



Police Department – Brian O’Hara, Chief of Police

350 S. Fifth St. - Room 130

Minneapolis, MN 55415

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TO: Officer Nicholas Kapinos, Badge #3631

DATE: March 14th, 2024

RE: Office of Police Conduct Review Matter # 21-04943

CHIEF’S DECISION:

- Discharge
- Suspension Duration: 40 hours (without pay)
- Permanent Demotion
- Temporary Demotion Duration:
- No Merit

This memo summarizes my approach and reasoning for my decision as Chief of the Minneapolis Police Department that the listed policy violations by Officer Kapinos are 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 Officer Kapinos violated Minneapolis Police Department Policies: 4-602 Report Writing, 5-105 (B)(4) Professional Code of Conduct, and 5-301(IV)(B) Use of Force.

13.43 - Personnel Data

The investigation found that Officer Kapinos did not use reasonable judgment while carrying out his duties when he did not report his use of force. Officer Kapinos pointed his firearm at the vehicle and the occupants during an attempted stolen vehicle stop with his partner. The vehicle caused property damage to a residential garage when it fled the scene. Officer Kapinos did not complete a police or state accident report after the incident.

The Community Commission on Police Oversight (CCPO) recommended merit for three policy violations: 4-602 Report Writing, 5-105 (B)(4) Professional Code of Conduct, and 5-301(IV)(B) Use of Force. I concur with these recommendations.

13.43 - Personnel Data

Policy Review:

- **Allegation #1: MPD P&P § 4-602 Report Writing:**
 - Specific reports are written for specific purposes. Offense reports detail the elements of the crime or incident.

- *It is alleged Officer Kapinos failed to complete an offense/incident report after attempting to stop a stolen vehicle and pointing his firearm at the vehicle and occupants.*
- **Allegation # 2: MPD P&P § 5-105 (B)(4) Professional Code of Conduct:**
 - Employees shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.
 - *It is alleged Officer Kapinos failed to use reasonable judgment in carrying out his duties when he failed to write a police report documenting the incident.*

13.43 - Personnel Data

- **Allegation # 4: MPD P&P § 5-301 (IV)(B) Use of Force:**
 - A Use of Force details page and Narrative Text are required when any of the following listed force options or actions are deployed at or used with a subject: Firearm pointing (When a firearm is aimed at a subject or subjects with the intent to use or imply the use of Deadly Force).
 - *It is alleged Officer Kapinos failed to report his use of force after he pointed his firearm at the vehicle and vehicle occupants.*

Relevant Facts Supporting the Decision:

Allegation #1 and #4 Summary:

- On May 24, 2021, Officer Kapinos and his partner attempted to stop a stolen vehicle.
- During the incident, Officer Kapinos pointed his firearm at the vehicle and the vehicle occupants.
- Firearm pointing at a subject or subjects requires a force details page and a narrative text to be completed.
- Officer Kapinos did not complete a police report of the event.
- In the investigative interview and Loudermill hearing, Officer Kapinos said he forgot to write the report.
- In both the investigative interview and Loudermill hearing, Officer Kapinos said he would write a report if a similar incident happened in the future.

Allegation #2 Summary:

- Officer Kapinos and his partner attempted to stop a stolen vehicle.
- After pointing his firearm at the vehicle and occupants, Officer Kapinos left the scene and did not complete a police report.

13.43 - Personnel Data

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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.

As Chief of Police with authority to discipline for policy violations under Minn. Stat 626.89 Subd. 17, I am imposing discipline for the policy violations listed below.

Allegation	Policy Number	Policy Description	Category	Disposition
1	4-602	Report Writing	C	Sustained
2	5-105	Professional Code of Conduct	B	Sustained
13.43 - Personnel Data				
4	5-301	Use of Force - Reporting	C	Sustained

As the Minneapolis Police Department’s Chief of Police, it is imperative that I hold all MPD employees accountable for their actions that violate the trust of the community and tarnish the image of the MPD both on and off duty.

Based on the facts, this incident involves the decision not to complete a police report related to an incident involving officers failing to document the use of force in a police report and a state accident report of hit-and-run property damage. Officer Kapinos failed to complete a police report after using reportable force on the occupants of a stolen vehicle. Officer Kapinos's actions showed that he failed to use reasonable judgment in this incident. As Chief of Police, it is important for discipline to be imposed in a timely manner to address officer misconduct. Given that the incident occurred almost three years ago, I am imposing a 40-hour Suspension without pay. Officers must complete a police report when it is required by policy.

Sincerely,

DocuSigned by:

 Brian O'Hara
 Chief of Police

03/14/2024

CC: Internal Affairs Division
Inspector. J. Gomez