

From the desk of:
Medaria Arradondo
Chief of Police
Minneapolis Police Department
350 South 5th Street, Room 130
Minneapolis, MN 55415



TO: Officer Anthony Maisano

CC: MPD Internal Affairs

DATE: 12/4/2021

RE: OPCR Case #20-06278

CHIEF'S DECISION:

- Discharge
- Suspension **Duration:**
- Written Reprimand
- Permanent Demotion
- Temporary Demotion **Duration:**
- No Merit

SUMMARY OF BASIS FOR DECISION

The Police Conduct Review Panel recommended merit [REDACTED] allegations in this case: [REDACTED] [REDACTED] Body Worn Cameras; and Truthfulness. This memo summarizes my approach and reasoning for my decision as Chief of the Minneapolis Police Department to terminate Officer Anthony Maisano; the preponderance of the evidence supports the facts alleged in this incident although I have updated the policy citations to more accurately reflect the conduct. Three allegations against Officer Anthony Maisano are sustained. This memo accompanies the enclosed discharge form.

Facts Supporting Decision (see also Investigation Summary):

On 4/18/2020, Officer Maisano was working on duty as a patrol officer in the 4th Precinct. He learned via dispatch over the police radio that a stolen vehicle had refused to stop for officers in the 1st Precinct. The same stolen vehicle refused to stop for officers in the 2nd Precinct. In both incidents, officers did not continue attempting to stop the vehicle as pursuit was not authorized under MPD policy. A third squad monitored the stolen vehicle's path of travel while attempting to coordinate assistance from the Minnesota State Patrol. That squad did not attempt to stop the vehicle but provided updated locations to dispatch. During the period when officers were interacting with or observing this vehicle, they aired information on channel 3 (Precinct 1 officers) and channel 1 (Precinct 2 officers). Dispatch aired updates on channel 2 (for Precinct 4 officers). Between 23:35:59 and 23:38:13, channel 2 dispatch aired the information that the stolen vehicle was traveling westbound on Broadway, crossing University westbound and then going over the Broadway bridge.

Officer Anthony Maisano drove his squad car to the Broadway bridge and positioned the squad on the bridge, in a traffic lane, alongside a Canine officer (Bartholomew) already staged at that location with his emergency lights activated. Officer Maisano wrote in his police report:

I made a U-turn and got next to squad 955 who was facing West on the bridge and had the squads (sic) rear emergency lights activated. I saw vehicle traveling West on the Broadway Bridge at approximately 40 M.P.H. and showed no signs of slowing down. I attempted to move my squad to the left to let the vehicle go through us and put myself in the Eastbound lanes of the Broadway Bridge. As I was moving forward the vehicle struck the rear of my squad.

Officer Maisano's squad sustained damage to the rear bumper. The stolen vehicle sustained disabling damage to the front left quarter panel. Neither Officer Maisano nor the suspect were injured in the crash.

Officer Maisano did not activate his MVR and only activated BWC when he exited his squad after the crash. According to his police report, he did not activate MVR or BWC because he was not assigned to the call and there was no one in pursuit of the stolen vehicle. In his report, he did describe his actions as "responded to the West Broadway Bridge on a stolen vehicle. Milestone video captured the events on bridge which has 4 lanes, two for eastbound traffic and two for westbound traffic. In the video, Officer Bartholomew's squad can be seen blocking the outside westbound lane of traffic, stopped with the rear

light bar on. Officer Maisano's squad can be seen pulling up next to Officer Bartholomew's squad in the other westbound lane. Both squads are facing westbound. It isn't discernable if the emergency light bar has been activated in Officer Maisano's squad. The suspect vehicle approached traveling westbound. As the stolen vehicle moved into the eastbound lane, Officer Maisano pulled his squad car into the eastbound lane of traffic. The front, driver's side of the stolen vehicle struck the rear of Officer Maisano's squad. At the time of impact, the Milestone video was at its clearest as Officer Bartholomew had turned off his emergency lights which created glare. At that time, no emergency lights can be seen activated in Officer Maisano's squad. Officer Bartholomew's BWC captured video of Officer Maisano's squad a short time after impact as Officer Bartholomew retrieved his dog and walked toward the now-stopped stolen vehicle to assist with taking the suspect into custody. No flashing emergency lights on the lightbar of Officer Maisano's squad can be seen in the BWC video.

At the scene, Officer Maisano spoke with Sgt. Imming who responded due to the squad accident. In Sgt. Imming's BWC video, Officer Maisano can be heard explaining the sequence of events. Officer Maisano told Sgt. Imming that he was monitoring on channel 1 and his truck was on his channel. (As an officer assigned to the 4th Precinct, his dispatch was on channel 2. Channel 1 was being used for the 2nd Precinct dispatch activity.) Officer Maisano continued to explain that Officer Bartholomew went onto the bridge and turned around to face westbound. Officer Maisano said "I heard your guy's squad say he's going over the bridge." Officer Maisano described that he was side by side next to Officer Bartholomew's squad then with some space in between. He saw the suspect vehicle approaching "at a high rate of speed" and thought the suspect was going to attempt to drive between the squads. He tried to avoid being rear ended by driving into the eastbound traffic lane and it was there that the stolen vehicle struck his squad.

Officer Maisano also spoke on-scene with the Traffic investigator, Sgt. Windus. He described stopping alongside Officer Bartholomew's which was stopped on the right side of the roadway with the lights activated. It isn't clear in the recording if Officer Maisano is referring to the lights on Officer Bartholomew's squad which were activated according to recordings of the incident or to the lights on his own squad. Officer Maisano described the gap between the two squads and his thinking that the suspect would try to drive between the two squads. Officer Maisano said that the stolen vehicle was approaching at a high rate of speed and not moving so he drove into the other lane where the stolen vehicle rear-ended the squad. In his police report written to document his scene investigation, Sgt. Windus wrote that Officer Maisano stated he did not have emergency lights on and had not activated MVR or BWC.

In a Garrity statement, Officer Maisano stated that he received all information about the stolen car from information aired on channel 2. He denied switching radio channels or monitoring any other channel stating that he had never been trained to do this. He explained that he didn't know the stolen vehicle would continue over the Broadway bridge and placed himself next to the Canine squad so he could talk to the officer about his plans for how to handle this. Officer Maisano stated he activated his rear emergency lights. He did not activate his BWC because he wasn't assigned to the call, he was going to the area of the call to check. He denied intentionally blocking or having contact with the suspect vehicle. He acknowledged that he placed himself in danger when he placed the squad in the westbound

lane of traffic on the bridge but remarked that he has a dangerous job. Similarly, when asked if he could have positioned his squad better to minimize the danger, he replied that he could get struck anytime. He denied placing the suspect driving the stolen car in any danger. When asked if he would do anything differently if this call happened again, Officer Maisano said he would not.

Due to discrepancies between Officer Maisano's Garrity statement and information from the videos and reports, Officer Maisano was notified via letter that an allegation of untruthfulness had been added to this investigation. He was given an opportunity to voluntarily provide another statement to address his radio and light bar usage. Officer Maisano did not respond to this letter and he provided no additional information to address the allegation of untruthfulness.

At the Loudermill hearing, Officer Maisano apologized for his actions and said he would never repeat these actions again. He said that he could have placed his squad in a better tactical position to avoid a crash. He was unaware that he needed BWC activated but upon reviewing the case, he immediately recognized it. He also apologized for "any confusion" he may have caused with his statement. He denied being untruthful.

Policy Citations:

The following MPD Policy and Procedures outline expectations relevant to this incident:

- MPD PP 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.
- MPD PP 4-223 (IV)(A)(6) Body Worn Cameras: 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).
 - vii. When directed to activate the BWC by a supervisor.
 - b. If a situation changes to require activation, the officer shall immediately activate the BWC as soon as it is safe to do so.
- MPD PP 5-101.01 Truthfulness: The integrity of police service is based on truthfulness. Officers shall not willfully or knowingly make an untruthful statement, verbally or written, or knowingly omit pertinent information pertaining to his/her official duty as a Minneapolis Police Officer. MPD

employees shall not willfully or knowingly make an untruthful statement or knowingly omit pertinent information in the presence of any supervisor, intended for the information of any supervisor, or before any court or hearing. Officers shall not make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation. (12/14/07) These requirements apply to any report, whether verbal or written, concerning official MPD business including, but not limited to, written reports, transmissions to MECC and officers via radio, telephone, pager, e-mail or MDC. MPD employees are obligated under this policy to respond fully and truthfully to questions about any action taken that relates to the employee's employment or position regardless of whether such information is requested during a formal investigation or during the daily course of business. (12/14/07)

Summary:

- [REDACTED]
[REDACTED] I find that the appropriate policy citation for Officer Maisano's conduct is the Professional Code of Conduct section requiring officers to use reasonable judgement. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] In this case, Officer Maisano took action to place himself in the area where he believed a stolen car may be traveling with officers following. He did not, however, use good judgement or weigh the possible consequences of his actions when he stopped his squad next to another squad in the traffic lanes on the Broadway bridge. When the vehicle approached at a high rate of speed, he tried to avoid being struck by moving into the oncoming traffic lane, again placing himself in the path of the stolen vehicle. His conduct contributed to the crash. While Officer Maisano was fortunate that neither he nor the suspect sustained injuries, both were placed at increased risk due to Officer Maisano's conduct. In a Garrity statement, Officer Maisano said he would do nothing differently in the future; however, at the Loudermill, Officer Maisano apologized and said that he could have placed his squad in a better tactical position to avoid a crash. I find sufficient evidence that Officer Maisano violated MPD PP 5-105 (B)(4) Professional Code of Conduct.
- Officer Maisano stated he did not activate his BWC because he was not assigned to this call. Post-Garrity, he stated he was responding to the check the area as the situation may be gone or unable to locate. He wrote in his police report that he was responding on a stolen vehicle. Officer Maisano knew he was responding to the area of an active law enforcement action and should have recognized that BWC activation was required under several sections of the policy examples including traffic stops, suspicious vehicle stops, any in person contact involving criminal activity, suspicious or unlawful behavior, and prior to taking any law enforcement action. Officer Maisano acknowledged this during his Loudermill hearing. As the PCR panel did, I find sufficient evidence that Officer Maisano violated MPD PP 4-223 (IV)(A)(6) Body Worn Cameras.
- Post-Garrity, Officer Maisano denied monitoring any radio channel except that being used for his precinct. He acknowledged that he was equipped with both a squad radio and a portable

radio but that he had never been trained to monitor two channels. In BWC video recorded by Sgt. Imming at the time of this incident, Officer Maisano can be heard explaining that he was monitoring channel 1 and his truck was on his channel. He also noted that he heard “your guy’s squad saying he’s going over the bridge.” Sgt. Imming was assigned to the 2nd Precinct. Officer Maisano’s can be understood to refer to 2nd Precinct Officer Judkins’ radio transmissions on channel 1 that provided ongoing vehicle location updates including the information that the stolen vehicle was crossing the bridge. Based on Officer Maisano’s words in the BWC video recorded at the time of the incident, I find Officer Maisano’s denial that he monitored two radio channels not credible. Further, I find Officer Maisano’s statement that he has never been trained to monitor two radio channels using both the squad and the portable radios not credible. Police activity and citizen reports of criminal activity frequently cross precinct boundaries. The practice of monitoring two radio channels due to cross border activity is so common it may accurately be called ubiquitous among MPD officers.

Post-Garrity and in his written police report, Officer Maisano stated that he activated his emergency lights. In the police report written by Sgt. Windus to describe his traffic accident investigation at the scene, he noted that he was told by Officer Maisano that he had no emergency lights activated. At the clearest portion of the Milestone camera video when Officer Bartholomew deactivated his emergency lights, no emergency lights can be seen activated on Officer Maisano’s squad. This was at the time of impact by the stolen vehicle. Similarly, when Officer Bartholomew’s BWC video captures images of Officer Maisano’s squad as Officer Bartholomew walks into the scene to assist with taking the suspect into custody, no emergency lights can be seen on Officer Maisano’s squad. I find that the preponderance of the evidence supports a finding that Officer Maisano did not activate his emergency lights.

The PCR panel found merit for the allegation of untruthfulness and I concur. I do not find Officer Maisano’s statements about his radio and light usage to be credible. I find that Officer Maisano violated MPD PP 5-101.01 Truthfulness.

Officer Disciplinary History:

Officer Anthony Maisano has been employed as a sworn officer with the Minneapolis Police Department since 12/4/2018. [REDACTED]

[REDACTED] He has [REDACTED] been suspended for a duty handgun violation (C-level) and suspended for normal and emergency vehicle operation violation (B-level).

Conclusion:

As 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. Based on my review of the facts in this investigation, Officer Maisano engaged in conduct that cannot be tolerated or accepted. I have made clear during my tenure as Chief that an officer’s word is everything. In my 2017 vision statement I set these expectations for Minneapolis police officers:

Be truthful in all you say or put in writing. The first time you are not truthful it will always be remembered. If you are not truthful in the course of your duties, regardless of the situation, then you have committed one of the most egregious acts you can commit as someone who wears the MPD badge. Likewise, if you know a colleague is not being truthful and you remain silent, once again, you are complicit in one of the most egregious acts you can commit as someone who wears the MPD badge. We MUST be accountable to each other and the communities we serve. There is no place in the MPD for employees who are not truthful. If you are not truthful in the course of your duties, you render yourself useless as an MPD employee. Those we serve will not tolerate employees who are not truthful. As your Chief, I will not tolerate untruthfulness.

All Department members and the communities we serve must know that this misconduct undermines the very foundation of trust and will be taken seriously. Officer Maisano has forfeited the opportunity to serve as a Minneapolis police officer. With authority to discipline for violations of policy under Minn. Stat. §626.89 Subd. 17, I have made the decision to terminate Officer Maisano, therefore reaffirming the fundamental importance of truthfulness in the Minneapolis Police Department.

Medaria Arradondo
Chief
Minneapolis Police Department