



Police Department – Brian O’Hara, Chief of Police
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TO: Alexandra Dubay, Badge #1617
CC: Office of Police Conduct Review
DATE: May 17, 2023
RE: Administrative Investigation Case #20-08247

CHIEF’S DECISION: 10-hour Suspension without Pay

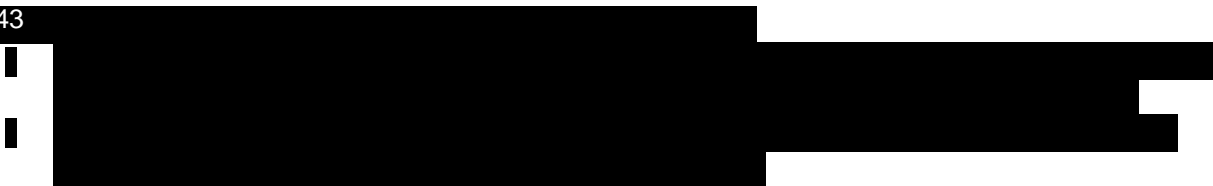
This memo summarizes my approach and reasoning for my decision as Chief of Police that the listed policy violations by Officer Dubay are sustained. The memo accompanies the enclosed Notice of Discipline and Suspension Form.

Summary of the Basis for Decision:

Allegation #1: MPD P/P 5-300 Use of Force

- On 5/31/2020 Officer Dubay was assigned to a Strike Team, detailed to assist with crowd control on the I-35W bridge over the Mississippi River, after several days of major protests in Minneapolis following the murder of George Floyd. A large crowd had gathered on the bridge and dispersal orders were given. The scene had been chaotic at times, after a semi-truck entered the highway and nearly struck dozens of protestors, who then climbed onto the truck and pulled the driver out.
- As the Strike Team and Officer Dubay was in formation, walking towards the Complainant, Officer Dubay said, “I’m gonna go fuckin’ deal with that guy in about three fuckin’ seconds if he doesn’t get fuckin’ moving.”
- As the formation is stopped near the male, Officer Dubay passed through the line of officers and walked to the Complainant, and yelled, “Move! Move!” as she pushed him backwards. She then yelled, “Move!” one more time and what appears to be a cell phone can be seen airborne.
- Someone in the formation yelled for Officer Dubay to “Get back in line,” and Officer Dubay returned to the formation.
- In her interview with OPCR, Officer Dubay stated, “each time we stand on the line, we’re there for hours. At this point, this was about, I believe, my 90th hour of work in six days. I was running into issues at this point where I needed to go to the bathroom. There’s nowhere to go. There’s not relief for me to leave. Um, at this point he was kind of, he was hindering my ability to get away from this area. And we were going to be there for a long time. This one person, our goal was to push people south. This person needed to go south. Other efforts were not working. I wanted to try and new one to get him to leave.”
- The Police Conduct Review Panel (PCRP) issued a unanimous recommendation of **Merit** to this allegation.
- I concur with the PCRP that there is a preponderance of the evidence to support the allegation that Officer Dubay used unnecessary and unreasonable force when she pushed the Complainant during this incident. This allegation is **Sustained**.

13.43



13.43

Allegation #3: MPD P/P 5-103 Use of Discretion

- It is alleged that Officer Dubay failed to exercise proper judgement or act within the limits of her authority when she grabbed the personal cell phone of the Complainant and threw the phone away from the complainant, temporarily depriving the Complainant of possession of their personal property.
- Officer Dubay admitted to taking the cell phone from the hand of the Complainant and throwing it in the direction that she wanted him to walk.
- The Police Conduct Review Panel (PCRP) issued a unanimous recommendation of Merit to this allegation.
- I concur with the recommendation of the PCRP and find that there is a preponderance of the evidence to support the allegation that Officer Dubay failed to use appropriate discretion when she took the phone of the Complainant and threw it on the ground in the direction, she wanted him to walk. This allegation is **Sustained**.

The facts noted in the case investigation support the conclusion that Officer Dubay violated Minneapolis Police Department Policies 5-300 Use of Force and 5-103 Use of Discretion.

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.

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 departments core values of trust, accountability, and professional service. Furthermore, I expect them to demonstrate procedural justice in their work. With this conduct, Officer Dubay failed to meet our standards when she used unnecessary and unreasonable force against the complainant, and then took his phone and threw it on the ground to get him to walk away during this incident. The violations in this matter undermine public trust.


For almost a week leading up to this incident, the officers of the Minneapolis Police Department, including Sergeant Dubay, worked extraordinarily long hours with little rest and little if any time to take care of personal needs. None of this is an excuse for her actions on the date of this incident and he must be held accountable for his actions, but the unusual circumstances of that week are being taken into account as mitigating factors in my discipline decision.

As Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am issuing the following discipline to Officer Dubay:

Allegation #1 MPD P/P 5-300 Use of Force, sustained: Written Reprimand.

Allegation #3 MPD P/P 5-103 Use of Discretion, sustained: 10-hour Suspension without Pay.

Brian O'Hara
Chief of Police

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Enclosure: Discipline Form

CC: OPCR Case File

Cmdr. Case