodily harm. The CAPRS code to use is DASLT3.

Domestic Assault in the 5th Degree: Assaulting a family or household member by (1) committing an act with intent to cause fear in another of immediate bodily harm or death; or (2) intentionally inflicts or attempts to inflict bodily harm upon another. The CAPRS code to use is DASLT5.

Domestic Assault by Strangulation: Intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of a family or household member. The CAPRS code to use is DASTR.

Family and Household Members: Spouses, former spouses, parents and children, persons related by blood (1st cousins or closer), and persons who are presently residing together or who have resided together in the past, and persons who have a child or are currently expecting a child in common regardless of whether they have been married or have lived together at any time, a man and a woman if the woman is pregnant and the man is alleged to be the father regardless of whether they have been married or have lived together at any time, and a person involved in a significant romantic or sexual relationship (10/21/93) (07/01/95) (03/14/12)

Great Bodily Harm: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of function of any bodily member or organ or other serious bodily harm.

Harassment/Restraining Order: Violating any term of a Harassment/Restraining Order issued by a judge or referee. The CAPRS code to use for a violation of a Restraining Order is RORDER.

Interference with Emergency Call: Intentionally interrupts, disrupts, impedes, or interferes with an emergency call or who intentionally prevents or hinders another from placing an emergency call. The CAPRS code to use for Interference with Emergency Call is 911INT.

PC Felony Enhanced List: The Minneapolis City Attorney's Office maintains a list of all defendants whom they know to be chargeable with a felony for assault, domestic assault or violation of an Order for Protection, violation of a Harassment/Restraining Order or violation of a Domestic Abuse No Contact Order. The list is on MPDnet and in a physical book at the jail. The CAPRS code to use for an enhanced domestic assault is DOMEN, for an enhanced 5th Degree

assault is ASLTEN, and for an enhanced violation of an Order for Protection, Restraining Order or Domestic Abuse No Contact Order is OFPEN.

Primary Aggressor: The following criteria shall be considered as a guideline when attempting to determine the primary aggressor: (10/21/93) (03/14/12)

- Whether one person in the dispute was acting in self-defense;
- Whether a violation of an Order for Protection or a Violation of a Domestic Abuse No Contact Order has occurred;
- The extent of injuries, if any, to any person involved;
- Who initiated the first act of physical violence;
- The existence of a fear of physical injury, because threats were made;
- The history of physical violence perpetuated by one party against the other; and
- The physical stature or physical ability of the persons involved.

Risk Assessment: A series of questions officers ask a victim, pertaining to domestic violence history and the potential threat of future violence.

Significant Relationship: Minnesota State Statute 518B.01 subd. 2 states the following when deciding if a “significant” relationship exists, “In determining whether persons are or have been involved in a significant romantic or sexual relationship the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination. (07/01/95) (03/14/12)

Substantial Bodily Harm: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Violation of an Order for Protection: Violating any term of an Order for Protection issued by a judge or referee. The CAPRS code for violation of an Order for Protection is POVIOL.

IV. PROCEDURES / RULES / REGULATIONS

A. Domestic Abuse – Preliminary Investigation (03/14/12)

1. In the event a domestic 911 call is cancelled officers shall respond to the location and check welfare. (03/14/12)
2. Officers shall attempt to determine the Primary Aggressor in a domestic assault.
3. Arrests for domestic abuse, based on probable cause, are expected if any of the following circumstances exist:
 - Signs of injury or impairment;
 - Dangerous weapon involved;

- Alleged assault - no signs of injury;
 - Victim alleges to be in fear of immediate bodily harm;
 - Terroristic threats (Minn. Stat. §609.713 sub.1) (07/01/95) (03/14/12);
 - Criminal sexual conduct (refer to Minn. Stat. §609.342, 609.343, 609.344, 609.345) (07/01/95) (03/14/12)
4. A police officer may arrest a person without a warrant, even at the person's own residence, if the officer has probable cause to believe that in the preceding 72 hours a domestic assault occurred. (11/03/14) (06/06/16)
- a. The 72 hour time period begins at 0001 hours the day after the incident occurred. (06/06/16)
- b. Officers must have an independent reason to enter the suspect's residence, such as exigent circumstances or consent. Minnesota State Statute 629.341 does not provide independent authorization to *enter* a suspect's residence. (06/06/16)
- c. An officer may make an arrest for a misdemeanor domestic assault even if the assault did not occur in their presence. (11/03/14)
5. An officer may not issue a citation in lieu of arrest and detention for a defendant charged with harassment, domestic abuse, violation of an Order for Protection, or violation of a Domestic Abuse No Contact Order. See Minnesota State Statute 629.72, subd. 1(a).
6. Officers shall follow the MPD's Domestic Abuse Incident Response Protocol when responding to all domestic abuse related calls. (01/12/15)
7. Officers shall check the PC Felony Enhanced List on all domestic calls including cases where the suspect is gone on arrival (GOA). Failure to do so will result in a notification to the officer's commander.

B. Domestic Abuse – MPD's Domestic Abuse Incident Response Protocol
(03/14/12) (01/12/15)

1. The Minneapolis Police Department has adopted the following protocol for patrol officers responding to adult arrest and suspect cases for the following offenses: (01/12/15)

- Felony 1st degree assault, if the parties are family or household members;
 - Felony 2nd degree assault, if the parties are family or household members;
 - Felony 3rd degree assault, if the parties are family or household members;
 - Felony domestic assault by strangulation;
 - Felony terroristic threats, if the parties are family or household members;
 - Misdemeanor, gross misdemeanor or felony domestic assault;
 - Misdemeanor, gross misdemeanor or felony violation of an Order for Protection;
 - Misdemeanor, gross misdemeanor or felony violation of a Domestic Abuse No Contact Order;
 - Misdemeanor, gross misdemeanor or felony violation of a Harassment/Restraining Order, if the parties listed in the order are family or household members;
 - Gross misdemeanor or felony stalking, if the parties are family or household members; and
 - Gross misdemeanor interference with an emergency call.
2. As part of this protocol, patrol officers shall complete the following preliminary investigative tasks when responding to any calls as described above:
- a. Check for existence of Order for Protection or Domestic Abuse No Contact Order on every domestic related 911 call.
 - b. Ask victim if suspect or arrestee has access to any guns or ammunition or if there are any in the home. (01/12/15)
 - i. If victim indicates yes, ask if victim has any safety concerns. Document responses in the report. (11/03/14)
 - ii. If the victim has safety concerns, officers may properly inventory the guns and ammunition for safe keeping. (01/12/15)
 - c. Obtain a signed medical release with shaded areas completed from victim if victim is seeking medical treatment.
 - d. Ask victim to complete domestic violence victim's supplement. Property inventory supplement on completion.
 - e. Document in CAPRs report the victim's answers to risk assessment questions listed on domestic violence victim's supplement and ask any follow-up questions.
 - f. Take photographs. Examples of things to photograph include, but are not limited to: the arrestee; victim; injuries; scene, including any damaged property; and the arrestee in an Order for Protection or Domestic Abuse No Contact Order case at a prohibited address.
 - g. Collect any physical evidence and property inventory it.
 - h. Obtain contact information from witnesses to the incident including name, address, and phone number.
 - i. Question witnesses regarding the incident.

- j. If suspect is gone on arrival, remind victim to call police if suspect returns within 72 hours of the incident. (11/03/14)
- k. Inform victim of domestic violence resources on blue card and call the 24-Hour Domestic Violence Hotline at 612-874-7100 to inform them of incident. (01/12/15)
- l. If the case is misdemeanor or gross misdemeanor level, check the PC Enhanced Felony. Follow the instructions pertaining to the arrested party or suspect if they are on the list and add the additional charge listed. (01/12/15)
- m. If the case is misdemeanor or gross misdemeanor level, obtain a squad video Mirandized Scales statement from suspect or arrestee. Document results of the interview in the CAPRS report. (Miranda statements DO NOT need to be taken on felony level cases). (01/12/15)

C. Arrests for Violation of Domestic Abuse No Contact Order (12/19/91) (03/14/12)

1. Officers shall verify the existence of the Domestic Abuse No Contact Order. (03/14/12)
2. If the suspect or the victim does not have a valid copy of the Domestic Abuse No Contact Order, the existence of the court order may be verified by contacting the Hennepin County Jail Records Unit 612-596-8080. (03/14/12)
3. If no telephone is available to the officer, the officer may ask the MECC (Channel 7) for assistance.
4. Domestic Abuse No Contact Orders are stored in the same database as Orders for Protection, and can be verified by following the procedures described in 7.314.01 Order for Protection – Short Form Notification. (03/14/12)
5. If an officer determines an individual is in violation of a Domestic Abuse No Contact Order, an arrest shall be made. (03/14/12)
6. Officers shall complete a CAPRS report and supplement entitled “Violation of a Domestic Abuse No Contact Order” (VDNCO). Include the Hennepin County Jail SILs number (HCJ's computer ID# of the arrestee) and the original charge which the arrestee had been previously booked on and released. (03/14/12)

D. Domestic Abuse and Domestic Violence – Reporting Requirements (03/14/12) (01/12/15)

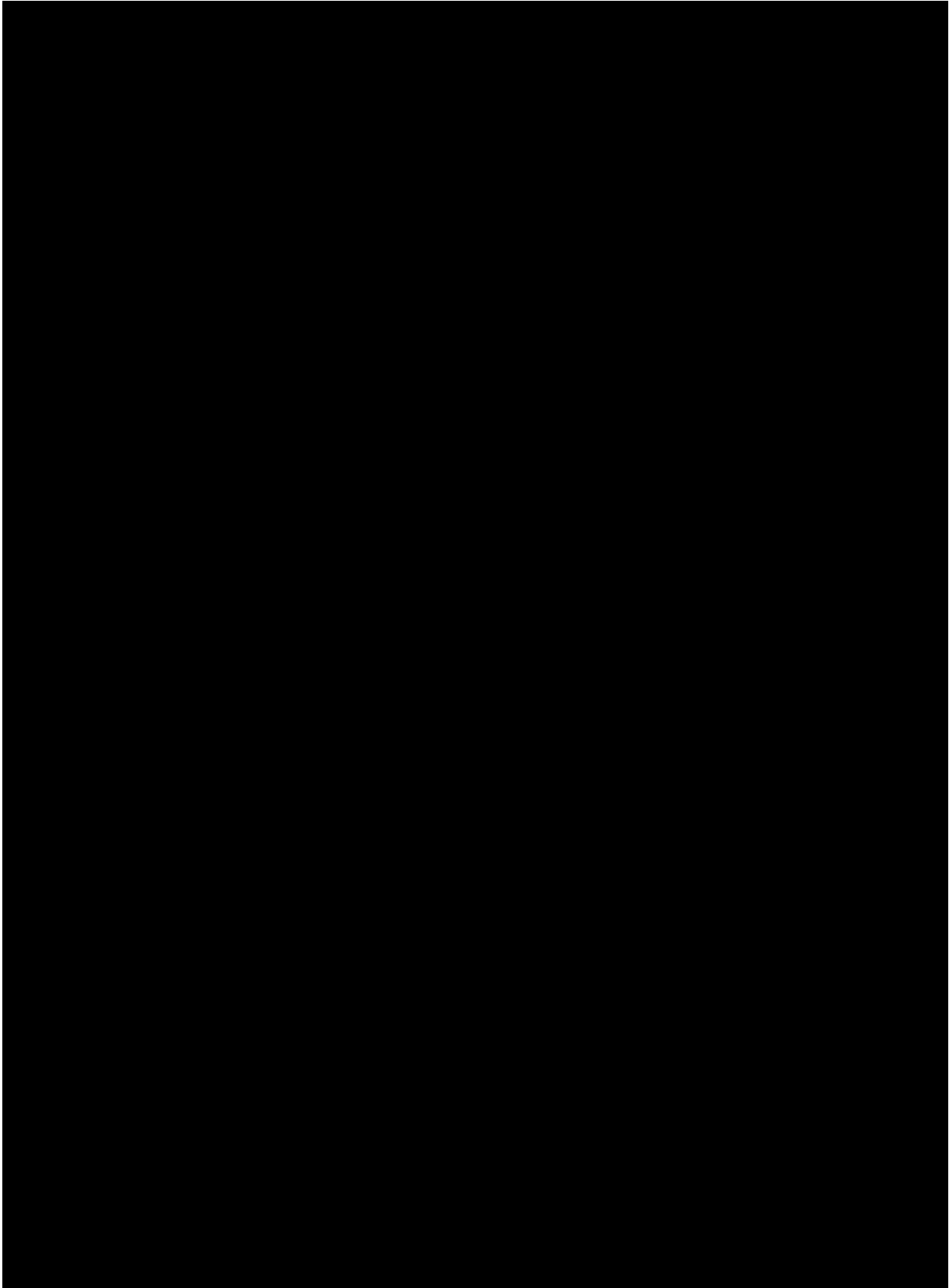
1. In all cases of domestic violence or alleged acts of domestic abuse, a CAPRS report and supplement shall be completed immediately. (03/14/12)
2. If no arrest is made, the supplement shall clearly show sufficient reasons for not making the arrest. (12/10/2004) (03/14/12)
3. Officers shall notify the 24-Hour Domestic Violence Hotline at 612-874-7100 whenever completing a CAPRS report (in both arrest and suspect cases) for: (04/17/91) (10/21/93) (05/18/99) (03/14/12) (01/12/15)
 - 1st degree domestic assault;
 - 2nd degree domestic assault;
 - 3rd degree domestic assault;

- Domestic assault by strangulation;
- Domestic threats;
- Domestic stalking;
- Domestic assault enhanced;
- Interference with an emergency call;
- Violation of an Order of Protection;
- Violation of a Domestic Abuse No Contact Order;
- Violation of a Restraining Order (if domestic related); or
- Violation of an Order for Protection Enhanced

The Minneapolis Police Department's Domestic Abuse Incident Response Protocol sets specific steps that officers must take when responding to incidents of domestic abuse. In this instance, BWC confirmed officers failed to make any attempt to determine if a domestic abuse had occurred. Officers failed to document the domestic incident in the PIMS Report. The deficiencies captured on BWC are as follows:

1. Officers Pearson, Pond and Bergersen did not ask the victim if an assault had occurred.
2. Officers Pearson, Pond and Bergersen did not check to see if the victim had injuries or was in fear.
3. Officers Pearson, Pond and Bergersen failed to photograph or collect any evidence at the scene.
4. Officers Pearson, Pond and Bergersen did not complete a Risk Assessment or a Medical Release Form.
5. Officers Pearson, Pond and Bergersen failed to complete a PIMS Report titled DASLT2 under #19-060892.

13.43



[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CLOSING

1. Did Officer Dylan Pearson, Officer Kyle Pond, and Officer Ashley Bergersen fail to follow the Minneapolis Police Department's Domestic Abuse Protocol 7-314?
 - a. Officers Pearson, Pond, and Bergersen made a gross misdemeanor warrant arrest on [REDACTED] [REDACTED] the suspect of the domestic abuse. The suspect was booked for the warrant at Hennepin County Jail and Officer Bergersen titled the PIMS Report "WARRANT" only with no PIMS code of "DABUSE."

- b. Body-Worn Camera footage documented that the officers failed to acknowledge that this was a domestic related incident on scene. The officers did not take any action to investigate the incident as a domestic related call per policy.
- c. Approximately ten hours after the original incident, Officer Kyle Ruud and Officer Christopher Lange responded to the same listed address and took a 2nd Degree Domestic Assault report from the victim. Officers documented the incident, took photos of the victim's injuries, and located the machete in the snow which they inventoried into evidence.
- d. The suspect was charged by Sergeant Alvarado of the MPD's Domestic Abuse Unit for Terroristic Threats and Domestic Abuse Strangulation based off Officer Ruud and Officer Lange's PIMS Report and collected evidence.
- e. Officers Pearson, Pond, and Bergersen all stated that they were familiar with MPD's Domestic Abuse Protocol 7-314.

■ 13.43

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Andrew J. Canadeo
Investigator: Sergeant Name

July 11, 2019
Date

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
19-03501		19-060892; 19-061069	March 03, 2019	03:27 AM	
Location of Incident		City/State/Zip		Date of Complaint	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION		CATEGORY			
OPCR Ord. § 172.20(6) OPCR Ord. § 172.20(8)		FAILURE TO PROVIDE ADEQUATE OR TIMELY PROTECTION VIOLATION OF THE P&P MANUAL			
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
3302 ; Bergersen, Ashley		MPD P&P § 7-314 – DOMESTIC ABUSE			
5775 ; Pond, Kyle		MPD P&P § 7-314 – DOMESTIC ABUSE			
5498 ; Pearson, Dylan		MPD P&P § 7-314 – DOMESTIC ABUSE			
ALLEGATION SUMMARY					
It is alleged that officer(s) failed to follow the domestic abuse protocol, [REDACTED]					
SUPERVISOR ASSESSMENT					
INQUIRY (INTAKE – COMPLAINT FILED) ☐ MEDIATION ☐ Refer to Mediation COACHING ☐ Refer to Precinct INVESTIGATIONS ☐ Preliminary Investigation ☐ Civilian Investigator: _____ ☐ Sworn Investigator: _____ ☐ Admin Investigation: Investigator			3401 ☐ Draft ☒ Final approved DISMISS ☐ Reckoning Period Expired ☐ No Basis ☐ Failure to State a Claim ☐ Failure to Cooperate ☐ Exceptionally Cleared ☐ Lack of Jurisdiction ☐ Withdrawn ☐ Duplicate ☐ Refer to Dispatch ☐ Refer to EIS ☐ Refer to: _____		
FINAL APPROVED INVESTIGATIVE REPORT ☒ Refer to Panel					
IAU Supervisor <i>L.T. [Signature]</i>				Date <i>8/5/19</i>	
Director – Office of Police Conduct Review <i>[Signature]</i>				Date <i>8/5/19</i>	

NOTICE OF DISCIPLINE

September 3, 2020

Officer Ashley Bergersen
Precinct 4 Middlewatch
Minneapolis Police Department

RE: OPCR Case 19-03501
Notice of Suspension (20 hours suspension without pay)

Officer Bergersen,

The finding for OPCR Case #19-03501 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
7-314		Domestic Abuse Protocol	B	Merit

As discipline for this incident you are suspended for 20 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,

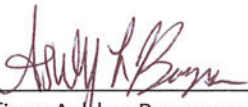
Medaria Arradondo
Chief of Police

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

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Ashley Bergersen, acknowledge that I have received my Notice of Discipline for OPCR Case #19-03501.



Officer Ashley Bergersen

9/3/20
Date of Receipt



Inspector Kelvin Pulphus

9/3/20
Date

CC: OPCR Case File
Inspector Pulphus
Payroll
Human Resources

NOTICE
(Settlement Agreement)

September 23rd, 2021

Dylan Pearson
Pct. 4 Dogwatch
Minneapolis Police Department

RE: IA #19-03501

Dylan Pearson,

As a result of the Settlement Agreement #20-19, the disposition for IA Case #19-03501 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
7-314		Domestic Abuse Protocol	B	Sustained

The discipline

one Category B violation with 10 hours unpaid suspension.

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 more severe disciplinary action up to and including discharge.

Sincerely,



Amelia Huffman
Deputy Chief, Professional Standards Bureau

CC: Personnel file
OPCR

NOTICE
(Settlement Agreement)

September 23rd, 2021

Kyle Pond
Pct. 4 CRT
Minneapolis Police Department

RE: IA #19-03501

Kyle Pond,

As a result of the Settlement Agreement #20-20, the disposition for IA Case #19-03501 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
10-401		Responsibility for Inventory of Property and Evidence	B	Sustained

The discipline [REDACTED]
[REDACTED] one Category B violation with 10 hours unpaid suspension.

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 more severe disciplinary action up to and including discharge.

Sincerely,



Amelia Huffman
Deputy Chief, Professional Standards Bureau

CC: Personnel file
OPCR