



Police Department – Brian O’Hara, Chief of Police

350 S. Fifth St. - Room 130

Minneapolis, MN 55415

TEL 612.673.3000

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TO: Richard Walker, Badge #7461

CC: Internal Affairs Division

DATE: December 4, 2023

RE: OPCR Administrative Investigation Case #22-04823

13.43

This memo summarizes my approach and reasoning for my decision as Chief of Police that the listed policy violation by Sergeant Walker is sustained. The memo accompanies the enclosed Notice of Discipline and Suspension Form.

Summary of the Basis for Decision:

The facts noted in the case investigation support the conclusion that Sergeant Walker violated Minneapolis Police Department Policy 5-105(A) Professional Code of Conduct when he failed to notify the Internal Affairs unit after being made aware of misconduct through a Supervisor Force Review he completed. I concur with the recommendation from the Police Conduct Review Panel that there is Merit to the allegation.

Allegation:

Allegation #1: MPD P&P 5-105(A) Professional Code of Conduct

- Sgt. Walker responded to the scene of an incident where Officers 1 and 2 were handling a suspicious person call and had stopped a subject and used force requiring a Supervisor Force Review which Sgt. Walker completed. While at the scene he reviewed the officers’ body worn camera footage of the incident.
- As noted in the case investigation report, the BWC (body worn camera) shows that one of the officers (“Officer 1”) disparaged the subject and called him numerous derogatory names including but not limited to “motherfucker,” “stupid piece of shit,” “asshole,” “pussy,” and “fucking idiot.” The BWC also showed that while the subject was being arrested, he screamed “ow” and stated, “I can’t breathe,” to which Officer 1 responded, “good.” Once they were at the squad, the subject said “please, please mercy. I’m sorry,” and Officer 1 stated “oh, now you want mercy? Go fuck yourself you drunk fuck.” Officer 1 made additional comments that were disparaging, unnecessary, and escalating (rather than de-escalating), beyond the statements quoted here.
- The other responding officer (“Officer 2”) also used inappropriate language with the subject and another individual on the scene.
- The BWC clearly shows that the officers engaged in conduct violating policy, which should have been obvious to Sgt. Walker upon his review of the BWC. Both officers were issued discipline for their conduct on the call. When asked about his review of the BWC during his OPCR interview, Sgt. Walker admitted that he had seen both officers use profanity with the subject. In discussing Officer 1’s conduct, Sgt. Walker said, “... sitting there berating or using excessive language . . . do I think that’s acceptable? I don’t. I never have.”
- When asked during his interview if he took the language that Officer 1 used to be a policy violation, Sgt. Walker responded by saying that “it clearly is.”
- When asked in his OPCR interview what his understanding was as far as his duty to report policy violations, Sgt. Walker said that he wasn’t thinking about language at all. He further said that “...I do understand that sometimes in the heat of the moment, especially when force is being used on us, you’re going to say stuff. Is it appropriate? No. Policy Violation? Yes. But did I think at that point that I needed to start an investigation on a cop who just got hit in the face? No.”
- In addition to reviewing the BWC on the scene, Sgt. Walker spoke with witnesses to the incident, one of whom told him that Officer 1 was being “way too rough,” swearing at the subject and calling him names, and it seemed very “unprofessional.”

- Despite observing the policy violations on the BWC and being alerted to them by a witness, Sgt. Walker did not report any policy violations to Internal Affairs, to his supervisors or anyone higher.
- At the time of this incident, MPD P&P 5-105(A) Professional Code of Conduct required employees to immediately report any violation of rules, regulations, or laws that come to their attention to the Internal Affairs unit, regardless of the violator's assignment or rank within the Department.
- During his Loudermill hearing, Sgt. Walker made several statements that demonstrated a failure to understand the significance and seriousness of the underlying misconduct or his failure to report:
 - Sgt. Walker said that he was not sorry that he didn't notify Internal Affairs even though he was aware that is a policy violation.
 - Sgt. Walker focused on the use of profanity alone as the underlying misconduct he failed to report rather than understanding the problem appropriately as unnecessary harsh and derogatory language directed toward a member of the public.
 - Sgt. Walker described the impact of the officers' conduct as creating "hurt feelings" rather than recognizing the loss of public trust from this manner of conduct.
- The Police Conduct Review Panel (PCRP) provided a unanimous recommendation of **Merit** to this allegation.
- I agree with the PCRP, that the conduct of Sergeant Walker violated MPD P&P 5-105(A) Professional Code of Conduct, and this allegation is **Sustained**.

As Chief of Police, I am responsible for providing clear expectations about behavior and conduct in all situations, not just when it is convenient. These expectations extend from myself to the command staff and all levels of the Minneapolis Police Department. My predecessors have also borne responsibility for setting expectations, and it is incumbent on every Chief to hold officers accountable for breaches of those expectations. Legitimacy and reputation are of critical importance to police officers. Officers carry a badge and gun and are called upon to make some of the hardest decisions possible. It takes countless actions to build a reservoir of trust, and only one action to completely drain. We cannot afford to lose legitimacy with the people we serve, a loss of legitimacy with community is a critical safety concern not just for residents but also for our officers.

I hold officers of the Minneapolis Police Department to a high standard. I expect them to live up to our Oath of office, our professional code of ethics and our department's core values of trust, accountability and professional service. Furthermore, I expect them to demonstrate procedural justice and respect for the community we serve in their work. Sergeant Walker failed to meet our standards when he did not report the misconduct that he became aware of during the course of the Supervisor Force Review he completed. His failure to understand and take accountability negates any mitigating effect his then-status as a newly-promoted supervisor would otherwise have. I expect more of our supervisors. Supervisors have a critical role in the effective management of their personnel to ensure that MPD rules and regulations are followed and that citizen complaints alleging misconduct are properly handled. Sgt. Walker failed to recognize conduct that was degrading to a person's human dignity, he failed to report the conduct to Internal Affairs which not only permits the conduct to go un-checked, but also sends a message to employees that the conduct is condoned and even encouraged, and he refused to acknowledge the seriousness of these issues in his Loudermill hearing. The violation in this matter undermines public trust. As Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am imposing discipline for the policy violation listed above.

DocuSigned by:
Allegation #1: MPD P&P 5-105(A) – Sustained. 13.43
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Brian O'Hara
Chief of Police

CC: IA / OPCR Case File
Inspector C. Nelson

**IN RE:
THE MATTER OF**

POLICE OFFICERS FEDERATION OF
MINNEAPOLIS,
(Richard Walker, Grievant)

and

CITY OF MINNEAPOLIS,

Employer.

SETTLEMENT AGREEMENT
(Union Grievance 23-14)

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 Sergeant Richard Walker, Badge No. 7461 (“Grievant”).

A. The City of Minneapolis (“City”) and the Police Officers Federation of Minneapolis (“Federation”), parties to a collective bargaining agreement under which the above-entitled grievance was filed, hereby enter into the following 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 bargaining representative.

D. On or about 12/08/2023 Grievant was disciplined for violation of MPD policy 5-105

(A) Professional Code of Conduct 13.43

E.

F. The Federation grieved Grievance 23-14 citing violation of 12.01 of the labor agreement and Civil Service Rule 11-04.

G. The Chief of Police has the full authority of the City Council to resolve the grievance.

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

NOW THEREFORE, the parties agree as follows:

1. The Federation will withdraw Grievance # 23-14 subject to conditions listed in paragraphs 2-5.

2. The City will [REDACTED] reflect a B level violation with a 40 suspension for violation of MPD Policy 5-105 (A) Professional Code of Conduct.

3. [REDACTED]
[REDACTED]

4. The Federation, as an entity and on behalf of its members individually, agrees that this Settlement Agreement shall not be used in any arbitration or proceeding, except to enforce the terms of this Settlement Agreement. The Federation, its bargaining unit members and the grievant are bound by this agreement as if they had entered it 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; and that 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.

FOR THE FEDERATION:



Sherral Schmidt, President

Date: 1/25/24

FOR THE CITY OF MINNEAPOLIS:



Brian O'Hara Chief of Police

Date: 1/24/24