

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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
18-15517		18-278723	August 18, 2018	07:00 PM	Police Investigation
Location of Incident		City/State/Zip		Date of Complaint	
3523 E 42st Apt 2		Minneapolis, MN 55406		September 09, 2018	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Privacy Policy			M	White	Privacy Policy
Home Address		City/State/Zip		Primary Telephone	
Privacy Policy					
JURISDICTION			CATEGORY		
OPCR Ord. § 172.20(8)			Violation of the P&P Manual		
BADGE/NAME			ALLEGED POLICY VIOLATIONS		
0244; Atkinson, Ryan			MPD P&P § 10-401 – Responsibility for Inventory of Property and Evidence		
ALLEGATION SUMMARY					
Complainant asserts that his watch was removed during his arrest and that is it now missing. The watch can be seen on video as he is being handcuffed.					
SUPERVISOR ASSESSMENT					
INQUIRY (INTAKE – COMPLAINT FILED) <input type="checkbox"/>			3401 <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final approved		
MEDIATION <input type="checkbox"/> Refer to Mediation			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 Withdrawn 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: _____		
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					
FINAL APPROVED INVESTIGATIVE REPORT <input checked="" type="checkbox"/> Refer to Panel					
IAU Supervisor <i>U. Ball</i>				Date 4-16-19	
Director – Office of Police Conduct Review <i>[Signature]</i>				Date 4/16/19	

NOTICE OF DISCIPLINE

January 22, 2020

Officer Ryan Atkinson
Pct. 4 Neighborhood Directed Patrol
Minneapolis Police Department

RE: OPCR Case Number 18-15517
Notice of Written Reprimand

Officer Atkinson,

The finding for OPCR Case #18-15517 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
10-401		Responsibility for Inventory of Property Evidence	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,



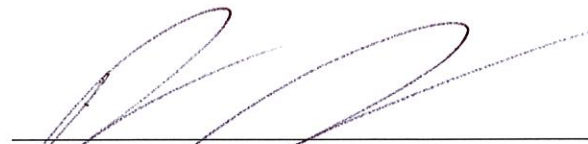
Medaria Arradondo
Chief of Police

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

NOTICE OF RECEIPT

Acknowledgement of receipt:

I, Ryan Atkinson, acknowledge that I have received my Notice of Discipline for OPCR Case #18-15517.



Officer Ryan Atkinson

06-23-2020
Date of receipt



Inspector Kelvin Pulphus

6/23/20
Date

CC: Personnel
Inspector Pulphus
OPCR

Investigative Summary

Complaint Number: 18-15517
Investigator: Sergeant Aimee Walker
Officer: Officer Ryan Atkinson, # 0244
Case Type: Administrative
Date of Incident: 8/18/2018
Complaint Filed: 9/9/2018

CASE OVERVIEW

On August 18, Officer Atkinson and his partner, Officer Chauvin were dispatched to a domestic abuse in progress at 3523 42 St E. Officer Atkinson and Officer Chauvin entered the residence and spoke with both the victim and the suspect (complainant).

While Officer Chauvin conducted the interview of the victim, Officer Atkinson escorted the suspect (Berg) out to the squad car. Officer Atkinson remained in the squad with Berg throughout the duration of the call.

Berg can be seen on body worn camera (BWC) and mobile video recording (MVR) as wearing a black watch on his right wrist. At one point while seated in the rear of the squad, Berg was attempting to contact his daughter using his watch. Officer Atkinson exited the squad car and removed the watch from Berg's wrist. It appeared as though Officer Atkinson placed the watch in the center console area of the squad.

On 9/9/20018, Berg completed an online complaint which stated that his watch has been missing since it was taken off his wrist.

The BWC footage from Officer Atkinson and Officer Chauvin ended upon them entering the jail prisoner intake area.

Officer Atkinson can be seen on MVR placing the watch on the hood of the squad car¹. MVR footage was stopped once Berg was removed from the squad and walked in to the intake area.

The watch did not show as having been inventoried by either Officer Atkinson or Officer Chauvin, nor did it show as having been inventoried when a search was done via PIMS query.

Hennepin County Jail was contacted and asked if the watch had been documented in Mr. Berg's property. It had not been.

The video footage from the intake area of the sallyport was no longer available².

ALLEGATIONS

Allegation 1: It is alleged that Officer Atkinson failed to properly inventory property per policy 10-401 *Responsibility for Inventory of Property Evidence*.

CASE INVESTIGATION

Officer Atkinson and Officer Chauvin were dispatched to 3512 42nd St E on a report of a domestic abuse in progress. Both officers entered the residence to speak with the victim and the suspect (Berg).

Berg can be seen on BWC wearing a black watch on his right wrist³.

Officer Atkinson walks Berg out to the squad car to detain him while Officer Chauvin remains inside speaking with the victim. Berg is placed in the backseat of the squad car, handcuffed behind his back.

Berg can be seen and heard on the MVR footage attempting to use his watch to contact his daughter⁴. Officer Atkinson exited the squad, opened the back door, and took the watch off of Berg's wrist⁵. Officer Atkinson appeared to have placed the watch to his right, near center of the squad/cup-holder/radio.

¹ MVR P#76788, 19:57:32

² Email from Seth Augdahl

³ MVR P#76788, 19:06:28

⁴ BWC Atkinson, 01:00:34

⁵ BWC Atkinson, 1:01:25

Berg is transported to Hennepin County Jail by Officer Atkinson and Officer Chauvin. Both officer's BWC were shut off once they entered the sallyport.

Officer Atkinson can be seen placing the watch on the hood of the squad car, near the right side. Officer Chauvin is seen entering the intake area. The MVR footage is stopped prior to the doors closing. It did not show Officer Atkinson entering the in-take area.

Officer Chauvin completed a PIMS report on the arrest. Officer Atkinson did not complete a supplement. The watch was not property inventoried under the GO # 2018-278723. A query of property did not show a black Samsung smart watch as having been inventoried since the date of the incident.

I spoke with Cecilia Weyek at the jail who stated a watch was not one of the items listed in Berg's property when he was brought in.

Sergeant Seth Augdahl was contacted via email in attempts to see if video footage was available for the date and time Berg was brought in. Sergeant Augdahl advised that the video was no longer available as their server only stores video for a certain time frame.⁶

A letter was sent via certified mail to Mr. Berg on February 4, 2019. The letter was returned undeliverable. Berg did not respond to requests for information via telephone.

Officer Atkinson was interviewed in the Internal Affairs Office on 2/18/2019. I asked Officer Atkinson if he recalled what he did with the watch after taking it off of Berg's wrist. Officer Atkinson stated that he thought he gave it to the jail staff.⁷ I asked Officer Atkinson if he remembered dealing with the watch once he got to the jail. He stated no. I asked Officer Atkinson if he would have done anything different. Officer Atkinson stated he would ask his partners to remind him to give the watch to the jail staff.⁸

Officer Chauvin was interviewed in the Internal Affairs Office on 3/11/2019. I asked Officer Chauvin if he was aware Officer Atkinson had taken Mr. Berg's watch off his wrist. Officer Chauvin stated he was not. I asked Officer Chauvin he ever saw the watch anywhere in the squad car and he told me no. Officer Chauvin did not recall if Officer Atkinson had given one of the jailers the watch.⁹

⁶ Email chain/Seth Augdahl

⁷ Q&A Atkinson, Page 3, Lines 4-5

⁸ Q&A Atkinson, Page 3, Lines 28-31

⁹ Q&A Chauvin, Page 2, Lines 30-40

DISCUSSION

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

10-401 RESPONSIBILITY FOR INVENTORY OF PROPERTY AND EVIDENCE (12/14/07)
(A-D)

Definitions:

- Property – any material object of value, however slight, tangible or intangible to which an owner has a legal right.
- Evidence – documentary or oral statements and material objects admissible as testimony in a court of law.

All MPD employees taking possession of property, whether evidentiary or non-evidentiary, shall place such property in the custody of the Property and Evidence Unit and complete the inventory prior to the end of their shift. The inventory shall include all evidence seized regardless of whether an arrest has been made. This includes sworn employees working off-duty employment. (04/01/93) (02/19/02) (12/14/07)

The allegation is that Officer Atkinson failed to properly handle Berg's watch by property inventorying it.

Officer Atkinson can be seen taking Berg's watch off of his wrist both on BWC and MVR footage. MVR footage later showed that Officer Atkinson placed the watch on the hood of the squad car. When asked about what he did with the watch, Officer Atkinson stated he believed he gave it to the jail staff. Officer Atkinson did not remember which jailer he would have given it to.

Both BWC footage and MVR footage ended once Officer Chauvin entered the intake area with Berg. There is no footage that exists after Berg is walked inside.

The video footage of the in-take area of the jail no longer exists.

The Cecilia Weyek at Hennepin County Jail property advised me that there was never a watch listed under Berg's property.

Searches via PIMS showed that a black Samsung smart watch had not been inventoried under the assigned GO # or since the incident date.

Attempts to contact Berg via certified mail and telephone were unsuccessful.

CLOSING

When making a determination on the allegations the key issue to consider is:

1. Did Officer Atkinson properly handle Berg's property?
 - a. Officer Atkinson removed the watch from Berg's wrist prior to arriving at jail.
 - b. Officer Atkinson placed the watch on the hood of the squad car.
 - c. Officer Atkinson stated he thought he gave the watch to the deputies at jail intake¹⁰.
 - d. Officer Atkinson did not property inventory the watch.
 - e. Berg did not responded to requests for information via telephone.

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

Investigator: _____



Date _____

4/15/19

¹⁰ Q&A Atkinson, Page 3, Lines 4-5

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Pct. 4 Neighborhood Directed Patrol
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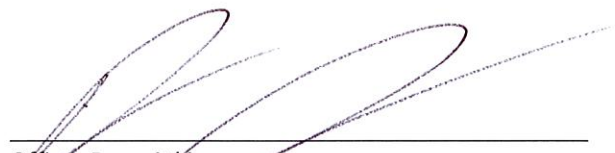
Medaria Arradondo
Chief of Police

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

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Officer Ryan Atkinson

06-23-2020
Date of receipt



Inspector Kelvin Pulphus

06/23/20
Date

CC: Personnel
Inspector Pulphus
OPCR