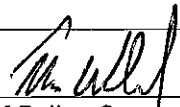



**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
19-04570	5	19-083258	March 24, 2019	02:14 AM	No Preference
Location of Incident		City/State/Zip		Date of Complaint	
Girard Av S/Lagoon Av S				March 27, 2019	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Joint Supervisors					
Home Address		City/State/Zip		Primary Telephone	
JURISDICTION		CATEGORY			
OPCR Ord. § 172.20(8)		VIOLATION OF THE P&P MANUAL			
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
0334 ; Barlow, Daniel		MPD P&P § 4-223 (V)(A)(6)(A) - BODY WORN CAMERAS			
1826 ; Erickson, Mitchell		MPD P&P § 4-223 (V)(A)(6)(A) - BODY WORN CAMERAS			
3793 ; Knoche, Richard		MPD P&P § 4-223 (V)(A)(6)(A) - BODY WORN CAMERAS			
ALLEGATION SUMMARY					
It is alleged that the officers did not have their body worn camera activated per policy. It is also alleged that several officers failed to provide their badge numbers upon request.					
SUPERVISOR ASSESSMENT					
INQUIRY (INTAKE - COMPLAINT FILED) <input type="checkbox"/> MEDIATION <input type="checkbox"/> Refer to Mediation COACHING <input type="checkbox"/> Refer to Precinct INVESTIGATIONS <input type="checkbox"/> Preliminary Investigation <input type="checkbox"/> Civilian Investigator: _____ <input type="checkbox"/> Sworn Investigator: _____ <input checked="" type="checkbox"/> Admin Investigation: Investigator Walker			3401 <input type="checkbox"/> Draft <input type="checkbox"/> Final approved DISMISS <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate <input type="checkbox"/> Refer to Dispatch <input type="checkbox"/> Refer to EIS <input type="checkbox"/> Refer to: _____		
FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel					
IAU Supervisor 				Date 9/17/19	
Director - Office of Police Conduct Review 				Date 9/17/19	

Investigative Summary

Complaint Number: 19-04570

Investigator: Sergeant Aimee Walker

Officer: Officer Daniel Barlow #0334, Officer Mitchell Erickson #1826,
and Officer Richard Knoche #3793

Case Type: Administrative

Date of Incident: 03/24/2019

Complaint Filed: 06/10/2019

CASE OVERVIEW

On March 24, 2019, A fight involving multiple parties broke out during bar close.

Officers Barlow and Erickson, who were working marked squad 511 and Officer Knoche who was working Off-Duty 6509, responded to the fight.

Officers Barlow and Erickson responded to the location in their squad car. Officer Knoche, who was working Off-Duty at the Fremont located at 1300 Lagoon Av S, responded on foot.

Officers advised dispatch that there was a group of 5-10 fighting. Within a minute of the initial call out, 511 requested more squads to respond. Officers deployed mace to "multiple parties actively assaulting" each other. Two of the parties fighting were tased after they failed to stop fighting upon being maced.

ALLEGATIONS

Allegation 1: It is alleged that Officer Barlow, Officer Erickson, and Officer Knoche failed to activate their Body Worn Camera prior to contact with parties involved in a fight. *4-223 Body Worn Cameras, Activation*

CASE INVESTIGATION

Officers Barlow and Erickson were parked in their marked squad car, in the McDonalds parking lot located at 2929 Hennepin Av S monitoring the bar close crowd¹. Officers Barlow and Erickson were approached by security who advised that there was a large fight near the Lagoon Av S and Girard Av S intersection.

Officers Barlow and Erickson responded to the fight, activating the over-head lights of the squad². Officer Barlow observed a group of 5-10 parties, in the middle of Lagoon Av, punching and kicking each other.³ Officer Barlow exited his squad and deployed mace into the group fighting.⁴

Officer Knoche, who was working Off-Duty 6509, was approached by “multiple bystanders” who stated the fight was out of control and the combatant was now in the middle of the street.⁵

Three of the suspects involved in the fight continued fighting, despite being maced. Officers ordered the suspects to stop fighting or they would be tased. When the suspects did not cease fighting, Officer Barlow tased two of the suspects.

Officer Erickson, Barlow, and Knoche failed to activate their body worn cameras (BWC) at the onset of the call. All Officers noted that as soon as they realized it, they activated their BWCs.

Review of PIMS GO #19-83258 (Officer Barlow Supplement)

Officer Barlow completed a PIMS supplement on 3/24/2019. Officer Barlow was working with Officer Erickson, assigned to Squad 511. Officer Barlow stated that he and his partner were parked in the McDonalds parking lot, standing by for bar close.

¹ MPD GO #19-83258, Page 7

² MPD GO #19-83258, Page 7

³ MPD GO #19-83258, Page 7

⁴ MPD GO #19-83258, Page 7

⁵ MPD GO#19-83258, Page 12

Officer Barlow stated that he and his partner (Officer Erickson) were approached by security officers who pointed out a large fight happening near the Lagoon Av and Girard Av intersection. Officer Erickson, who was the driver, activated the squads emergency light and squad MVR.⁶

Officer Barlow reported that he observed a large "brawl" between 5-10 people, in the middle of the intersection. Officer Barlow stated that the involved parties were all kicking and hitting each other.

Officer Barlow got out of the squad to "address the brawl" at which point he reported deploying mace into the "brawl."⁷ Officer Barlow stated that one of the suspects had pinned another male to the ground, continuing to strike the down party with "hay-maker" style punches.⁸

Officer Barlow reported that his personal mace can began to run out, at which point he pulled his taser. Officer Barlow told the males they would be tased if they did not stop fighting.⁹ When the males continued fighting, Officer Barlow shot his taser two separate times, striking two of the males.

Officer Barlow noted in his report that he had forgotten to activate his BWC due to the chaotic scene, which had "escalated and evolved in a matter of seconds."¹⁰ Officer Barlow reported that he activated his BWC as soon as he realized it was off.

Review of PIMS GO #19-83258 (Officer Erickson Supplement)

Officer Erickson completed a PIMS supplement on 3/24/2019. Officer Erickson reported that he was the driver of marked squad 511.

Officer Erickson reported that he and his partner, Officer Barlow, were sitting in the squad when a security guard walked up to the squad and exclaimed that there was a group involved in a fight near the intersection of Girard Av S and Lagoon Av.¹¹

Officer Erickson stated he drove the squad through the McDonalds parking lot and approached the intersection. Officer Erickson reported that he saw five to ten parties actively fighting. When the group failed to cease fighting, and other parties engaged in the fight, Officer Erickson deployed his mace toward the group.¹²

⁶ PIMS GO #19-83258, Page 7

⁷ PIMS GO #19-83258, Page 7

⁸ PIMS GO #19-83258, Page 7

⁹ PIMS GO #19-83258, Page 7

¹⁰ PIMS GO #19-83258, Page 8

¹¹ PIMS GO #19-83258, Page 15

¹² PIMS GO #19-83258, Page 15

Officer Erickson noted that he attempted to activate his BWC when he stepped out of the squad, but it did not activate. Officer Erickson activated his BWC as soon as he realized it was not on.¹³

Review of PIMS GO #19-83258 (Officer Knoche Supplement)

Officer Knoche completed a PIMS supplement on 3/24/2019. Officer Knoche was working off-duty at the Fremont Bar, located at 1300 Lagoon.

Officer Knoche reported that he heard dispatch air that a fight was in progress involving 5-10 people at Lagoon and Girard, which is approximately 1 block west of the Fremont Bar.¹⁴ Multiple bystanders approached Officer Knoche telling him that the fight was out of control and that the combatants were in the middle of the street.¹⁵

Officer Knoche approached the group on foot. He observed “numerous combatants actively assaulting one another.” He deployed his mace while ordering them to stop fighting.¹⁶ Officer Knoche noted that he observed one of the males pin another male to the ground, then striking the down party in the head multiple times.

Officer Knoche noted that he thought his BWC was activated for the entire incident. When he found his BWC was not on, he immediately activated it.¹⁷

Review of BWC

Officer Barlow’s BWC was activated after he had already deployed his mace and taser. There was still a large crowd in the area, with multiple parties still loitering. The male that had been struck in the head with the taser prong, admitted to being involved in the fight, stating he was trying to break it up.¹⁸

Officer Erickson’s BWC was activated after he had deployed his mace and after Officer Barlow deployed his taser. It was activated while Officer Erickson was taking the party who had been tased into custody. The male stated he was trying to break the fight up.¹⁹

¹³ PIMS GO #19-83258, Page 16

¹⁴ PIMS GO #19-83258, Page 12

¹⁵ PIMS GO #19-83258, Page 12

¹⁶ PIMS GO #19-83258, Page 12

¹⁷ PIMS GO #19-83258, Page 13

¹⁸ BWC Barlow, 0000-0430

¹⁹ BWC Erickson, 0000-0215

Officer Knoche's BWC was activated after he had deployed his mace and after Officer Barlow deployed his taser. There was an unknown female yelling in the background as well as a party that was refusing to leave.²⁰

Officer Alvarado, who was also on the scene, BWC footage showed what appeared to be two males actively fighting.²¹ The footage is at the beginning of the video, when there is no audio. Officer Barlow deploying his taser is captured in this footage.

Review of BWC Audit

An audit of Officer Barlow's BWC (Serial # 13.37) showed no audit entries were found for the device.²² The device profile showed that the BWC had been assigned since July 30, 2019.²³

An audit of Officer Erickson's BWC (Serial #) showed the event button to activate his BWC was pressed at 02:17:07.560 and again at 02:17:07.650.²⁴ There were no activations prior to or following.

An audit of Officer Knoche's BWC (Serial #) showed the event button to activate his BWC was pressed at 02:15:42.836, 02:16:56.774, and 02:16:56.842.²⁵ There were no activations prior to or following.

Review of Statement by Officer D. Barlow

On June 21, 2019, Officer Barlow came to the Internal Affairs Unit to provide a statement. Officer Barlow was represented by Officer M. Johnson of the Minneapolis Police Department Federation.

I confirmed with Officer Barlow that he was on-duty on March 24th, having responded to a fight call. I asked Officer Barlow to tell me about the call.

Officer Barlow stated that the fight was pointed out to he and his partner by a security guard. He stated that as he saw the fight unfolding it was "almost like a tornado of people kind of moving."²⁶ Officer Barlow stated his partner had activated the overhead lights/MVR. Officer

²⁰ BWC Knoche, 0000-0130

²¹ BWC Alvarado, F., 0000-0019

²² BWC Audit Barlow, Page 1

²³ BWC Profile Barlow, Page 1

²⁴ BWC Audit Erickson, Page 2, Lines 34-35

²⁵ BWC Audit Knoche, Page 1, Lines 12-14

²⁶ Barlow Statement, Page 2, Lines 25-27

Barlow stated he got out of the squad car and immediately started to mace the crowd to try and disperse it.²⁷ He stated that two combatants continued fighting despite being maced.

Another male entered into the fight and began throwing punches that Officer Barlow stated were "haymaker-style." Officer Barlow stated he could hear the thuds of the impact of the hits.²⁸ Officer Barlow stated when the males did not stop fighting, he pulled out his taser and told them to stop fighting. When the males continued to fight, Officer Barlow "yelled taser, taser, taser," then deployed his taser.²⁹

Officer Barlow said it was at this point that he realized his body camera was not on.

I asked Officer Barlow how big he thought the crowd was. He stated it was difficult to count, five at the least with people coming in and out of the fight.

When I asked Officer Barlow how quickly the situation evolved, if we were talking about a couple of seconds, he stated yes, just a few seconds. Officer Barlow said they drove "maybe 50 yards," and the group was moving, making its way to the intersection.³⁰

Officer Barlow stated the incident occurred at bar-close, where there were a lot of people on the street.

I began to ask Officer Barlow if he thought to activate his body camera when he got out of the squad, when he stated that he has kind of gotten used to the technology in the squads. The squads are equipped so when an Officer activates the Code 3 lights, their body camera is automatically activated. Officer Barlow stated it has "kind of messed with his muscle memory to push his body camera on."³¹

Officer Barlow stated he accepted responsibility of not having his body camera and is aware it is policy. When I asked him if he would have done anything differently he stated he would definitely not rely on the technology in the squad to turn on his BWC.³²

Review of Statement by Officer Erickson

On June 21, 2019, Officer Erickson came to the Internal Affairs Unit to provide a statement. Officer Erickson was represented by Sergeant S. Fogerty of the Minneapolis Police Department Federation.

²⁷ Barlow Statement, Page 2, Lines 29-31

²⁸ Barlow Statement, Page 3, Lines 1-6

²⁹ Barlow Statement, Page 3, Lines 13-15

³⁰ Barlow Statement, Page 3, Lines 24-39

³¹ Barlow Statement, Page 5, Lines 18-27

³² Barlow Statement, Page 2, Lines 37-41

Officer Erickson confirmed that he was working on March 24, 2019 and was the driver of squad 511. He was assigned to directed patrol in the Uptown area, when he was approached by a security guard who said there was a large fight happening.³³

Officer Erickson stated he observed a large crowd forming in the intersection of Girard and Lagoon. He drove in the direction of the fight, and noticed that there was a large number of people fighting; kicking and punching each other.³⁴

I asked Officer Erickson if he remembered turning on his body camera when he exited the squad. He stated attempted to turn it on then grabbed his OC spray. Officer Erickson said more individuals were jumping into the fight so he deployed his mace. ³⁵ He stated he then heard his partner (Officer Barlow) say taser, taser, taser. After the party was down on the ground, Officer Erickson took him into custody. ³⁶

Officer Erickson said it was while he was taking the male into custody, that he looked down and saw his BWC light was blinking green indicating that it was not on. He stated he activated it as soon as he could.

When asked if he was aware that per policy he was supposed to have his body camera activated, he stated yes. Officer Erickson advised me that on some of the squads when you activate the lights to fully Code 3, it was automatically turn on your body camera, but the squad he was in did not have this feature.³⁷

When I asked if there was anything else that Officer Erickson wanted to add to his statement, he stated, "It was rapidly evolving. There were more individuals jumping in the fight and to preserve life and do our duty as police officers, we tried to stop as much damage as possible and injuries to the individuals that were fighting."³⁸

Review of Statement by Officer Knoche

On July 10, 2019, Officer Knoche came to the Internal Affairs Unit to provide a statement. Officer Erickson was represented by Sergeant S. Fogerty of the Minneapolis Police Department Federation.

Officer Knoche confirmed that on March 24, 2019, he was working off-duty at the Fremont Bar, and responded to a fight call. Officer Knoche stated he was exiting the bar when a group of

³³ Erickson Statement, Page 2, Lines 9-22

³⁴ Erickson Statement, Page 2, Lines 25-31

³⁵ Erickson Statement, Page 3, Lines 2-3

³⁶ Erickson Statement, Page 3, Lines 19-20

³⁷ Erickson Statement, Page 3, Lines 30-39

³⁸ Erickson Statement, Page 4, Lines 1-4

bystanders alerted him to a fight that was breaking out.³⁹ The bystanders told Officer Knoche that the fight was out of control and someone had been pinned to the ground.

I asked Officer Knoche how many people were involved in the fight. He stated 10 were involved in the fight, but there were possibly 300 bystanders.⁴⁰ I asked Officer Knoche if he activated his body camera at this point. He stated he thought he had activated his camera and did not realize it was off until midway through the "melee."⁴¹ Officer Knoche activated his body camera when he realized it was off.

When asked if he was aware that per policy his body camera was to have been activated, he said yes.

DISCUSSION

The Minneapolis Police Department's Policy and Procedure Manual states in part:

4-223 BODY WORN CAMERAS (06/29/16) (07/29/17) (04/04/18)

IV. PROCEDURES/ RULES/ REGULATIONS

A. Officer Responsibilities

6. Activation

- a. Officers shall activate their BWC for the following circumstances:
 - i. When dispatched or assigned to a call, activation shall occur at least two city blocks away from the call for service location. If dispatched or assigned to a call less than two city blocks away, activation shall occur immediately. This includes assisting squads.
 - ii. When self-initiating a call, as soon as possible and prior to contacting a person or exiting a squad.
 - iii. Prior to taking any law enforcement action.
 - iv. Prior to making an investigatory contact.
 - v. When any situation becomes adversarial.
 - vi. Prior to assisting a citizen during in-person encounters, other than when providing basic verbal assistance (such as giving directions).

The allegation is Officers Barlow, Erickson, and Knoche violated the BWC Policy when they failed to activate their body cameras prior to responding to the fight.

³⁹ Knoche Statement, Page 2, Lines 17-18

⁴⁰ Knoche Statement, Page 2, Lines 30

⁴¹ Knoche Statement, Page 2, Lines 34-37

Officer Barlow, Officer Erickson, and Officer Knoche believed they had activated their body cam, either manually or by emergency light activation, prior to engaging a group involved in a fight. Their body cameras were activated as soon as they realized they were off.

Officer Barlow, Officer Erickson, and Officer Knoche completed PIMS supplements. In each of their supplements, the officers detailed the force that was used. Officers also documented that they believed they had activated their BWC at the onset of the call.

Officer Barlow, Officer Erickson, and Officer Knoche each said in their statements that the fight involved 5-10 people. When they attempted to mace the group, it was ineffective in stopping all parties from fighting.

BWC footage showed two males fighting, with people standing in the street watching.⁴² Footage from immediately after the tasing, showed a large crowd with people yelling and continuing to approach officers.⁴³

An audit of Officer Barlow's BWC was not available for March 24, 2019 due to the BWC being replaced.

An audit of Officer Erickson's BWC showed that he pressed the button to activate the camera twice starting at 02:17.

An audit of Officer Knoche's BWC showed that he pressed the button to activate the camera three times starting at 02:15.

CLOSING

When making a determination on the allegations there are three key issues to consider:

1. Did Officer Barlow violate the BWC policy?
 - a. Officer Barlow reported the situation evolved quickly.
 - b. The fight occurred at bar close.
 - c. BWC showed two males fighting, with other bystanders watching.
 - d. Officer Barlow reported he believed he had activated his body worn camera.
 - e. Officer Barlow stated some squads are equipped with "automatic" BWC activation when the emergency lights are activated on the squad.
 - f. Officer Barlow reported he activated his BWC as soon as he realized it was off.

⁴² BWC Alvarado, F., 0000-0019


⁴³ BWC Knoche, 0000-0200

2. Did Officer Erickson violate the BWC Policy?
 - a. Officer Erickson reported a large crowd had gathered within seconds.
 - b. Officer Erickson reported the fight was rapidly evolving.
 - c. The fight occurred at bar close.
 - d. BWC showed two males fighting, with other bystanders watching.
 - e. Officer Erickson reported he attempted to activate his BWC when stepping out of the squad.
 - f. Officer Erickson reported he activated his BWC as soon as he realized it was off.

3. Did Officer Knoche violate the BWC Policy?
 - a. Officer Knoche reported that multiple bystanders approached him about a fight that was out of control.
 - b. The fight occurred at bar close.
 - c. Officer Knoche reported that he believed he had activated his BWC for the entirety of the call.
 - d. Officer Knoche stated he thought he had activated his camera prior to walking over to the fight.
 - e. An audit of Officer Knoche's BWC showed that the button to activate his BWC was pressed three times, the first time a minute prior to the following two.
 - f. Officer Knoche stated he activated his BWC as soon as he realized it was off.

I confirm that the information I provided in this case is true to the best of my knowledge.


Investigator:


Date

Minneapolis Police Department
Discipline Worksheet

Officer Richard Knoche, #3793
Employee's Name and ID Number

3/24/2019
Date of Incident

OPCR 19-04570
Administrative Case Number

Discipline Panel Recommendation

Policy Number	Policy Description	Category	Disposition
4-223 (V)(A)(6)(A)	Body Worn Camera – Activation	B	Sustained

Alc. H. H. H.

Deputy Chief of Professional Standards

07/21/2020

Date

OFFICERS
BARLOW,
ERICKSON AND
KNOCHE
AGREE - MERIT
" B "
LETTER OF
REPRIMAND
FOR ALL
OFFICERS.

**Minneapolis Police Department
Discipline Worksheet**

Office of the Chief of Police

Policy Number	Policy Description	Category	Disposition
4-223 (V)(A)(6)(A)	Body Worn Camera – Activation	B	Sustained

Final Disposition

4-223 (V)9A)(6)(A) Body Worn Camera – Activation, B Sustained
Letter of Reprimand

Melaine Assalombato

07/16/2020

Chief of Police

Date

NOTICE OF DISCIPLINE

July 14, 2020

Officer Daniel Barlow
Pct. 3 Middlewatch
Minneapolis Police Department

RE: OPCR Case Number 19-04570
Notice of Written Reprimand

Officer Barlow,

The finding for OPCR Case #19-04570 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
4-223	(V)(A)(6)(A)	Body Worn Camera - Activation	B	Merit

As discipline for this incident, you will receive this Letter of Reprimand.

This case will remain in the OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge.

Sincerely,



Medaria Arradondo
Chief of Police

By: Michael Kjos, Assistant Chief of Police
Henry Halvorson, Deputy Chief, Professional Standards Bureau

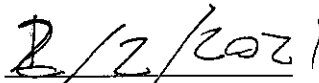
NOTICE OF RECEIPT

Acknowledgement of receipt:


I, Daniel Barlow, acknowledge that I have received my Notice of Discipline for OPCR Case #19-04570.



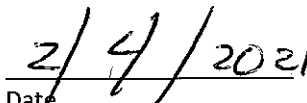
Officer Daniel Barlow



Date of receipt



Inspector Sean McGinty



Date

CC: Personnel
Inspector McGinty
OPCR

NOTICE OF DISCIPLINE

July 14, 2020

Officer Mitchell Erickson
Pct. 5 Daywatch
Minneapolis Police Department

RE: OPCR Case Number 19-04570
Notice of Written Reprimand

Officer Erickson,

The finding for OPCR Case #19-04570 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
4-223	(V)(A)(6)(A)	Body Worn Camera - Activation	B	Merit

As discipline for this incident, you will receive this Letter of Reprimand.

This case will remain in the OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge.

Sincerely,



Medaria Arradondo
Chief of Police

By: Michael Kjos, Assistant Chief of Police
Henry Halvorson, Deputy Chief, Professional Standards Bureau

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Mitchell Erickson, acknowledge that I have received my Notice of Discipline for OPCR Case #19-04570.



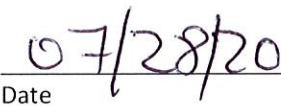
Officer Mitchell Erickson



Date of receipt



Inspector Amelia Huffman



Date

CC: Personnel
Inspector Huffman
OPCR