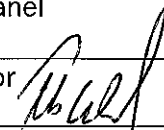



**CITY OF MINNEAPOLIS
OFFICE OF POLICE CONDUCT REVIEW**

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
19-06071	2	19-106276	April 16, 2019	0400	
Location of Incident		City/State/Zip		Date of Complaint	
707 Tyler Street NE		Minneapolis		April 26, 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		
1575 ; Dominguez, Mack			MPD P&P § 5-307 - SUPERVISOR FORCE REVIEW		
ALLEGATION SUMMARY					
It is alleged that Sergeant Mack Dominguez failed to complete a Supervisor Force Review as required by policy.					
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: Sgt. Eck			3401 <input type="checkbox"/> Draft <input checked="" 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 Withdrawn 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 10-3-19	
Director - Office of Police Conduct Review 				Date 10/3/19	

NOTICE OF DISCIPLINE

June 22, 2020

Sergeant Mack Dominguez
Juvenile Investigations
Minneapolis Police Department

RE: OPCR Case Number 19-06071
Notice of Written Reprimand

Sgt. Dominguez,

The finding for OPCR Case #19-06071 is as follows:

<u>Policy Number</u>	<u>Sub-Section</u>	<u>Policy Description</u>	<u>Category</u>	<u>Disposition</u>
5-307		Supervisor Force Review	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, Mack Dominguez, acknowledge that I have received my Notice of Discipline for OPCR Case #19-06071.



Sergeant Mack Dominguez

06-23-2020
Date of receipt



Commander Giovanni Veliz

06/23/2020
Date

CC: Personnel
Cmdr. Veliz
OPCR

Investigative Summary

Complaint Number: 19-06071
Investigator: Sergeant Timothy P. Eck
Officer (s): Sergeant Mack Dominguez
Case Type: OPCR Administrative
Date of Incident: April 16, 2019
Complaint Filed: April 26, 2019

CASE OVERVIEW

This alleged policy violation was brought to the attention of Minneapolis Police Internal Affairs as a result of a memo sent by **13.43 - Personnel Data** from the dogwatch shift at the Minneapolis Second Precinct. **13.43 - Personnel Data** expressed concern that Sergeant Mack Dominguez did not readily recognize that a Supervisor Force Review was a required duty of a supervisor and not discretionary or dictated by the subject of the force. In this instance, Sergeant Dominguez asked the subject upon which the force was used he wanted a force report and the subject declined. In turn, Sergeant Dominguez did not document a formal Supervisor Force Review.

ALLEGATIONS

Allegation 1: It is alleged that Sergeant Mack Dominguez did not complete a Supervisor Force Review as required per policy. *5-307 – Supervisor Force Review.*

CASE INVESTIGATION

On April 16, 2019, Sergeant Mack Dominguez and other Officers from the Minneapolis Police Department's Second Precinct were dispatched to a report of possible injury accident in northeast Minneapolis. Sergeant Dominguez arrived and located the driver of the car, other officers arrived soon thereafter and took the driver into custody. The driver sustained a very minor abrasion on his knee. Sergeant Dominguez spoke with the subject of the force and asked him if he wanted to report a use of force situation and the subject declined, no force review was completed.

Minneapolis Police Department Records

Notification Memo

On April 26, 2019, 13.43 - Personnel Data sent a memorandum to Internal Affairs Lieutenant Thomas Wheeler regarding an alleged policy violation. 13.43 - Personnel Data became aware of an incident where force was used by Minneapolis Police Officers that resulted in a minor injury to an arrested party. Sergeant Dominguez was on scene at the time that the force was used and failed to complete or otherwise facilitate a Supervisor Use of Force Review. Most concerning to 13.43 13.43 was the idea that Sergeant Dominguez asked the subject of the force if he would like a force review completed. When the subject of the force declined, Sergeant Dominguez did not complete the review. 13.43 - Personnel Data outlined in her memo "He (Sergeant Dominguez) stated that he asked the suspect if he wanted a force report; and the suspect told Sgt. Dominguez that he did not want the report. A force report was not completed. I explained to Sgt. Dominguez that doing a force review is dictated by policy not the subject of the force. I did email Sgt. Dominguez a copy of the supervisor force requirements (5-306) policy."¹

MPD GO 19-106276

This police report documented the incident that led to the alleged injury to the subject and subsequent arrest. The subject was encountered by Sergeant Dominguez and other officers after they were dispatched to a one vehicle accident. The driver, later found to be intoxicated, was mildly uncooperative and was ordered down to the ground by officers. The driver reported that he sustained a "skinned knee" while being taken into custody by the officers. The officers reported the alleged injury to Sergeant Dominguez, who was on scene. Sergeant Dominguez stated in his supplement "Officer Nelson reported that the suspect Shaquan Antone Lingwall reported that he had a skinned knee. I went and spoke with Mr. Lingwall and asked him if he wanted to report a force situation and he said no."² There is nothing else remarkable about this call or police report.

¹ See notification memo from 13.43 13.43.

² See MPD GO 19-106276, statement of Sergeant Dominguez on page 21.

BWC Records

Sergeant Dominguez recorded his interaction with the subject of the force in this instance. The subject advised that he sustained a minor injury while being taken into custody by Officers. Sergeant Dominguez offered medical attention to the subject which he declined. Sergeant Dominguez then asked, "Are you claiming that force was used?" The subject said no and Dominguez did not further to formally document the use of force and/or the alleged injury to the arrested party.³

Statement of Sergeant Mack Dominguez

I interviewed Sergeant Dominguez on August 15, 2019 in the MPD Internal Affairs Office in City Hall. Also present was Sergeant Sherral Schmidt from the Minneapolis Police Federation.

Sergeant Dominguez recalled the incident in question and gave me a synopsis of the incident.⁴ Sergeant Dominguez said he threatened the use of his taser on an uncooperative intoxicated male who had been reportedly crashed his vehicle in an alley and was acting erratically towards his girlfriend. There was also information in the 911 dispatched call the male is known to carry firearms. Sergeant Dominguez ordered the male to lie down on this stomach while pointing his taser at him. The male complied, then arriving backup officers handcuffed the male, no other force was used on the male.⁵

Sergeant Dominguez became aware that the male had alleged that his knee hurt from being taken into custody. Sergeant Dominguez advised that he talked to the arrested party and offered him medical care, which he declined. The male told Sergeant Dominguez that he sustained the scratch on his knee when he was ordered to get down on the ground.

Sergeant Dominguez recognized that once he was made aware of the alleged injury to the arrested party, it was his job to speak to the male, assess any injury and offer medical services to him. However, Sergeant Dominguez did not recognize the need to formally document the interaction with the male in a Supervisor Force Review.

Sergeant Dominguez advised that his supervisor, **13.43 - Personnel Data** brought this to his attention and he told me "...we talked it over and I gained more clarification on doing force reviews...since then I've done multiple force reviews involving similar situations like this".⁶ Sergeant Dominguez affirmed that he is now comfortable with the MPD's use of force reporting policy.

³ See BWC footage of Sergeant Dominguez included in this case file, entitled "Dominguez 4-Force Review", approximately the 12:20 mark.

⁴ See transcribed statement of Sergeant Dominguez for full details.

⁵ Pursuant to the review of BWC files.

⁶ See transcribed statement of Sergeant Dominguez, page 4, line 30.

DISCUSSION

It is alleged that Sergeant Mack Dominguez violated the MPD's Supervisor Force Review policy. If this allegation is found to be true, it would violate the department policy included below.

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

5-307 SUPERVISOR FORCE REVIEW (08/17/07) (12/15/09)

On-duty Supervisor Responsibilities

The supervisor who is notified of a Use of Force incident by any sworn MPD employee shall:

1. Determine if the incident meets the criteria for a Critical Incident. If so, follow Critical Incident Policy (P/P 7-810). (09/23/15)
2. Instruct the involved employees to have the subject of the use of force remain on-scene until the supervisor arrives, if it is reasonable to do so.
 - If the subject of the use of force does not remain on-scene, the supervisor shall go to the subject's location, if necessary, to complete the investigation.
3. Respond to the incident scene and conduct a preliminary investigation of the Use of Force incident. (09/23/15)
 - a. Debrief the employee(s) who engaged in the use of force.
 - b. Note any reported injury (actual or alleged) to any individual involved.
 - c. Photograph: (09/23/15)
 - the force subject, including any visible injuries
 - the immediate area of the force event
 - injuries to any other individual involved in the force event
 - damage to equipment or uniforms caused by the force event
 - d. Note any medical aid/EMS rendered to any individual involved.
 - e. Locate and review any evidence related to the force incident (e.g. MVR,

security video, private cameras, etc.). (12/15/09)

- f. Ensure any on-scene evidence is preserved and collected.
- g. Locate and identify witnesses to the use of force incident. (12/15/09)
- h. Obtain statements from witnesses to the use of force incident.
- i. Contact the Internal Affairs Unit Commander immediately by phone if the force used appears to be unreasonable or appears to constitute possible misconduct. (04/16/12)

4. Complete and submit the Supervisor Use of Force Review and Summary in CAPRS as soon as practical, but prior to the end of that shift.

- a. Ensure that all actions taken in the preliminary investigation process and the information obtained from these actions are included in the Summary and that all other relevant information is entered in the appropriate sections of the report. (12/15/09)
- b. If, based upon the totality of the information available at the time of the report, the supervisor feels that the use of force may have been unreasonable or not within policy, the supervisor will: (04/16/12)
 - State in the supervisor force review that they believe the use of force requires further review; and
 - Notify the commander of Internal Affairs of their findings that the force requires further review.

5. Review all sworn employees' CAPRS reports and supplements related to the use of force incident for completeness and accuracy.

Sergeant Mack Dominguez and other Minneapolis Police Officers were dispatched to a possible injury accident involving one vehicle. Upon arrival, Sergeant Dominguez located the driver, who was not completely cooperative. Officer Ryan Nelson and Andrew Hegseth arrived soon thereafter and performed a "takedown" on the driver, resulting in the driver sustaining a "skinned knee".⁷ The driver was taken into custody without further incident.

⁷ As reported by Sergeant Dominguez in GO 18-106276, page 21.

Officer Ryan Nelson stated in his report that he notified Sergeant Dominguez of a potential injury to the subject as a result of their interaction with him. Officer Ryan stated, "LINGWALL said he was not injured and did not need EMS. LINGWALL then said his knee hurt from being taken into custody. We noticed a scratch on his right knee. A photo of the scratch was taken. I notified Sgt. Dominguez who was already on scene".⁸

Sergeant Dominguez approached the subject while he was seated in the rear of a squad car. Dominguez asked if he was injured and the driver said he just had a "scrape" on his knee from when he was told to get on the ground.⁹ Sergeant Dominguez offered the subject medical attention, which he decline. Sergeant Dominguez then asked him "Are you claiming that force was used?" The subject said no and Sergeant Dominguez did not formally document the force pursuant to the MPD's Supervisor Force Review policy.¹⁰

Sergeant Dominguez did not complete any section of the GO related to the Supervisor Force Review.

CLOSING

1. Did Sergeant Mack Dominguez violate the MPD's Supervisor Force Review Policy?
 - a. Sergeant Dominguez was present when officers brought a mildly uncooperative subject to the ground pursuant to a dispatched call.
 - b. Officers notified Sergeant Dominguez that the subject sustained a scratched knee as a result of the interaction with officers.
 - c. Patrol officers observed an apparent minor injury to the knee of the subject and photos were taken of the area.
 - d. Sergeant Dominguez asked the arrested party about his alleged injury.
 - e. The subject told Sergeant Dominguez that the injury to his right knee was the result of the interaction with the officers.
 - f. Sergeant Dominguez offered medical services to the arrested party.
 - g. Sergeant Dominguez asked the subject if he was claiming that force was used against him. The subject said no.
 - h. Sergeant Dominguez did not complete a Supervisor Force Review.

⁸ 13.43 - Personnel Data

⁹ See BWC video of Sergeant Dominguez, 12:30 mark.

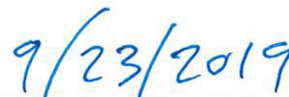
¹⁰ See BWC footage of Sergeant Dominguez included in this case file, entitled "Dominguez 4-Force Review", approximately the 12:20 mark.

- i. Sergeant Dominguez' supervisor, **13.43 - Personnel Data** brought the deficiency to his attention.
- j. Sergeant Dominguez acknowledged the deficiency and advised that he is now comfortable with the force reporting policy and has done several like it since this incident.

I confirm that my summary of this case is true to the best of my knowledge.



Investigator:



Date