

Analysis of Overturned or Reduced Discipline in MPD Arbitrations

Date	Result	Basis for Result	Discipline, if any
May 21, 2017	Upheld in part; overturned in part; sustained violation at C level	Arbitrator finds that violation of MPD policy did occur; City did not consider past positive performance evals or lack of discipline for 14 years; City did not interview any potential witness; undue weight given to unrelated discipline 14 years prior;	Seems to be 10 hour suspension pursuant to Discipline Matrix
May 18, 2012	Sustained violation, but penalty was too severe under circumstances	Arbitrator finds that violation of MPD policy did occur but penalty was too severe; City did not investigate either the first statement or recantation of victim; City proceeded to discipline before criminal case was resolved (and felony charges dropped); City engaged in disparate treatment of this Somali officer by imposing discipline without investigating important facts of case (witness statements);	Termination reversed; 30 hour suspension without pay imposed
December 5, 2007	Sustained violation; reduced penalty	Arbitrator found violation of MPD policy; however, Arbitrator determined that certain violations occurred when officer was <i>off</i> duty, not on duty as City alleged; City had just cause to discipline but penalty was too severe given the violation occurred off duty	Discipline reduced to 40 hour Suspension without pay
October 17, 2019	Sustained violation; reduced penalty	Arbitrator found just cause to terminate the officer in 2017; however, Chief Arradondo did not terminate officer but rather reinstated the officer with full enforcement duties and promoted officer to Trainer; during the time of reinstatement and promotion, the officer had positive evaluations; Arbitrator held that the reinstatement, promotion, and positive evaluations precluded termination, but that the next-harshest penalty and additional training be imposed	Termination reversed; 80 hour suspension without pay plus mandatory training imposed
August 5, 2020	Sustained violation meriting discipline; termination was too harsh given officer's record	Arbitrator found that officer violated policy and the violation was severe; however, Arbitrator noted that Chief and Mayor indicated they would fire officer before going through investigation process; officer had 20+ years with no discipline, accepted	Termination reversed; 360 hour unpaid suspension imposed

	and amenability to improvement	responsibility, and demonstrated amenability to improvement; other officers involved/responsible were not terminated, which resulted in disparate treatment; in light of all circumstances, Arbitrator opined that termination was too harsh and reduced penalty to 360 hour unpaid suspension.	
October 6, 2016	Sustained one violation; did not sustain two violations; adjusted discipline accordingly	Arbitrator sustained one of the violations for excessive force, but not sustain the two others; found this was a serious violation; adjusted discipline to reflect one serious violation rather than three; suspend without pay 40 hours.	Discipline reduced to 40 hour suspension without pay
March 2, 2011	Sustained one violation; reduced discipline	<p>“There is abundant support for a conclusion that Officer was denied due process...The lack of transparency in the City’s processing of [the] complaint; its disregard for elementary principles of due process, and express provisions of rule and law; and willingness to ignore red flags which the circumstances raised, all provide support for this conclusion.”</p> <p>Arbitrator found City not credible and Officer credible; City did not follow progressive discipline and engaged in disparate treatment and personal retaliation; even so, Arbitrator did conclude that Officer made a false statement, sustained that violation, and imposed 80 hour suspension without pay.</p>	Reduced discipline to 80 hours without pay