

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



TO: Officer Joseph Klimmek, #3735

CC: MPD Internal Affairs

DATE: 11/6/21

RE: OPCR Case #20-06280

CHIEF'S DECISION:

Discharge

Suspension **Duration: 20 hours**

Written Reprimand

Permanent Demotion

Temporary Demotion **Duration:**

No Merit

SUMMARY OF BASIS FOR DECISION

The Police Conduct Review Panel recommended merit for [REDACTED] this case: [REDACTED] [REDACTED] a violation of the normal and emergency vehicle operation policy. This memo summarizes my approach and reasoning for my decision as Chief of the Minneapolis Police Department that [REDACTED] [REDACTED] against Officer Joseph Klimmek [REDACTED] sustained. This memo accompanies the enclosed suspension form.

Facts Supporting Decision (see also Investigation Summary):

It is alleged that Officer Klimmek failed to use caution and due consideration for the safety of the public during emergency vehicle operation; he was involved in a crash after entering an intersection against the red light and colliding with the vehicle that had the right of way. He was not using the squad's siren, the emergency lights were operating on Code 2 status with front and back flashers and he was not wearing a seatbelt. According to the Accident Review Committee Summary, on 1/28/2020 Officer Klimmek was driving MPD marked SUV squad 110 eastbound on 12th Street North, responding to assist a MN State Patrol trooper stopping a stolen vehicle at 12th Street/3rd Avenue South. Officer Klimmek was driving with emergency lights on CODE 2 status (back and front emergency lights in alternating flashing mode) and he did not have the siren activated. As Officer Klimmek approached Hennepin Avenue, he had a red light. A minivan travelling northbound on Hennepin Avenue had a green light to enter the intersection. The minivan struck the squad on the passenger side door in a t-bone collision. The minivan driver stated she did not hear a siren, saw only blue light flashing on squad, and did not have time to react as she entered intersection. The driver of the minivan reported that she had back and neck pain. [REDACTED]

[REDACTED] Both vehicles had airbags deployed and had to be towed from scene. [REDACTED] [REDACTED] EDR also provided speed and braking information for the incident: as Officer Klimmek approach the intersection with Hennepin, he slowed to 9mph before accelerating. 5 seconds before the impact, the squad car was traveling at 30.6 mph. The accelerator pedal indicated 0, meaning the accelerator pedal was not being depressed, so the vehicle was coasting at that speed. At the 1.5 seconds before impact mark, the accelerator was depressed to 100% (floored) up to the point of impact, where speed was reduced to 22.1 mph, and accelerator was at 98%. The brakes were activated up to 2 seconds before crash, and were then released, and not applied again until post-crash.

In his Garrity statement, Officer Klimmek said that he slowed down "for safety purposes to make sure no one was coming." Officer Klimmek continued, "I believe I looked both directions, um, and I didn't see anyone coming, uh, which is why I proceeded through the intersection." He thought he had activated his emergency lights all the way rather than only to second position. At the time of the accident he was "just about" to activate the siren. [REDACTED]

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

- [REDACTED]
- MPD PP 7-401(D)(4) requires that ordinarily officers use continuous lights and siren during emergency driving unless the incident necessitates an unannounced approach.
- [REDACTED]

As Chief of Police I am responsible for providing clear expectations on what is acceptable behavior in our workplaces as well as what will not be tolerated. Based on my review of the facts of this investigation, Officer Joseph Klimmek failed to use both lights and siren continuously while engaging in emergency driving. He entered the intersection at 12th Street and Hennepin Avenue South against the red light with no siren to warn drivers approaching the intersection. I noted that the EDR confirmed Officer Klimmek's statement that he slowed before he accelerated into the intersection. I believe this indicates that Officer Klimmek did intend to take measures to protect the safety of the public during his emergency driving; however, in failing to engage the siren at the commencement of emergency driving and use it continuously, he missed a necessary step to warn others on the roadway of the need for caution [PP 7-401 (D)(4)]. A crash resulted from his driving conduct. [REDACTED] the driver of the other vehicle reported suffering pain as a result of this crash and could have suffered much greater harm. Therefore, as Chief of Police with authority to discipline for violations of policy under Minn. Stat. §626.89 Subd. 17, I am imposing a 20-hour suspension. [REDACTED]

[REDACTED]

DocuSigned by:
Medaria Arradondo
B6586582C3CB4E4...
Medaria Arradondo
Chief
Minneapolis Police Department

11/6/2021