

NOTICE OF DISCIPLINE

July 16, 2020

Officer Christopher Kelley
Pct. 5 Dogwatch
Minneapolis Police Department

RE: OPCR Case Number 19-04088
Notice of Written Reprimand

Officer Kelley,

The finding for OPCR Case #19-04088 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
7-403		Vehicles – Emergency Response	B	Merit

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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,



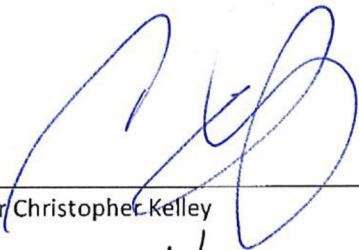
Medaria Arradondo
Chief of Police

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

NOTICE OF RECEIPT

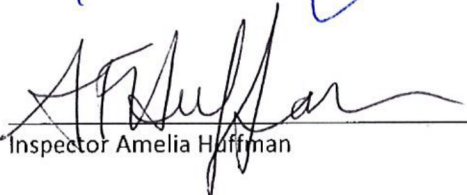
Acknowledgement of receipt:

I, Christopher Kelley, acknowledge that I have received my Notice of Discipline for OPCR Case #19-04088.



Officer Christopher Kelley

28 Jul 20
Date of receipt



Inspector Amelia Huffman

7/29/20
Date

CC: Personnel
Inspector Huffman
OPCR

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
19-04088		19-077327	March 18, 2019	07:00 PM	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
1121 E 46 th Street		Minneapolis/MN/55407		3/18/19	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Fronsoe, Elizabeth			Female	Black	August 26, 1988
Home Address		City/State/Zip		Primary Telephone	
3307 53rd Ave N		Brooklyn Center, MN 55429		(612) 242-7893	
JURISDICTION		CATEGORY			
OPCR Ord. § 172.20(8)		Any violation of the Minneapolis Police Department's policy and procedure manual.			
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
3955; Karina Landmesser		MPD P&P § 4-223(IV)(A)(7)(A) - BODY WORN CAMERA			
		13.43 - Personnel Data			
3680; Christopher Kelly		13.43 - Personnel Data			
		MPD P&P § 7-403 VEHICLES - EMERGENCY RESPONSE			
ALLEGATION SUMMARY					
Complainant stated that two officers were transporting two children (a 4-year-old and an 11-month-old sibling pair) to St. Joseph's Home for Children on a welfare hold. The complainant described that St. Joseph's hospital requires that placement of children needs to be secure and have prior approval from Hennepin County Screening that there were enough beds for the children. Hennepin County screening informed the complainant that they told the officers that they could not bring the children to intake until placement was found. Officers brought the children to St. Joseph's Hospital anyway. On arrival, officers went to the lobby to confirm placement. While officers were waiting in the lobby, staff from St. Joseph's re-directed the officers to go to the intake area until placement was secured. Complainant stated that the officers then became, "argumentative, disrespectful, and just displayed inappropriate behavior. They were cursing at one of the 2 supervisors on duty, telling her she was making this a 'pain in their ass' and were demanding that she walk them through the building [...]." Complainant stated that the staff asked them to place the children back into the car and drive down the driveway to the intake entrance. After the brief conversation, the officers decided to, "walk the children down to intake, around the entire building outside as it was clearly ridiculous to them to have to put the children back into the car and go to the correct entrance." Complainant also described that the female officer walked the children down to the entrance while the male officer drove the squad closer to the entrance, got out of the squad and walked with the children the rest of the way. The officer made the 4-year-old walk and then carried the 11-month-old down the driveway. Complainant stated that the officer's reactions are "inexcusable" and "ridiculous". Complainant stated that					

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the officer's reactions may have been different if the children were white and if they spoke to a male supervisor at St. Joseph's instead of a female supervisor.

It is also alleged that [REDACTED]

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[REDACTED] Officer Kelley employed emergency driving in an inconsistent manner during a non-emergency response.

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

[Signature]

Date

9/11/19

Director - Office of Police Conduct Review

[Signature]

Date

9/11/19

INVESTIGATIVE REPORT

Complaint Number: 19-04088

Investigator: Gabriel Ramirez

Officers: Karina Landmesser, Christopher Kelley

Case Type: Administrative Investigation

Date of Incident: March 18, 2019

Complaint Filed: March 25, 2019

CASE OVERVIEW

On March 18th, 2019 at 18:03, Officers Christopher Kelley and Karina Landmesser, driving in marked squad 8517 (assigned squad number 562), were dispatched to New Horizon Academy to assist Hennepin County Child Protection Services with the removal of three children— an 11-month-old, a two-year-old and a 4-year-old—from the care of their mother who was accused of abuse. After restraining the mother and removing the children from her, Officers Landmesser and Kelley took custody of the 11-month-old and 4-year-old—the 2-year-old was transported to Hennepin County Medical Center due to bruising and other marks on his body. After taking the two children into custody, Officers Landmesser and Kelley transported the children to Saint Joseph's Home for Children, stopping briefly at the Harriet Tubman Center before completing their route.

ALLEGATIONS

Pertaining to Officer Landmesser exclusively:

Allegation 1: *It is alleged that Officer Landmesser failed to keep her camera activated prior to the conclusion of an event, including the transport of children in her custody in violation of MPD P&P § 4-223(IV)(A)(7)(a) – BODY WORN CAMERAS: Officer Responsibilities: Activation.*

Pertaining to Officer Kelley exclusively:

Allegation 1: It is alleged that Officer Kelley failed to use his “lights and sirens” in a continuous manner while responding Code 2 and Priority 9 to New Horizon Academy, and employed emergency driving—such as running red lights—while transporting non-secured children in their custody to St. Joe’s in violation of MPD P&P § 7-403 VEHICLES - EMERGENCY RESPONSE.

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CASE INVESTIGATION

The complaint was filed by Ms. Ellen Fronsoe—an employee at Saint Joseph’s Home for Children (St. Joe’s)—in relation to “inappropriate” conduct by Officer Landmesser while dropping off two children at St. Joe’s.

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, Officer Kelley. Ms. Amini also was unable to find Officer Landmesser’s body worn camera video (BWC) or dash-cam video/mobile video recording (MVR) of the transport.

During the investigation, relevant material was procured, such as PIMS and VisiNet reports and BWC. Further, Officers Landmesser and Kelley were interviewed and provided statements relating to the incident.

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VisiNet – Incident Detail Report 19-077327: In the report, the “Problem level” is listed as “Assist Other Agency” and the address is listed at 105 Lake St. W (New Horizon Academy).¹ The call was listed as “Priority 9” and Officers Landmesser and Kelley—who were riding in assigned squad 562 (physically marked 8517)—self-assigned and dispatched to the call at 18:03:35, arriving at New Horizon Academy at 18:06:21.² Officers Landmesser and Kelley completed the call at 19:34.³ Officers Landmesser and Kelley requested another squad at 18:06:39 after speaking with “HENN CO CPS,” and advised “EMS CODE 2.”⁴ After the squad request, Officer Patrick Reuben—in squad 550—was assigned and arrived to the call at 18:07:17, completing the call at 18:59:31.

¹ VisiNet Report 19-077327, p. 1.

² Ibid.

³ Ibid.

⁴ Ibid, p.1-2.

In the Comments section of the report, the following is written:

HOLD ON ENDANGERED CHILD...CPS ON SITE...CHILD WITH OBVIOUS BRUISES...562
2 PARENTS AT DAYCARE PLAN TO GO IN AND HANDCUFF RIGHT AWAY—ABUSE
SHOWN ON CHILDREN—BRINGING CHILDREN TO ST. JOES.⁵

Further, squad 562 noted that, “[o]ne child was transported to HCMC by paramedics, the other two children were transported by officers to St. Joe’s Children’s Home. A health and welfare report was completed. BWC both Kelley and Landmesser.”⁶

VisiNet Automatic Vehicle Location (AVL) activity squad 562, March 18, 2019: According to the AVL, squad 562 is “EnRoute 2nd Loc”—“ST JOES HOME”—at 18:49:53, arriving at “ST JOES HOME” at 18:56:30.⁷ AVL also reveals that the squad travelled along 31st, Portland and 46th streets before arriving at St. Joe’s.⁸ Squad 562 was eventually dispatched to another call at 19:34:19.⁹ The P# listed upon the officers signing on to their squad computer is 76698.¹⁰

PIMS Report 2019-77327: In relation to the complaint, Officer Landmesser asserted that EMS transported one child—[Privacy Policy]—and that she and Officer Kelley took the other two children—[Privacy Policy]—to “St. Joe’s Children Home and placed them on a hold per HC CPS Mr. Dauth.”¹¹ Further, Officer Landmesser stated that, “[b]oth officers activated their BWC’s [sic] as well as the squad MVR (P#76696).”¹²

BWC of Officer Kelley: During his response to New Hope Daycare, Officer Kelley can be heard honking the squad horn at 3:06, 3:14 and 3:21 of his body worn camera¹³. Also, Officer Kelley employs the squad siren from 3:32-3:36, but does not appear to do so before or afterwards.¹⁴ Officer Kelley goes through red lights at 3:16, 3:58 and 4:16.¹⁵

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⁵ Ibid.

⁶ Ibid, p 2.

⁷ VisiNet AVL, p. 6.

⁸ Ibid.

⁹ Ibid, p. 5.

¹⁰ Ibid, p. 8.

¹¹ PIMS Report 2019-77327, p. 8.

¹² Id.

¹³ BWC Officer Kelley

¹⁴ Ibid.

¹⁵ Ibid.

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En route to St. Joe's, Officer Kelley bypassed intersections in which the semaphore is red at 46:22 and 46:53. While bypassing the intersection at 46:53, Officer Kelley states "hang on." At 47:23, Officer Kelley turns left on a street with semaphores that are green without coming to a complete stop.

Eventually, Officer Landmesser and Kelley arrive at St. Joe's and Officer Kelley assists Officer Landmesser with taking the infant out of the car at 53:53. Also, the toddler can be seen standing up in the back of the squad at 54:08.

BWC of Officer Landmesser:

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At 41:54, Officer Landmesser sits down in the passenger seat of the squad with the infant. Shortly after, at 42:50, Officer Landmesser states that she is "going to deactivate BWC," and the video ends almost immediately afterwards.

No other video from Officer Landmesser's BWC exists pertaining to the incident.

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Google Maps directions: According to Google Maps, New Horizon Academy is a six-minute walk to the 5th Precinct or .3 miles away. Google Maps also estimates that it would have taken the officers three minutes to arrive at the 5th Precinct from New Horizon Academy.¹⁸

Statement of Officer Landmesser: Officer Landmesser stated that she and Officer Kelley were called by a Hennepin County Child Protection caseworker to come to New Horizon Academy.¹⁹ Officer Landmesser asserted that they had been told that one of the parents was acting “belligerent[ly]” and that one of the children had “bruising and welts...indicated child abuse,” which basically meant that she and her partner, Officer Kelley, would have to “come and get the kids.”²⁰ Officer Landmesser asserts that they responded, “Code 3” from the other side of Minneapolis because the parents were about to leave the daycare.²¹ Due to the belligerent parent, Officer Landmesser claimed that she called an extra squad to back them up.²² Eventually, Officer Landmesser asserts that Officer Patrick Reuben responded to the scene.²³

According to Officer Landmesser, she and Officer Kelley had to “calm” down the mother of the children.²⁴ Officer Landmesser also stated that paramedics took one of the children, the one with numerous “bruises and welts,” while Officer Landmesser and Kelley transported the other children—one that was approximately five-years-old and the other a “baby.”²⁵

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Officer Landmesser contended that she turned off her body worn camera prior to entering St. Joe’s as she thought that officers are supposed to “keep it on at the hospital.”³¹ Officer Landmesser also mentioned that there is, “confusion about the BWC policy even just talking about it in rollcall and supervisors and special orders that come in and out.”³² She also claimed that she

¹⁸ See Maps “Walking 105 W Lake St, Minneapolis, MN 55408 to..” and “New Horizon Academy to Minneapolis Police Department driving - Google Maps.”

¹⁹ Statement of Officer Landmesser, p. 2, lines 46-47

²⁰ Ibid, p. 2, lines 50-54.

²¹ Ibid, p. 3, lines 10-11.

²² Id, lines 18-19

²³ Id, line 21.

²⁴ Ibid, p. 4, line 9.

²⁵ Id, lines 18-21

²⁶ Id, line 47.

²⁷ Id, lines 49-50.

²⁸ Id, lines 53-55.

²⁹ Ibid, p. 5, line 9.

³⁰ Id., lines 10-11.

³¹ Ibid, p. 6, lines 5-7.

³² Id, lines 7-8.

“made the decision” to not turn on the BWC as the hospital was a “privacy area for juveniles.”³³ Officer Landmesser contended also that she was not happy with the staff at St. Joe’s and “expressed [her] concern.”³⁴

Officer Landmesser contended that Squad 8517’s P number is 76697, which was stated on her startup camera.³⁵ Officer Landmesser admitted to 76696—which she wrote in PIMS—as the erroneously listed P#.³⁶

Officer Landmesser admitted to turning off her BWC.³⁷ Officer Landmesser stated that it was wrong for her to turn off her camera, that she “should have kept [her body worn camera] on.”³⁸ Reiterates that camera was turned off due to entering St. Joe’s.³⁹

When asked whether video existed of the transport, Officer Landmesser stated, initially, that she believed she deactivated the camera prior to arriving at St. Joe’s.⁴⁰ Officer Landmesser then expressed uncertainty as to when she deactivated her camera.⁴¹ Nonetheless, Officer Landmesser asserted that it was inconsequential if BWC existed as, “MVR was on and it captures, it captures the recordings of the car.”⁴² She again reiterates this statement later in the interview, contending, “Because again, I deactivated it because the MVR was there so if you were in transport, it would have still being covered that. We would have still covered that from my understanding” and also because the child on her lap was playing with her BWC.⁴³

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³³ Id, lines 13-14.

³⁴ Id, line 37.

³⁵ Ibid, p. 8, lines 13-14.

³⁶ Ibid, p. 9, line 9

³⁷ Ibid, p. 13, lines 21 and 23.

³⁸ Id, line 30

³⁹ Id, line 27.

⁴⁰ Id, line 46

⁴¹ Ibid, p. 14, lines 4-7

⁴² Id, lines 7-8.

⁴³ Id, lines 31-33

⁴⁴ Ibid, p. 16, lines 43-45

⁴⁵ Id, line 55.

⁴⁶ Ibid, p. 17, lines 2-9.

⁴⁷ Id, lines 23-24.

⁴⁸ Id, lines 41-46

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Statement of Officer Christopher Kelley: Officer Kelley asserted that he and Officer Landmesser responded to New Horizon Academy due to “alleged child abuse” and also because “the mother” of the children was “upset.”⁵⁶ According to Officer Kelley, he and Officer Landmesser “probably” responded “Code 3” to the New Horizon’s Day Care Center.⁵⁷

Officer Kelley asserted that he and Officer Landmesser transported the children in their custody to Saint Joe’s.⁵⁸ Officer Kelley mentioned that there was an issue with where to take the children for admittance.⁵⁹ Officer Kelley contended that there was no exchange of vulgar or profane words between the officers and staff at St. Joe’s.⁶⁰ When asked about MVR video of the transport, Officer Kelley stated that the MVR can be seen recording from his BWC of the incident at the “47-minute mark.”⁶¹ However, Officer Kelley stated that he was uncertain whether the MVR was recording at the beginning of the transport.⁶² Officer Kelley claimed that he saw the MVR on when he and Officer Landmesser stopped to resituate the children at the Harriet Tubman Center.⁶³

⁴⁹ Ibid, p. 18, line 9.

⁵⁰ Id, lines 34-36.

⁵¹ Ibid, p. 19, lines 5-13

⁵² Id, line 16.

⁵³ Id, lines 26, 36 and 47.

⁵⁴ Ibid, p. 21-22, lines 39-55, 1-2

⁵⁵ Id, line 10.

⁵⁶ Statement of Officer Kelley, p. 2, lines 6-8.

⁵⁷ Id, line 10.

⁵⁸ Id, line 23.

⁵⁹ Id, lines 33-37.

⁶⁰ Ibid, p. 3, 18-30.

⁶¹ Ibid, p. 4, lines 7-11.

⁶² Id, lines 13-15, 30-31.

⁶³ Id, lines 46-54.

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Officer Kelley claimed that he did not use lights or sirens when transporting the children.⁷² When asked if Officer Kelley utilized “emergency driving” while transporting the children to St. Joe’s, he replied, “I could have been in a hurry to get there to be honest with you but not like speeding or nothin’. I, I don’t recall.”⁷³

DISCUSSION

Pertaining to Officer Landmesser exclusively:

Issue 1: Did Officer Landmesser violate MPD P&P § 4-223(IV)(A)(7)(A) – BODY WORN CAMERA mandate that officers keep their body worn cameras on until “the conclusion of the event”—to include the completion of a “transfer”—when she turned off her body worn camera prior to transferring custody of two children in her care?

- The **Minneapolis Police Department’s Policy and Procedure Manual § 4-223(IV)(A)(7)(A)** states that officer shall keep body worn camera “in record mode” for a transport involving a transfer of custody until the “transfer is complete.”

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⁶⁴ Ibid, p. 5, line 42.

⁶⁵ Ibid, p. 6, lines 39-41.

⁶⁶ Id, lines 42-43

⁶⁷ Id, lines 46, 51

⁶⁸ Ibid, p. 7, line 22.

⁶⁹ Id, lines 22-23.

⁷⁰ Id, lines 40-43.

⁷¹ Ibid, p. 8 line 10.

⁷² Id, line 55.

⁷³ Ibid, p. 9, lines 7-8.

Upon a review of Officer Landmesser's body worn camera pertaining to the incident, only one video was uncovered, which ends after 43 minutes. In the video, Officer Landmesser can be heard deactivating the camera around the 43rd minute mark.⁷⁴ The camera last captures Officer Landmesser in the squad with a child on her lap prior to the squad car leaving New Horizon Academy.⁷⁵

In her statement, Officer Landmesser asserted it was wrong for her to turn off her camera, that she "should have kept [her body worn camera] on."⁷⁶ When asked whether video existed of the transport, Officer Landmesser stated, initially, that she believed she deactivated the camera prior to arriving at St. Joe's.⁷⁷ Officer Landmesser then expressed uncertainty as to when she deactivated her camera.⁷⁸ Nonetheless, Officer Landmesser asserted that it was inconsequential if BWC existed as, "MVR was on and it captures, it captures the recordings of the car."⁷⁹

Pertaining to Officer Kelley exclusively:

Issue1: Did Officer Kelley fail to use "lights and sirens in a continuous manner" while responding to New Horizon Academy and drive past red lights while transporting non-seat belted children in his custody to St. Joe's and employ other emergency driving on a Code 2 call in contravention of MPD P&P § 7-403 VEHICLES - EMERGENCY RESPONSE?

- According to the **Minneapolis Police Department's Policy and Procedure Manual § 7-403**, officers conducting emergency driving "shall use red lights and sirens in a continuous manner." In Section 7-402 of the manual, emergency driving is defined as driving in "excess of the speed limit or in violation of any traffic control device" and is "authorized only when reasonably necessary in the performance of official duties."

Officer Landmesser stated she and Officer Kelley had been told that one of the parents was acting "belligerent[ly]" and that one of the children had "bruising and welts...[that] indicated child abuse," which basically meant that they would have to "come and get the kids."⁸⁰ Officer Landmesser asserted that they responded, "Code 3" from the other side of Minneapolis because the parents were about to leave the daycare.⁸¹ Due to the belligerent parent, Officer Landmesser claims that she called an extra squad to back them up.⁸² Similarly, Officer Kelley asserted that he and Officer Landmesser responded to New Horizon Academy due to "alleged child abuse" and also because "the mother" of the children was "upset."⁸³ According to Officer Kelley, he and Officer Landmesser "probably" responded "Code 3" to the New Horizon's Day Care Center.⁸⁴

⁷⁴ BWC of Officer Landmesser, at 42:50.

⁷⁵ Id.

⁷⁶ Statement of Officer Landmesser, p. 13 line 30

⁷⁷ Id, p. 13, line 46

⁷⁸ Ibid, p. 14, lines 4-7

⁷⁹ Id, lines 7-8.

⁸⁰ Statement of Officer Landmesser, p. 2, lines 50-54.

⁸¹ Ibid, p. 3, lines 10-11.

⁸² Id, lines 18-19

⁸³ Ibid, p. 2, lines 6-8.

⁸⁴ Statement of Officer Kelley, p. 2, line 10.

However, according to the VisiNet Activity Log, the call was never more than a Code 2, and was further listed as a Priority 9 call.⁸⁵ Thus, the call was never listed as an emergency response, and was deemed of low priority. Only a Code 3 response can facilitate emergency driving.

Importantly, while driving to New Horizon Academy, Officer Kelley honked the squad horn at 3:06, 3:14 and 3:21 of his body worn camera.⁸⁶ Also, Officer Kelley employed the squad siren from 3:32-3:36 of his BWC, but does not do so before or afterwards.⁸⁷ Further, Officer Kelley goes through red lights at 3:16, 3:58 and 4:16 but no siren is heard activated while doing so.⁸⁸

After dealing with the mother and attaining custody of the children, Officers Kelley and Landmesser were tasked with transferring custody of the non-injured children to St. Joe's. Therefore, none of the children transported were in a medical emergency. Conversely, Hennepin County Medical Center (HCMC) paramedics transported the child with noticeable injuries to HCMC.

En route to St. Joe's, Officer Kelley bypassed intersections in which the semaphore was red at 46:22 and 46:53 of his BWC. While bypassing the intersection at 46:53, Officer Kelley stated, "hang on." Further, upon entering the intersection at 46:53, the MVR of the squad can be seen illuminated, indicating activation. Activation absent pressing the MVR panel itself generally results from an officer putting his or her lights on; no siren was heard activated, conversely. Additionally, at 47:23 of his BWC, Officer Kelley turned right on a street with semaphores that were green without coming to a complete stop.

Officer Kelley claimed that he did not use lights or sirens when transporting the children.⁸⁹ When asked if he utilized "emergency driving" while transporting the children to St. Joe's, Officer Kelley replied, "I could have been in a hurry to get there to be honest with you but not like speeding or nothin'. I, I don't recall."⁹⁰

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⁸⁵ VisiNet – Incident Detail Report 19-077327, p.1-2.

⁸⁶ BWC Officer Kelley

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Statement of Officer Kelley, p.8, line 55.

⁹⁰ Ibid, p. 9, lines 7-8.

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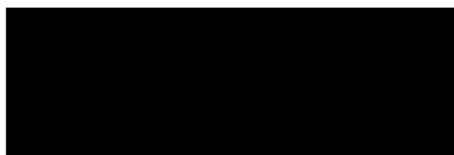
13.43 - Personnel Data

CLOSING

Pertaining to Officer Landmesser exclusively:

Allegation 1: *It is alleged that Officer Landmesser failed to keep her camera activated prior to the conclusion of an event, including the transport of children in her custody in violation of MPD P&P § 4-223(IV)(A)(7)(a) – BODY WORN CAMERAS: Officer Responsibilities: Activation.*

1. Upon a review of Officer Landmesser's body worn camera pertaining to the incident, only one video was uncovered, which ends after 43 minutes. In the video, Officer Landmesser can be heard deactivating the camera prior to the beginning of the transport of the children.¹²¹ The officers completed the call approximately an hour-and-a-half after they were assigned to it
2. When asked whether video existed of the transport, Officer Landmesser stated, initially, that she believed she deactivated the camera prior to arriving at St. Joe's.¹²² Officer Landmesser then expressed uncertainty as to when she deactivated her camera.¹²³



¹²¹ BWC of Officer Landmesser, at 42:50.

¹²² Statement of Officer Landmesser, p. 13, line 46

¹²³ Ibid, p. 14, lines 4-7

3. Nonetheless, Officer Landmesser asserted that it was inconsequential if BWC existed as, “MVR was on and it captures, it captures the recordings of the car.”¹²⁴
4. In her statement, Officer Landmesser asserted it was wrong for her to turn off her camera, that she “should have kept [her body worn camera] on.”¹²⁵

Pertaining to Officer Kelley exclusively:

Allegation 1: *It is alleged that Officer Kelley failed to use his “lights and sirens” in a continuous manner while responding Code 2 and Priority 9 to New Horizon Academy, and employed emergency driving—such as running red lights—while transporting non-secured children in their custody to St. Joe’s in violation of MPD P&P § 7-403 VEHICLES - EMERGENCY RESPONSE.*

1. Officers Kelley and Landmesser asserted that they responded Code 3 to New Horizon’s Academy due to an angry mother accused of abusing her child trying to leave the daycare.¹²⁶
2. Officer Landmesser further stated that the officers were on the other side of Minneapolis, thus further reason to respond, “Code 3.”¹²⁷
3. Officers Kelley and Landmesser called an extra squad—Officer Reuben—to back them up.
4. However, according to the VisiNet Activity Log, the call was never more than a Code 2, and was further listed as a Priority 9 call.¹²⁸ Thus, the call was never listed as an emergency response, and was deemed of low priority. Only a Code 3 response can facilitate emergency driving.
5. While driving to New Horizon Academy, Officer Kelley honked the squad horn at 3:06, 3:14 and 3:21 of his body worn camera. Also, Officer Kelley employed the squad siren from 3:32-3:36 of his BWC, but does not appear to do so before or afterwards. Further, Officer Kelley went through red lights at 3:16, 3:58 and 4:16, but no siren is heard activated while doing so.
6. Officers Landmesser and Kelley transported the children during a non-emergency; namely, to find shelter for the children after the mother was accused of abuse.
7. En route to St. Joe’s, Officer Kelley bypassed intersections in which the semaphore is red at 46:22 and 46:53 of his BWC. While bypassing the intersection at 46:53, Officer Kelley stated, “hang on.” Further, upon entering the intersection at 46:53, the MVR of the squad can be seen illuminated, indicating activation. Activation absent pressing the MVR panel itself generally results from an officer putting his lights on; no siren was heard activated, conversely. Additionally, at 47:23 of his BWC, Officer Kelley turned right on a street with semaphores that are green without coming to a complete stop.
8. Officer Kelley claimed that he did not use lights or sirens when transporting the children. When asked if he utilized “emergency driving” while transporting the children to St. Joe’s,

¹²⁴ Id, lines 7-8.

¹²⁵ Ibid, p. 13 line 30

¹²⁶ Statement of Officer Landmesser, p. 2, lines 50-54; Statement of Officer Kelley, p. 2, lines 6-8.

¹²⁷ Ibid, p. 3, lines 10-11.

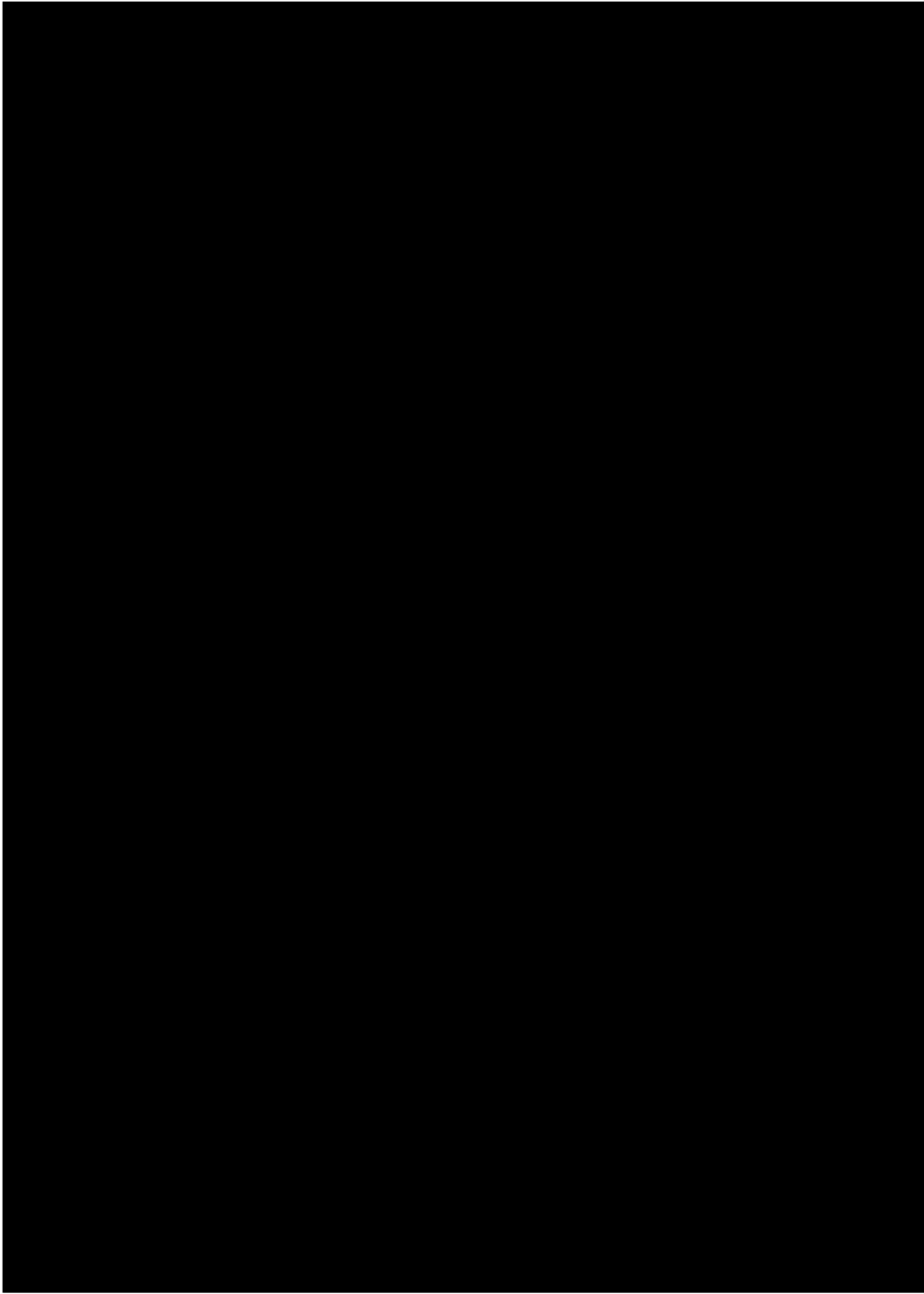
¹²⁸ VisiNet – Incident Detail Report 19-077327, p.1-2

Officer Kelley replied, "I could have been in a hurry to get there to be honest with you but not like speeding or nothin'. I, I don't recall."¹²⁹

13.43 - Personnel Data

¹²⁹ Statement of Officer Kelley, p. 9, lines 7-8.

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: Gabriel Ramirez

Date:

13.43 - Personnel Data

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NOTICE OF DISCIPLINE

July 16, 2020

Officer Karina Landmesser
Pct. 5 Daywatch
Minneapolis Police Department

RE: OPCR Case Number 19-04088
Notice of Written Reprimand

Officer Landmesser,

The finding for OPCR Case #19-04088 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
4-223	(IV)(A)(7)(a)	Body Worn Cameras	B	Merit

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

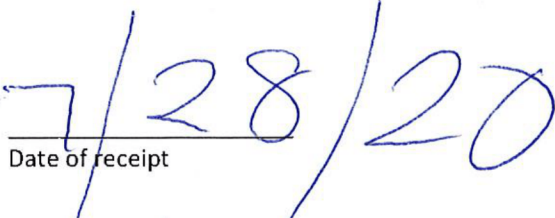
NOTICE OF RECEIPT

Acknowledgement of receipt:

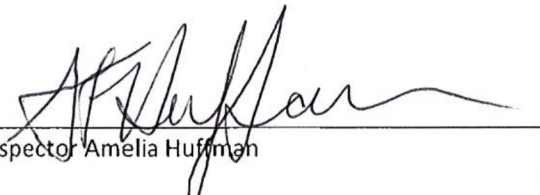
I, Karina Landmesser, acknowledge that I have received my Notice of Discipline for OPCR Case #19-04088.



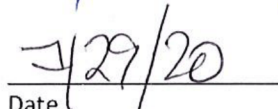
Officer Karina Landmesser



Date of receipt



Inspector Amelia Huffman



Date

CC: Personnel
Inspector Huffman
OPCR