

Amelia Huffman
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TO: Dylan Pearson, Badge #5498
CC: Office of Police Conduct Review
DATE: August 21, 2022
RE: Administrative Case #21-01705

CHIEF'S DECISION:

- Discharge
- Suspension Duration: **13.43** suspension without pay
- Permanent Demotion
- Temporary Demotion, Duration: _____
- Written Reprimand
- No Merit

This memo summarizes my approach and reasoning for my decision as Chief of Police as to whether the listed policy violations by Officer D. Pearson will be sustained. The memo accompanies the enclosed Notice of Discipline and Suspension Form.

Allegations:

13.43 - Personnel Data

Allegation [REDACTED]

It is alleged that Officer Dylan Pearson use unreasonable force when he made contact with people with his bike and hands, including making contact with the face of one person with his bike, MPD P&P 5-301 (III)(A), (D) Use of Force.

Summary of the Basis for Decision:

The facts noted in the case investigation **13.43 - Personnel Data**
specific to **[REDACTED]**

whether the force used by Officer D. Pearson was reasonable (or excessive).

13.43 - Personnel Data

13.43 - Personnel Data

Allegation ████

- The Police Conduct Review Panel noted in their decision that Officer Pearson purposely struck a female in the torso and possibly the face and noted that the female was in a somewhat defenseless position at this point, as she had brought her hands up to her face to pull her mask back up. The panel couldn't find any evidence to justify this use of force. The panel added that BWC footage shows Officer Pearson going past two other officers to push the male in the black sweatshirt, and the panel could not find any evidence to justify the push.

- The BRRT officers including Officer Pearson had been ordered to push the crowd back. Some in the crowd were offering verbal and physical resistance as officers were moving towards the crowd. Several in the crowd were grabbing onto the bikes or pushing/pulling at them. One officer is heard on BWC saying, “Stop grabbing the equipment!”
- During the period when officers were trying to move the crowd, Officer Pearson used his front bike tire to push people several times and the bike contact was forcefully directed toward a person who did not appear to pose a threat on at least one occasion (captured in BWC video recorded by Officer McLaughlin at 22:05:40).
- A white male in the black sweatshirt identified by the panel as someone pushed without apparent reason. He was not complying with verbal orders to move. The officer standing next to Officer Pearson was holding his riot baton in a horizontal way, indicating a line that was to be held by the officers on the formation. It was at this same point that officers were ordered to push the crowd; it’s not clear from BWC video exactly what occurred, but an officer raises his riot baton and both he and Officer Pearson push at this male at the same time.
- Officer Pearson stated that he heard orders to push the crowd back, and that is when he pushed at the male.
- The Police Conduct Review panel issued a recommendation of merit to the allegation that the force used by Officer Pearson was unreasonable.
- I concur with the panel recommendation. Officer Pearson and the other MPD officer at this scene were faced with a large, angry crowd. Some members of the crowd were confrontational and non-compliant with orders to move back. Several people started grabbing at the officers’ bikes and someone in the crowd threw a water bottle containing an unknown substance at police. The contents of the bottle splashed into Officer Pearson’s face. While Officer Pearson was correct in his assessment that the behavior of some in the crowd presented a risk of imminent harm to officers, his use of the bike tire captured in BWC video recorded by Officer McLaughlin at 22:05:40 was more dynamic than a slow push and would more accurately be described as a strike. At the time of the use of force, the woman was standing directly in front of Officer Pearson. She did not have her hands on any officers’ bicycles and presented no apparent threat. In this action, Officer Pearson used unreasonable force. This allegation is sustained.

As the interim Chief of Police, I am responsible for providing clear expectations for what is acceptable behavior in our workplaces as well as what will not be tolerated. The Police Conduct Review panel recommended a finding of merit for the listed policy violations in this case, and I concur with [REDACTED] their [REDACTED] recommendations.

This case investigation uncovered gaps between policy, training, special orders and expectations set for officers responding on bicycles to civil disturbances. While there have been policy updates, this case highlights the need to ensure that training for the Bicycle Rapid Response Team and policy related to bicycle use at civil disturbances is in alignment. The supervisors of the Bicycle Rapid Response Team will

be directed to review and update training and to work with MPD Policy Development staff to ensure that policy language is adequate to provide guidance to BRRT 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. With this conduct, Officer Pearson failed to meet our standards as articulated in training and policy: force should only be used when in proportion to the threat of harm to officers or others or to the extent of threatened property damage. The use of force must be legally justified, reasonably proportionate to the threat posed, and balanced with the societal interest at stake. The force used when Officer Pearson struck a woman who appeared to pose no threat of harm with his bike tire was not reasonable under the circumstances and undermines the public trust.

As interim Chief of Police with authority to discipline for violations of policy under Minn. Stat 626.89 Subd. 17, I am issuing a [REDACTED] suspension to Officer D. Pearson for his failure to use objectively reasonable force during this incident. Additionally, the officer will be directed to participate in appropriate use of force refresher training coordinated by the MPD Training Division to address the matters in this case.

13.43 - Personnel Data

Allegation [REDACTED] – MPD 5-301 (III)(A), (D) Use of Force: Sustained, 13.43 Suspension.

DocuSigned by:
Amelia Huffman
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Amelia Huffman
Interim Chief of Police

CC: OPCR Case File
Inspector Adams

Enclosure: Discipline Form

**IN RE:
THE MATTER OF**

POLICE OFFICERS FEDERATION OF
MINNEAPOLIS,
(Dylan Pearson, Grievant)

and

CITY OF MINNEAPOLIS,

SETTLEMENT AGREEMENT
(Union Grievance 22-18)

Employer.

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 Dylan Pearson, Badge No.5498 (“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 09/01/2022 Grievant was disciplined for violation of MPD policy 5-301 (111)(A) Use of Force.
- E. Grievant served a 20-hour suspension.
- F. The Federation grieved the suspension, Grievance 22-18 citing violation of 12.01 of the labor agreement.
- 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 # 22-18 subject to conditions listed in paragraphs 2-5.

2. The City will amend the discipline to reflect a 10 suspension for violation of MPD Policy 5-301 (111)(A) Use of Force.

3. The City shall also reimburse the grievant for 10 hours of pay and all benefits that would have accrued during the suspension.

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: 2/2/24

FOR THE CITY OF MINNEAPOLIS:



Brian O'Hara Chief of Police

Date: 1/22/24