



Police Department – Brian O’Hara, Chief of Police

350 S. Fifth St. - Room 130

Minneapolis, MN 55415

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TO: Officer David Nerling, Badge #5082

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 Nerling 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 Nerling 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 Nerling did not use reasonable judgment while carrying out his duties when he did not report his use of force. Officer Nerling pointed his firearm at the vehicle, and the occupants during an attempted stolen vehicle stop with his partner. Officer Nerling also approached the vehicle and broke two windows with his expandable baton. The vehicle caused property damage to a garage when it fled the scene. Officer Nerling and his partner did not pursue the vehicle after it fled. He did not complete a police report 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 (Reporting). 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 that Officer Nerling failed to complete an offense/incident report after attempting to stop a stolen vehicle, pointing his firearm at the vehicle and occupants, and breaking two of the vehicle's windows.*
- **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 that Officer Nerling 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 that Officer Nerling failed to report his use of force after he pointed his firearm at the vehicle and vehicle occupants.*

13.43 - Personnel Data

Relevant Facts Supporting the Decision:

Allegation #1 and #4 Summary:

- On May 24, 2021, Officer Nerling and his partner attempted to stop a stolen vehicle.
- During the incident, Officer Nerling pointed his firearm at the vehicle and the occupants.
- Firearm pointing at a subject or subjects requires a force details page and a narrative text to be completed.
- Officer Nerling also broke two windows out of the vehicle.
- Officer Nerling did not complete a police report of the event.
- In the investigative interview and Loudermill Hearing, Officer Nerling said he forgot to write the report.

- In the investigative interview and Loudermill Hearing, Officer Nerling said he would write a report if a similar incident happened in the future.

Allegation #2 Summary:

- Officer Nerling and his partner attempted to stop a stolen vehicle.
- After pointing his firearm at the vehicle and breaking two of the vehicle’s windows, Officer Nerling left the scene and did not complete a police report.



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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
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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 involved the decision not to complete a police report. Officer Nerling failed to complete a police report after using reportable force on the occupants of a stolen vehicle as well as breaking the vehicle's windows. Officer Nerling'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:

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03/14/2024

Brian O'Hara
Chief of Police

CC: IA / OPCR Case File
Inspector. J. Gomez