

## Investigative Summary

**Matter Number:** 19-04971  
**Investigator:** Sergeant Andy Canadeo  
**Officer:** Officer Mike Nelson #5033  
**Case Type:** IA Administrative  
**Date of Incident:** December 29, 2018  
**Complaint Filed Date:** December 30, 2018

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### CASE OVERVIEW

On December 29, 2018, Officer Michael Nelson was off-duty, driving his personal vehicle westbound on I-94 in Minneapolis. Nelson was driving to his home [REDACTED] 13.43 A motorist traveling behind Nelson phoned 911 and reported that Nelson's vehicle struck the side of a highway wall on I-94 near 11<sup>th</sup> Avenue. Nelson's vehicle continued westbound on I-94.

Minnesota State Trooper, Keenan Jones, intercepted Nelson's vehicle that was being followed by the reporting motorist on I-94 near Hwy 55. Trooper Jones positioned himself behind Nelson's vehicle and observed Nelson's vehicle weaving within Nelson's lane. Trooper Jones conducted a traffic stop after Nelson's vehicle drifted across lane lines driving between two lanes.

Trooper Jones contacted the driver, identified as Michael Nelson. Trooper Jones attempted to conduct Standardized Field Sobriety Tests (SFSTs) on Nelson. Nelson refused SFST's and was placed under arrest by Trooper Jones for DWI. Nelson was transported to the Hennepin County Jail and Trooper Jones read Nelson the Implied Consent Advisory. A breath test was administered to Nelson and the result of the test was 0.12 BAC. Nelson was booked for 4th degree DWI at Hennepin County Jail. Nelson accepted a plea deal and he was convicted of misdemeanor 4<sup>th</sup> degree DWI on April 2, 2019.<sup>1</sup>

### ALLEGATIONS

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<sup>1</sup> Minnesota Court Information System (MNCIS) Hennepin County Case No. 27-CR-18-31532.

**Allegation 1:** It is alleged, while off-duty, Officer Michael Nelson violated the Minnesota Law Enforcement Code of Ethics by operating his motor vehicle under the influence of alcohol in violation of Minnesota State Statute 169A.27.1, 4th Degree DWI.

### CASE INVESTIGATION

#### **Minnesota State Patrol Field Report**

On December 29, 2018, Trooper Jones was dispatched to a driving complaint on westbound I-94 from Cedar Avenue. The complaint was called in by a motorist that reported a dark colored pick-up with 13.43 - Personnel Data had struck a median wall on westbound I-94 near 11<sup>th</sup> Avenue. The vehicle of the driving complaint was later determined to be Michael Nelson's vehicle. Nelson was reported to have continued west on I-94 after striking the median wall. The reporting motorist followed Nelson updating State Patrol Dispatch that Nelson's vehicle "continued swerving in the lanes."<sup>2</sup> Trooper Jones positioned his squad behind Nelson's vehicle, 13.43 - Personnel Data Trooper Jones traveled behind Nelson's vehicle on I-94 in the center westbound lane of traffic. Nelson's vehicle crossed over into the far-left lane and pulled back abruptly into the center lane without signaling. Trooper Jones activated his emergency lights and Nelson's vehicle stopped on the eastside of I-94 near Lowry Avenue.<sup>3</sup>

Trooper Jones approached Nelson's vehicle on the driver's side. The driver's window was already down and Trooper Jones immediately smelled a strong odor of alcoholic beverage. Trooper Jones noted that the driver, Nelson, had bloodshot and watery eyes. Trooper Jones identified Nelson by Nelson's Minnesota Driver's License and Nelson's Minneapolis Police Department Officer Identification Card. Nelson presented both identifications to Trooper Jones. Trooper Jones observed a blue bar wristband on Nelson's right wrist. Trooper Jones had asked Nelson if he was aware of why Trooper Jones had stopped Nelson and how much did Nelson have to drink. Nelson only stated that he was on his way home. Trooper Jones noted that Nelson had slurred speech.<sup>4</sup>

Trooper Jones directed Nelson to step out of his vehicle to perform Standardized Field Sobriety Tests (SFST's). When Nelson stepped out of the vehicle, Trooper Jones reported Nelson had poor balance and almost fell. Trooper Jones attempted to give Nelson the Horizontal Gaze Nystagmus Test (HGN). Nelson declined to participate and Nelson stated, "if you want to hook me up right now it's cool."<sup>5</sup> Nelson was placed under arrest for DWI and transported to Hennepin County Jail. Trooper Jones noted in his report that he did not observe any damage on Nelson's vehicle. No Minnesota State Accident report was completed.

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<sup>2</sup> Minnesota State Patrol DWI Report #18515402, Page 5.

<sup>3</sup> Minnesota State Patrol DWI Report #18515402, Page 5.

<sup>4</sup> Minnesota State Patrol DWI Report #18515402, Page 5.

<sup>5</sup> Minnesota State Patrol DWI Report #18515402, Page 6.

At the Hennepin County Jail, Nelson was read the Implied Consent Advisory which was recorded on Trooper Jones' Squad Camera. Only audio was captured since State Patrol does not have Body Worn Cameras and the Advisory was given off camera view. Nelson requested an attorney so he was given an hour to place phone calls. Nelson agreed to take the DMT-G, breath test, and the result was a reported value of 0.12 BAC.

The Miranda Warning was read to Nelson and Nelson refused to speak with Trooper Jones and requested an attorney. Nelson was booked into Hennepin County Jail for 4<sup>th</sup> degree DWI and a Driver's License Revocation Form was completed by Trooper Jones and signed by Nelson.

The Minnesota DWI Report ICR #18515402 noted the previously aforementioned observations, in addition to unsteady gait, swaying, staggering, repeats same request/questions, and slow movement. Nelson's attitude was noted as antagonistic and uncooperative.

### **Minnesota State Patrol Squad Video**

There are two different camera angles recorded on the Minnesota State Patrol squad car. One angle displays video from the front view of the squad and the other angle displays video from the rear seat of the squad. The audio is at times inaudible due to traffic, radio, and wind noise. Trooper Jones front video captured Nelson's vehicle crossing over from the center lane of traffic into the left lane without signaling a lane change while Trooper Jones squad was directly behind Nelson. Nelson's vehicle abruptly pulled back into the middle lane, again without signaling, and Trooper Jones immediately pulled Nelson over.<sup>6</sup> Nelson pulled over to the right side of I-94 west.

Trooper Jones advised Nelson to step out of Nelson's vehicle. Nelson stumbled as he stepped out. Nelson is captured on video refusing to participate with the HGN test and Nelson informed Trooper Jones, "If you want to hook me up right now it's cool."<sup>7</sup> Nelson is handcuffed and placed into the rear seat of Trooper Jones squad. Nelson is captured on the second camera angle sitting in the backseat. A second Trooper arrives for only a few minutes and confirms with Trooper Jones that there is no damage observed on Nelson's vehicle.

The rear camera footage captures Nelson seated in the back seat of Trooper Jones squad and Nelson is transported to Hennepin County Jail. Minnesota State Patrol does not use Body Worn Cameras. Therefore, once Nelson was removed from the rear of Trooper Jones squad, only audio was captured of Trooper Jones and Nelson. Audio captured Trooper Jones read Nelson the Implied Consent Advisory and Trooper Jones provided Nelson time to make phone calls to an attorney.<sup>8</sup> The audio during the breath test was inaudible at times so it was difficult to hear Nelson's responses to Trooper Jones during the test.

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<sup>6</sup> Minnesota State Patrol Squad Camera, Trooper Jones 12/29/2018 23:26:03 mark.

<sup>7</sup> Minnesota State Patrol Squad Camera, Trooper Jones 12/29/2018 23:29:34 mark.

<sup>8</sup> Minnesota State Patrol Squad Camera, Trooper Jones 12/30/2018 00:01:55 – 00:09:55 mark.

### **Interview with Minnesota State Patrol Trooper Keenan Jones #35**

On August 26, 2019, I interviewed Trooper Keenan Jones via telephone. The following is a summary of the interview.

Trooper Jones stated on August 29, 2018, at approximately 2322 hours he was dispatched to a driving complaint on I-94 near Cedar Avenue in Minneapolis. The traffic complaint was called in by a reporting party that observed a dark colored pick-up truck, with [REDACTED] 13.43 - Personnel Data [REDACTED] had struck a median wall on westbound I-94. The pick-up truck continued westbound without stopping. Trooper Jones advised that he had intercepted the pick-up, Nelson's vehicle, and verified the license plate with dispatch [REDACTED] 13.43 - Personnel Data [REDACTED]. Trooper Jones observed Nelson's vehicle "drift out of his lane"<sup>10</sup> so he conducted a traffic stop. Trooper Jones stated as soon as he approached Nelson's driver side window he smelled a strong odor of alcohol and observed that Nelson had bloodshot and watery eyes. Nelson provided his Minnesota Driver's License along with his Minneapolis Police Department Identification Card.<sup>11</sup> Trooper Jones stated that Nelson had "nearly fallen"<sup>12</sup> when Nelson stepped out of his vehicle. Nelson refused to participate with the Standard Field Sobriety Test (SFSTs). After Nelson presented his Police Identification Card Nelson did not say anything more to Trooper Jones about being a police officer. Trooper Jones advised that Nelson did not have a firearm on his person and Trooper Jones did not locate one inside of Nelson's vehicle. Nelson was transported to the Hennepin County Jail for a breath test.

Nelson's demeanor during the process was described by Trooper Jones as being antagonistic and not real cooperative. Trooper Jones advised that Nelson was not combative, however Nelson tried to delay the process by burp during the breath test to skew the results.<sup>13</sup> Nelson did complete the breath test with a result of 0.12 BAC. Nelson was booked at Hennepin County Jail for 4<sup>th</sup> Degree DWI.

### **Interview with Michael Nelson**

On September 9, 2019, I interviewed Officer Michael Nelson. Also present at the interview was Sergeant Steve Fogarty of the Minneapolis Police Officer's Federation. The following is a summary of the interview.

Michael Nelson had consumed alcohol while attending a fundraiser in St. Paul on December 29, 2018. Nelson stated he did not recall how much alcohol he had consumed while at the fundraiser and he

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<sup>9</sup> Interview of Trooper Jones, page 1, lines 42-44 & page 2, line 1.

<sup>10</sup> Interview of Trooper Jones, page 2, line 3.

<sup>11</sup> Interview of Trooper Jones, page 2, lines 11-14.

<sup>12</sup> Interview of Trooper Jones, page 2, line 24.

<sup>13</sup> Interview of Trooper Jones, page 3, lines 16-21.



could not give a time he started drinking or a time he stopped drinking prior to leaving the event.<sup>14</sup> Nelson also stated that he could not remember if he felt the effects of alcohol or if he felt too impaired to drive prior to leaving the event. He replied, "I don't recall exactly how I felt at the time to be 100 percent with you."<sup>15</sup> Nelson later advised that he purposely left the event early feeling he was not too impaired to drive home and he misjudged his own personal feeling at the time.<sup>16</sup>

Nelson confirmed that he was pulled over by Minnesota State Patrol on I-94 near Lowry Avenue. Nelson stated that he did not hit a median wall or anything else on I-94 near 11<sup>th</sup> Avenue with his vehicle prior to being pulled over by the State Patrol, "I did not hit anything with my car or truck."<sup>17</sup> Nelson provided his driver's license and his Minneapolis Police Identification Card to the Trooper during the traffic stop. Nelson provided his police identification stating "Um, I guess that's just kind of standard procedure that, uh, other officers have followed when I pulled them over so I followed the same procedure when this happened."<sup>18</sup>

Field sobriety tests were offered to Nelson during the traffic stop. Nelson refused to perform any of the field sobriety tests until he first consulted an attorney.<sup>19</sup> Nelson was transported to the Hennepin County Jail after refusing field sobriety tests. Prior to the breath test Nelson was read the Implied Consent Advisory and provided an opportunity to call an attorney. Nelson agreed to a breath test. The result of the test was 0.12 BAC and Nelson was booked at the Hennepin County Jail. Nelson confirmed that he did not have a firearm with him when he was stopped by the Trooper.

Nelson was charged with 4<sup>th</sup> degree DWI and he plead guilty to misdemeanor 4<sup>th</sup> degree DWI on April 2, 2019. Hennepin County Courts placed Nelson on one year of Administrative Probation required him to pay a fine. Nelson stated that his driving privileges have been fully restored.

Nelson said if he could go back to the night he was pulled over he would have taken a cab. Nelson said, "I thought about that night pretty much every day since it happened."<sup>20</sup> Nelson regrets the decision he had made to drive on December 29, 2018. Nelson voluntarily spoke to a class of recruits at the Minneapolis Police Academy about the decision he made to drive and Nelson showed the class his booking photo from the incident.<sup>21</sup> Nelson stressed the importance of making other arrangements for transportation when needed because we are not always aware of our own impairment.<sup>22</sup>

## Charge

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<sup>14</sup> Interview of Officer Michael Nelson, page 2, lines 21-41.

<sup>15</sup> Interview of Officer Michael Nelson, page 2, line 43-44 & page 3, lines 1-5.

<sup>16</sup> Interview of Officer Michael Nelson, page 5, lines 19-22.

<sup>17</sup> Interview of Officer Michael Nelson, page 3, line 13.

<sup>18</sup> Interview of Officer Michael Nelson, page 3, lines 26-28.

<sup>19</sup> Interview of Officer Michael Nelson, page 3, lines 40-41.

<sup>20</sup> Interview of Officer Michael Nelson, page 4, line 42.

<sup>21</sup> Sergeant Dave Garman's letter of acknowledgement for Nelson's Academy Speech.

<sup>22</sup> Interview of Officer Michael Nelson, page 5, lines 7-27.

On December 30, 2018, Michael Nelson was charged with the following:

1. Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours – Fourth Degree

**Disposition**

On April 2, 2019, Nelson plead guilty to the following:

1. Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours – Fourth Degree

**Sentenced**

1. Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours  
12/29/2018 (MSD) 169A.20.1(5) (169A2015) April 2, 2019.

Local Confinement:

Agency: Hennepin County Workhouse – Adult Corrections

Term: 30 Days

Time To Serve: 3 Days

Stay 27 Days For 1 Year

Credit For Time Served: 2 Days

Serve As: Sentence To Serve

Community Service: 1 Day

Start: 04/02/2019 Due: 09/29/2019 STS/CS

Completion Report

Completed Status: Satisfied 05/01/2019

Monitoring – Adult:

Type: Probation to the Court/Administrative

Agency: Hennepin District Court

Term of 1 year

04/02/2019 – 04/02/2020

Status: Active 04/02/2019

Condition - Adult:

1. No driver license violations, 04/02/2019, Active 04/02/2019
2. No driving without insurance, 04/02/2019, Active 04/02/2019
3. No alcohol-related traffic offenses, 04/02/2019, Active 04/02/2019
4. No drug-related traffic offenses, 04/02/2019, Active 04/02/2019
5. No careless driving, 04/02/2019, Active 04/02/2019
6. No reckless driving, 04/02/2019, Active 04/02/2019
7. No same or similar, No DWI 04/02/2019, Active 04/02/2019
8. No misdemeanor moving violations, 04/02/2019, Active 04/02/2019

9. Complete DWI Assessment, Already completed a chemical evaluation and followed recommendations, per Judge Benson 04/02/2019, Active 04/02/2019
10. Victim impact panel, Already completed per Judge Benson 04/02/2019, Active 04/02/2019
11. Follow recommendations of evaluation, Already completed per Judge Benson 04/02/2019, Active 04/02/2019

Fine: \$228.00 (Paid 08/02/2019 – Receipt #MCPC-2019-28717)

Level of Sentence: Convicted of a Misdemeanor

### **DISCUSSION**

**It is alleged that Officer Michael Nelson violated the Minnesota Law Enforcement Code of Ethics when, while off duty, he drove a vehicle under the influence of alcohol.**

The Minneapolis Police Department's Policy and Procedure Manual at the time of the incident stated in part:

#### **5-102.01 MINNESOTA LAW ENFORCEMENT CODE OF ETHICS (08/01/91)**

##### **MINNESOTA LAW ENFORCEMENT CODE OF ETHICS:**

"As a Minnesota Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both by personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement."

Michael Nelson drank alcoholic beverages at a fundraiser in St. Paul. Nelson drove on I-94 from St. Paul when a citizen phoned 911 reporting that Nelson's vehicle had struck the highway median wall on I-94 at 11<sup>th</sup> Avenue. Trooper Keenan Jones located Nelson's vehicle and conducted a traffic stop on I-94 at Lowry Ave in Minneapolis. Nelson refused to complete the Standardized Field Sobriety Tests. Nelson agreed to take the breath test which had test result of .12 BAC. Nelson was convicted of 4<sup>th</sup> degree misdemeanor DWI.

The Minnesota Law Enforcement Code of Ethics states in part officers will, "...be constantly mindful of the welfare of others." When Nelson chose to drive his vehicle, he endangered the traveling public.

The Code of Ethics also states, "I will be exemplary in obeying the laws of the land and the regulations of my department." Officer Nelson was convicted of 4<sup>th</sup> degree DWI in violation of the Minnesota Law Enforcement Code of Ethics.

#### CLOSING

Did Officer Michael Nelson violate the Minnesota Law Enforcement Code of Ethics when, while off duty, he drove a vehicle under the influence of alcohol?

- Nelson drove his vehicle from a fundraiser after consuming alcohol and was pulled over by the Minnesota State Patrol.
- Nelson said he left the fundraiser prior to bar close thinking he was not at a level of intoxication that would have impaired his driving.
- Nelson submitted to a breath test with the result of 0.12 BAC.
- Nelson was booked at Hennepin County Jail for 4<sup>th</sup> Degree DWI.
- Nelson plead guilty to misdemeanor 4<sup>th</sup> Degree DWI.
- Nelson now sees his actions put other people in danger and understands there were other options he could have chosen.
- Nelson spoke at the Minneapolis Police Academy in February of 2019 with the hope to help recruits understand the regretful choice he made and the negative impact it had on his life.

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

Andrew J. Canadeo  
Investigator: Sergeant Name

November 12, 2019  
Date

## NOTICE OF DISCIPLINE

June 22, 2020

Officer Michael Nelson  
Precinct 4 Neighborhood Directed Patrol  
Minneapolis Police Department

RE: OPCR Case 19-04971  
**Notice of Suspension (40 hours suspension without pay)**

Officer Nelson,

The finding for OPCR Case #19-04971 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
5-102.01		Minnesota Law Enforcement Code of Ethics	C	Merit

As discipline for this incident you are suspended for [REDACTED] 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,



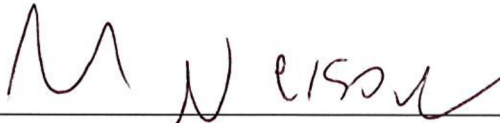
Medaria Arradondo  
Chief of Police

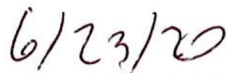
By: Michael Kjos, Assistant Chief of Police  
Henry Halvorson, Deputy Chief, Professional Standards Bureau


## NOTICE OF RECEIPT


Acknowledgement of receipt:

I, Michael Nelson, acknowledge that I have received my Notice of Discipline for OPCR Case #19-04971.

  
\_\_\_\_\_  
Officer Michael Nelson

  
\_\_\_\_\_  
Date of Receipt

  
\_\_\_\_\_  
Inspector Kelvin Pulphus

  
\_\_\_\_\_  
Date

CC: OPCR Case File  
Inspector Pulphus  
Payroll  
Human Resources

# DISCHARGE, SUSPENSION OR INVOLUNTARY DEMOTION FORM

Please enter the requested information directly into the form and provide a copy to the employee once completed and signed.

Employee Name: Michael Nelson	Employee ID: 005033
Job Title: Officer	Job Code:
Department: Minneapolis Police Department	
Is this employee a Veteran? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	
Has this employee passed probation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## NATURE OF ACTION:

☐ Discharge: Effective Date: At ☐ a.m. ☐ p.m.

☐ Probationary Release: Effective Date: At ☐ a.m. ☐ p.m.

☒ Suspension without pay:

Total Working Days (or hours): **13.43**

Beginning on: 6/23/2020

Ending on: 06/26/2020

☐ Demotion:

☐ Permanent – Effective Date:

☐ Temporary – Beginning on: Ending on:

Demoted to:

Job Title: Job Code: at the following hourly rate of pay or annual salary: \$

**REASON(S) FOR THIS ACTION:** (Check applicable boxes below and attach Letter of Determination that includes specific violations)

☒ Violation of Civil Service Commission Rule 11.03 – Subdivision: B9, B13, B19, B20

☐ A. Substandard Performance

☒ B. Misconduct

☒ Violation of the Department Rule(s), Law(s), Ordinance(s), or Regulation(s) 5-102.01

## NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS

### DISCHARGE AND PROBATIONARY RELEASE AND SUSPENSION AND INVOLUNTARY DEMOTION

**Probationary Employees** – Employees, including veterans separated from the United States military service under honorable conditions, who have not passed an initial hiring probationary period do not have a right to a hearing before the Civil Service Commission (CSC).

**Veteran Employees (Permanent)** - Employees holding a permanent position with the City or Park Board of Minneapolis, and who is a veteran separated from the United States military service under honorable conditions and who has passed an initial hiring probationary period, has a right to a hearing prior to discharge from employment or involuntary demotion. Temporary employees who are veterans do not have a right to a hearing.

**Permanent Non-Veteran Employees** have a right to a hearing by the CSC upon written request. Non-veterans who have passed probation are permanent employees.

**Disciplinary Suspension or Demotion** - Employees may be suspended without pay for disciplinary reasons for periods not to exceed 90 calendar days. Suspensions of 31 to 90 calendar days may be appealed by the employee to the CSC.

Employees may be demoted for disciplinary reasons and/or for substandard performance, either temporarily (up to 180 days) or permanently. Permanent employees may appeal any permanent demotion and/or salary decrease.



**NOTICE TO CLASSIFIED EMPLOYEES OF LEGAL RIGHTS continued**

**REQUESTING A HEARING**

**IMPORTANT:** The employee should refer to the Civil Service Rules and/or the appropriate labor contract to determine what, if any, appeal rights he or she may have. The employee may choose whether to appeal this action through the Civil Service Commission or through processes available through a labor contract, but may not appeal through both.

**Requesting a Hearing: Non-Veterans** - A written request for hearing must be postmarked or received by the Civil Service Commission within 15 calendar days from the date disciplinary action was provided to the employee. The 15 days are counted from the first day after the notice was provided to the employee. If the 15<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The date of postmark must be within that 15-day period. The request for a hearing may be accompanied by the employee's statement of his or her version of the case.

**Requesting a Hearing: Veterans** - A written request for hearing must be received by the Civil Service Commission within 30 calendar days of receipt by the employee of the notice of intent to discharge. The 30 days are counted from the first day after receipt of the notice by the employee. If the 30th day falls on a Saturday, Sunday, or legal holiday, the request may be served on or before the following business day. The request for a hearing may be accompanied by the employee's statement of his or her version of the case. A failure to request a hearing within the provided 30 day calendar period constitutes a waiver of the right to a hearing.

**ALL REQUESTS FOR A HEARING AND APPEALS MUST BE MAILED WITHIN THE REQUIRED TIMELINES TO:**

Minneapolis Human Resources Department/Civil Service Commission  
250 South 4th Street, Room 100  
Minneapolis, MN 55415

**NOTIFICATION TO EMPLOYEE:**

☒ The employee was given an opportunity to respond to the written charges at a pre-determination meeting held on: Date: April 1, 2020

☐ The employee failed to appear at the pre-determination meeting.

☒ A copy of this form and relevant accompanying information was given to the employee on 06/23/20 KP.  
☐ A copy of this form and relevant accompanying information was sent by US mail, to the employee's address of record provided by employee.

Signature of Department Head: [Signature]

Date: 6-22-20

Signature of Person Mailing/Delivering Notice: [Signature]

Date: 06-23-20

Entered into COMET-HR by:

Date:



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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
19-04971			December 29, 2018		
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	
<b>JURISDICTION</b>		<b>CATEGORY</b>			
OPCR Ord. § 172.20(9)		CRIMINAL MISCONDUCT			
<b>BADGE/NAME</b>		<b>ALLEGED POLICY VIOLATIONS</b>			
5033 ; Nelson, Michael		MPD P&P § 5-102.01 - MINNESOTA LAW ENFORCEMENT CODE OF ETHICS			
<b>ALLEGATION SUMMARY</b>					
It is alleged that the officer was arrested for DUI while off-duty and not working in his capacity as an officer.					
<b>SUPERVISOR ASSESSMENT</b>					
<b>INQUIRY (INTAKE – COMPLAINT FILED)</b> <input type="checkbox"/> <b>MEDIATION</b> <input type="checkbox"/> Refer to Mediation <b>COACHING</b> <input type="checkbox"/> Refer to Precinct <b>INVESTIGATIONS</b> <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input type="checkbox"/> Admin Investigation: Investigator			<b>3401</b> <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final approved <b>DISMISS</b> <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: _____		
<b>FINAL APPROVED INVESTIGATIVE REPORT</b> <input checked="" type="checkbox"/> Refer to Panel					
IAU Supervisor				Date 11/19/19	
Director – Office of Police Conduct Review				Date 11/19/19	

## Investigative Summary

**Matter Number:** 19-04971  
**Investigator:** Sergeant Andy Canadeo  
**Officer:** Officer Mike Nelson #5033  
**Case Type:** IA Administrative  
**Date of Incident:** December 29, 2018  
**Complaint Filed Date:** December 30, 2018

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### CASE OVERVIEW

On December 29, 2018, Officer Michael Nelson was off-duty, driving his personal vehicle westbound on I-94 in Minneapolis. Nelson was driving to his home [REDACTED] 13.43 [REDACTED]. A motorist traveling behind Nelson phoned 911 and reported that Nelson's vehicle struck the side of a highway wall on I-94 near 11<sup>th</sup> Avenue. Nelson's vehicle continued westbound on I-94.

Minnesota State Trooper, Keenan Jones, intercepted Nelson's vehicle that was being followed by the reporting motorist on I-94 near Hwy 55. Trooper Jones positioned himself behind Nelson's vehicle and observed Nelson's vehicle weaving within Nelson's lane. Trooper Jones conducted a traffic stop after Nelson's vehicle drifted across lane lines driving between two lanes.

Trooper Jones contacted the driver, identified as Michael Nelson. Trooper Jones attempted to conduct Standardized Field Sobriety Tests (SFSTs) on Nelson. Nelson refused SFST's and was placed under arrest by Trooper Jones for DWI. Nelson was transported to the Hennepin County Jail and Trooper Jones read Nelson the Implied Consent Advisory. A breath test was administered to Nelson and the result of the test was 0.12 BAC. Nelson was booked for 4th degree DWI at Hennepin County Jail. Nelson accepted a plea deal and he was convicted of misdemeanor 4<sup>th</sup> degree DWI on April 2, 2019.<sup>1</sup>

### ALLEGATIONS

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<sup>1</sup> Minnesota Court Information System (MNCIS) Hennepin County Case No. 27-CR-18-31532.

**Allegation 1:** It is alleged, while off-duty, Officer Michael Nelson violated the Minnesota Law Enforcement Code of Ethics by operating his motor vehicle under the influence of alcohol in violation of Minnesota State Statute 169A.27.1, 4th Degree DWI.

### CASE INVESTIGATION

#### **Minnesota State Patrol Field Report**

On December 29, 2018, Trooper Jones was dispatched to a driving complaint on westbound I-94 from Cedar Avenue. The complaint was called in by a motorist that reported a dark colored pick-up with 13.43 - Personnel Data had struck a median wall on westbound I-94 near 11<sup>th</sup> Avenue. The vehicle of the driving complaint was later determined to be Michael Nelson's vehicle. Nelson was reported to have continued west on I-94 after striking the median wall. The reporting motorist followed Nelson updating State Patrol Dispatch that Nelson's vehicle "continued swerving in the lanes."<sup>2</sup> Trooper Jones positioned his squad behind Nelson's vehicle 13.43 - Personnel Data Trooper Jones traveled behind Nelson's vehicle on I-94 in the center westbound lane of traffic. Nelson's vehicle crossed over into the far-left lane and pulled back abruptly into the center lane without signaling. Trooper Jones activated his emergency lights and Nelson's vehicle stopped on the eastside of I-94 near Lowry Avenue.<sup>3</sup>

Trooper Jones approached Nelson's vehicle on the driver's side. The driver's window was already down and Trooper Jones immediately smelled a strong odor of alcoholic beverage. Trooper Jones noted that the driver, Nelson, had bloodshot and watery eyes. Trooper Jones identified Nelson by Nelson's Minnesota Driver's License and Nelson's Minneapolis Police Department Officer Identification Card. Nelson presented both identifications to Trooper Jones. Trooper Jones observed a blue bar wristband on Nelson's right wrist. Trooper Jones had asked Nelson if he was aware of why Trooper Jones had stopped Nelson and how much did Nelson have to drink. Nelson only stated that he was on his way home. Trooper Jones noted that Nelson had slurred speech.<sup>4</sup>

Trooper Jones directed Nelson to step out of his vehicle to perform Standardized Field Sobriety Tests (SFST's). When Nelson stepped out of the vehicle, Trooper Jones reported Nelson had poor balance and almost fell. Trooper Jones attempted to give Nelson the Horizontal Gaze Nystagmus Test (HGN). Nelson declined to participate and Nelson stated, "if you want to hook me up right now it's cool."<sup>5</sup> Nelson was placed under arrest for DWI and transported to Hennepin County Jail. Trooper Jones noted in his report that he did not observe any damage on Nelson's vehicle. No Minnesota State Accident report was completed.

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<sup>2</sup> Minnesota State Patrol DWI Report #18515402, Page 5.

<sup>3</sup> Minnesota State Patrol DWI Report #18515402, Page 5.

<sup>4</sup> Minnesota State Patrol DWI Report #18515402, Page 5.

<sup>5</sup> Minnesota State Patrol DWI Report #18515402, Page 6.

At the Hennepin County Jail, Nelson was read the Implied Consent Advisory which was recorded on Trooper Jones' Squad Camera. Only audio was captured since State Patrol does not have Body Worn Cameras and the Advisory was given off camera view. Nelson requested an attorney so he was given an hour to place phone calls. Nelson agreed to take the DMT-G, breath test, and the result was a reported value of 0.12 BAC.

The Miranda Warning was read to Nelson and Nelson refused to speak with Trooper Jones and requested an attorney. Nelson was booked into Hennepin County Jail for 4<sup>th</sup> degree DWI and a Driver's License Revocation Form was completed by Trooper Jones and signed by Nelson.

The Minnesota DWI Report ICR #18515402 noted the previously aforementioned observations, in addition to unsteady gait, swaying, staggering, repeats same request/questions, and slow movement. Nelson's attitude was noted as antagonistic and uncooperative.

### **Minnesota State Patrol Squad Video**

There are two different camera angles recorded on the Minnesota State Patrol squad car. One angle displays video from the front view of the squad and the other angle displays video from the rear seat of the squad. The audio is at times inaudible due to traffic, radio, and wind noise. Trooper Jones front video captured Nelson's vehicle crossing over from the center lane of traffic into the left lane without signaling a lane change while Trooper Jones squad was directly behind Nelson. Nelson's vehicle abruptly pulled back into the middle lane, again without signaling, and Trooper Jones immediately pulled Nelson over.<sup>6</sup> Nelson pulled over to the right side of I-94 west.

Trooper Jones advised Nelson to step out of Nelson's vehicle. Nelson stumbled as he stepped out. Nelson is captured on video refusing to participate with the HGN test and Nelson informed Trooper Jones, "If you want to hook me up right now it's cool."<sup>7</sup> Nelson is handcuffed and placed into the rear seat of Trooper Jones squad. Nelson is captured on the second camera angle sitting in the backseat. A second Trooper arrives for only a few minutes and confirms with Trooper Jones that there is no damage observed on Nelson's vehicle.

The rear camera footage captures Nelson seated in the back seat of Trooper Jones squad and Nelson is transported to Hennepin County Jail. Minnesota State Patrol does not use Body Worn Cameras. Therefore, once Nelson was removed from the rear of Trooper Jones squad, only audio was captured of Trooper Jones and Nelson. Audio captured Trooper Jones read Nelson the Implied Consent Advisory and Trooper Jones provided Nelson time to make phone calls to an attorney.<sup>8</sup> The audio during the breath test was inaudible at times so it was difficult to hear Nelson's responses to Trooper Jones during the test.

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<sup>6</sup> Minnesota State Patrol Squad Camera, Trooper Jones 12/29/2018 23:26:03 mark.

<sup>7</sup> Minnesota State Patrol Squad Camera, Trooper Jones 12/29/2018 23:29:34 mark.

<sup>8</sup> Minnesota State Patrol Squad Camera, Trooper Jones 12/30/2018 00:01:55 – 00:09:55 mark.

### **Interview with Minnesota State Patrol Trooper Keenan Jones #35**

On August 26, 2019, I interviewed Trooper Keenan Jones via telephone. The following is a summary of the interview.

Trooper Jones stated on August 29, 2018, at approximately 2322 hours he was dispatched to a driving complaint on I-94 near Cedar Avenue in Minneapolis. The traffic complaint was called in by a reporting party that observed a dark colored pick-up truck, with [REDACTED] had struck a median wall on westbound I-94. The pick-up truck continued westbound without stopping. Trooper Jones advised that he had intercepted the pick-up, Nelson's vehicle, and verified the license plate with dispatch [REDACTED] Trooper Jones observed Nelson's vehicle "drift out of his lane"<sup>10</sup> so he conducted a traffic stop. Trooper Jones stated as soon as he approached Nelson's driver side window he smelled a strong odor of alcohol and observed that Nelson had bloodshot and watery eyes. Nelson provided his Minnesota Driver's License along with his Minneapolis Police Department Identification Card.<sup>11</sup> Trooper Jones stated that Nelson had "nearly fallen"<sup>12</sup> when Nelson stepped out of his vehicle. Nelson refused to participate with the Standard Field Sobriety Test (SFSTs). After Nelson presented his Police Identification Card Nelson did not say anything more to Trooper Jones about being a police officer. Trooper Jones advised that Nelson did not have a firearm on his person and Trooper Jones did not locate one inside of Nelson's vehicle. Nelson was transported to the Hennepin County Jail for a breath test.

Nelson's demeanor during the process was described by Trooper Jones as being antagonistic and not real cooperative. Trooper Jones advised that Nelson was not combative, however Nelson tried to delay the process by burp during the breath test to skew the results.<sup>13</sup> Nelson did complete the breath test with a result of 0.12 BAC. Nelson was booked at Hennepin County Jail for 4<sup>th</sup> Degree DWI.

### **Interview with Michael Nelson**

On September 9, 2019, I interviewed Officer Michael Nelson. Also present at the interview was Sergeant Steve Fogarty of the Minneapolis Police Officer's Federation. The following is a summary of the interview.

Michael Nelson had consumed alcohol while attending a fundraiser in St. Paul on December 29, 2018. Nelson stated he did not recall how much alcohol he had consumed while at the fundraiser and he

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<sup>9</sup> Interview of Trooper Jones, page 1, lines 42-44 & page 2. line 1.

<sup>10</sup> Interview of Trooper Jones, page 2, line 3.

<sup>11</sup> Interview of Trooper Jones, page 2, lines 11-14.

<sup>12</sup> Interview of Trooper Jones, page 2, line 24.

<sup>13</sup> Interview of Trooper Jones, page 3, lines 16-21.

could not give a time he started drinking or a time he stopped drinking prior to leaving the event.<sup>14</sup> Nelson also stated that he could not remember if he felt the effects of alcohol or if he felt too impaired to drive prior to leaving the event. He replied, "I don't recall exactly how I felt at the time to be 100 percent with you."<sup>15</sup> Nelson later advised that he purposely left the event early feeling he was not too impaired to drive home and he misjudged his own personal feeling at the time.<sup>16</sup>

Nelson confirmed that he was pulled over by Minnesota State Patrol on I-94 near Lowry Avenue. Nelson stated that he did not hit a median wall or anything else on I-94 near 11<sup>th</sup> Avenue with his vehicle prior to being pulled over by the State Patrol, "I did not hit anything with my car or truck."<sup>17</sup> Nelson provided his driver's license and his Minneapolis Police Identification Card to the Trooper during the traffic stop. Nelson provided his police identification stating "Um, I guess that's just kind of standard procedure that, uh, other officers have followed when I pulled them over so I followed the same procedure when this happened."<sup>18</sup>

Field sobriety tests were offered to Nelson during the traffic stop. Nelson refused to perform any of the field sobriety tests until he first consulted an attorney.<sup>19</sup> Nelson was transported to the Hennepin County Jail after refusing field sobriety tests. Prior to the breath test Nelson was read the Implied Consent Advisory and provided an opportunity to call an attorney. Nelson agreed to a breath test. The result of the test was 0.12 BAC and Nelson was booked at the Hennepin County Jail. Nelson confirmed that he did not have a firearm with him when he was stopped by the Trooper.

Nelson was charged with 4<sup>th</sup> degree DWI and he plead guilty to misdemeanor 4<sup>th</sup> degree DWI on April 2, 2019. Hennepin County Courts placed Nelson on one year of Administrative Probation required him to pay a fine. Nelson stated that his driving privileges have been fully restored.

Nelson said if he could go back to the night he was pulled over he would have taken a cab. Nelson said, "I thought about that night pretty much every day since it happened."<sup>20</sup> Nelson regrets the decision he had made to drive on December 29, 2018. Nelson voluntarily spoke to a class of recruits at the Minneapolis Police Academy about the decision he made to drive and Nelson showed the class his booking photo from the incident.<sup>21</sup> Nelson stressed the importance of making other arrangements for transportation when needed because we are not always aware of our own impairment.<sup>22</sup>

## Charge

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<sup>14</sup> Interview of Officer Michael Nelson, page 2, lines 21-41.

<sup>15</sup> Interview of Officer Michael Nelson, page 2, line 43-44 & page 3, lines 1-5.

<sup>16</sup> Interview of Officer Michael Nelson, page 5, lines 19-22.

<sup>17</sup> Interview of Officer Michael Nelson, page 3, line 13.

<sup>18</sup> Interview of Officer Michael Nelson, page 3, lines 26-28.

<sup>19</sup> Interview of Officer Michael Nelson, page 3, lines 40-41.

<sup>20</sup> Interview of Officer Michael Nelson, page 4, line 42.

<sup>21</sup> Sergeant Dave Garman's letter of acknowledgement for Nelson's Academy Speech.

<sup>22</sup> Interview of Officer Michael Nelson, page 5, lines 7-27.

On December 30, 2018, Michael Nelson was charged with the following:

1. Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours – Fourth Degree

**Disposition**

On April 2, 2019, Nelson plead guilty to the following:

1. Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours – Fourth Degree

**Sentenced**

1. Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours  
12/29/2018 (MSD) 169A.20.1(5) (169A2015) April 2, 2019.

Local Confinement:

Agency: Hennepin County Workhouse – Adult Corrections

Term: 30 Days

Time To Serve: 3 Days

Stay 27 Days For 1 Year

Credit For Time Served: 2 Days

Serve As: Sentence To Serve

Community Service: 1 Day

Start: 04/02/2019 Due: 09/29/2019 STS/CS

Completion Report

Completed Status: Satisfied 05/01/2019

Monitoring – Adult:

Type: Probation to the Court/Administrative

Agency: Hennepin District Court

Term of 1 year

04/02/2019 – 04/02/2020

Status: Active 04/02/2019

Condition - Adult:

1. No driver license violations, 04/02/2019, Active 04/02/2019
2. No driving without insurance, 04/02/2019, Active 04/02/2019
3. No alcohol-related traffic offenses, 04/02/2019, Active 04/02/2019
4. No drug-related traffic offenses, 04/02/2019, Active 04/02/2019
5. No careless driving, 04/02/2019, Active 04/02/2019
6. No reckless driving, 04/02/2019, Active 04/02/2019
7. No same or similar, No DWI 04/02/2019, Active 04/02/2019
8. No misdemeanor moving violations, 04/02/2019, Active 04/02/2019

9. Complete DWI Assessment, Already completed a chemical evaluation and followed recommendations, per Judge Benson 04/02/2019, Active 04/02/2019
10. Victim impact panel, Already completed per Judge Benson 04/02/2019, Active 04/02/2019
11. Follow recommendations of evaluation, Already completed per Judge Benson 04/02/2019, Active 04/02/2019

Fine: \$228.00 (Paid 08/02/2019 – Receipt #MCPC-2019-28717)

Level of Sentence: Convicted of a Misdemeanor

### **DISCUSSION**

**It is alleged that Officer Michael Nelson violated the Minnesota Law Enforcement Code of Ethics when, while off duty, he drove a vehicle under the influence of alcohol.**

The Minneapolis Police Department's Policy and Procedure Manual at the time of the incident stated in part:

#### **5-102.01 MINNESOTA LAW ENFORCEMENT CODE OF ETHICS (08/01/91)**

##### **MINNESOTA LAW ENFORCEMENT CODE OF ETHICS:**

"As a Minnesota Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both by personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement."



Michael Nelson drank alcoholic beverages at a fundraiser in St. Paul. Nelson drove on I-94 from St. Paul when a citizen phoned 911 reporting that Nelson's vehicle had struck the highway median wall on I-94 at 11<sup>th</sup> Avenue. Trooper Keenan Jones located Nelson's vehicle and conducted a traffic stop on I-94 at Lowry Ave in Minneapolis. Nelson refused to complete the Standardized Field Sobriety Tests. Nelson agreed to take the breath test which had test result of .12 BAC. Nelson was convicted of 4<sup>th</sup> degree misdemeanor DWI.

The Minnesota Law Enforcement Code of Ethics states in part officers will, "...be constantly mindful of the welfare of others." When Nelson chose to drive his vehicle, he endangered the traveling public.

The Code of Ethics also states, "I will be exemplary in obeying the laws of the land and the regulations of my department." Officer Nelson was convicted of 4<sup>th</sup> degree DWI in violation of the Minnesota Law Enforcement Code of Ethics.

### **CLOSING**

Did Officer Michael Nelson violate the Minnesota Law Enforcement Code of Ethics when, while off duty, he drove a vehicle under the influence of alcohol?

- Nelson drove his vehicle from a fundraiser after consuming alcohol and was pulled over by the Minnesota State Patrol.
- Nelson said he left the fundraiser prior to bar close thinking he was not at a level of intoxication that would have impaired his driving.
- Nelson submitted to a breath test with the result of 0.12 BAC.
- Nelson was booked at Hennepin County Jail for 4<sup>th</sup> Degree DWI.
- Nelson plead guilty to misdemeanor 4<sup>th</sup> Degree DWI.
- Nelson now sees his actions put other people in danger and understands there were other options he could have chosen.
- Nelson spoke at the Minneapolis Police Academy in February of 2019 with the hope to help recruits understand the regretful choice he made and the negative impact it had on his life.

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

Andrew J. Canadeo  
Investigator: Sergeant Name

November 12, 2019  
Date

**IN RE:  
THE MATTER OF**

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**THE CITY OF MINNEAPOLIS**

(Minneapolis Police Department)

**and**

**Settlement Agreement**

**(Grievance # 20-16)**

**POLICE OFFICERS' FEDERATION  
OF MINNEAPOLIS**

(Michael Nelson, Grievant)

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This Settlement Agreement ("Agreement") is made and entered into by and between the City of Minneapolis ("City"), the Police Officers' Federation of Minneapolis ("Federation") and Officer Michael Nelson, Badge No. 5033 ("Grievant").

**STIPULATED FACTS**

- A. The City and the Federation are parties to a collective bargaining agreement ("Labor Agreement") that governs the relationship between them.
- B. The Grievant is employed by the City in its Police Department ("MPD").
- C. The Federation is the Grievant's sole and exclusive certified bargaining representative.
- D. On or about June 22, 2020 the MPD suspended Grievant without pay for 40 hours for a Category C violation of the MPD's Policy and Procedure Manual under Section 5-102.01 MN Law Enforcement Code of Ethics following investigation number 19-04971.
- E. The Federation grieved the suspension, Grievance # 20-16, citing a violation of "Section 12.01"
- F. The Chief of Police has the full authority of the City Council to resolve the grievance.

G. The Federation and the City wish to resolve this matter amicably and without resort to arbitration.

NOW THEREFORE, the City and the Federation agree as follows:

**AGREEMENT**

1. The Federation withdraws Grievance # 20-16, with prejudice.
2. The City shall impose and the Federation, on behalf of the Grievant, shall accept a 30-hour suspension for a Category C violation of the MPD's Policy and Procedure Manual under Section 5-102.01 MN Law Enforcement Code of Ethics.
3. The City shall make the Grievant whole in the following manner: The City shall reimburse the Grievant for 10-hours of pay at the rate of pay in effect at the time the suspension was served. Payment shall be tendered within 30 days of the date of this Agreement.
4. The Federation, as an entity and on behalf of its members individually, agrees that the Federation, its bargaining unit members and the Grievant are bound by this Agreement as if they had entered into this Agreement individually.
5. The City and the Federation agree that: this Agreement is without prejudice or precedent to any future matter involving any City employee, other than the Grievant; the circumstances of this case and the discussions leading toward this Agreement will not be referred to, directly or indirectly, in any future arbitration, hearing, trial, appeal or other proceeding involving any City employee, other than the Grievant; and this Agreement shall be of no value as evidence, and shall not be submitted or

received as evidence, in any arbitration, hearing, trial, appeal or other proceeding involving any City employee, other than the Grievant.

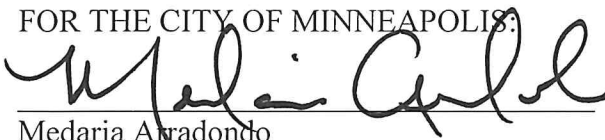
**ACCEPTED AND AGREED TO:**

FOR THE FEDERATION:

  
\_\_\_\_\_  
Sherral Schmidt  
President, Police Officers' Federation

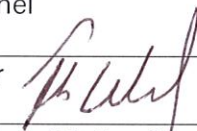

Date: 4/8/2021

FOR THE CITY OF MINNEAPOLIS:

  
\_\_\_\_\_  
Medaria Arradondo  
Chief of Police

Date: 4/6/2021

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
19-04971			December 29, 2018		
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(9)		CRIMINAL MISCONDUCT			
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
5033 ; Nelson, Michael		MPD P&P § 5-102.01 - MINNESOTA LAW ENFORCEMENT CODE OF ETHICS			
ALLEGATION SUMMARY					
It is alleged that the officer was arrested for DUI while off-duty and not working in his capacity as an officer.					
SUPERVISOR ASSESSMENT					
<b>INQUIRY (INTAKE – COMPLAINT FILED)</b> <input type="checkbox"/> <b>MEDIATION</b> <input type="checkbox"/> Refer to Mediation <b>COACHING</b> <input type="checkbox"/> Refer to Precinct <b>INVESTIGATIONS</b> <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input type="checkbox"/> Admin Investigation: Investigator			<b>3401</b> <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final approved <b>DISMISS</b> <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: _____		
<b>FINAL APPROVED INVESTIGATIVE REPORT</b> <input checked="" type="checkbox"/> Refer to Panel					
IAU Supervisor 				Date 11/19/19	
Director – Office of Police Conduct Review 				Date 11/19/19	