



Bureau of Criminal Apprehension Use of Force Investigations Unit

2021 Legislative Report

February 1, 2022

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Background

In 2020, the Minnesota Legislature passed Minn. Stat. §299C.80, requiring the superintendent of the Minnesota Bureau of Criminal Apprehension (BCA) to establish an independent use of force investigations unit (FIU) within the BCA. This unit is tasked with investigating officer involved use of deadly force, criminal sexual conduct involving peace officers, as well as conflict of interest cases involving peace officers.

The Minnesota Legislature amended Minn. Stat. §299C.80 in 2021 to add investigations of criminal sexual conduct involving the Minnesota National Guard where the incident occurred in Minnesota and both a suspect and victim/survivor are Minnesota National Guard members. The FIU will also assist outside agencies with criminal sexual conduct investigations involving the Minnesota National Guard that occur outside of Minnesota.

Staffing

The BCA Use of Force Investigations Unit (FIU) staff includes:

- One Special Agent in Charge
- Two Assistant Special Agent in Charge
- Thirteen Senior Special Agents
- Two Criminal Intelligence Analysts
- One Victim, Family, and Community Relations Coordinator
- One Public Information Officer
- One SPA-Tech-Transcription
- Two Digital Media Examiners
- One Laboratory Firearms Examiner

Continuous Improvement

The MN BCA began an in-depth continuous improvement process in February 2020 to assess the BCA's investigative process and protocols to insure investigative integrity, consistency and transparency. Although the process of reviewing all aspects of BCA use of deadly force investigations is ongoing, the BCA had already made several notable changes prior to the passage of Minn. Stat. §299C.80.

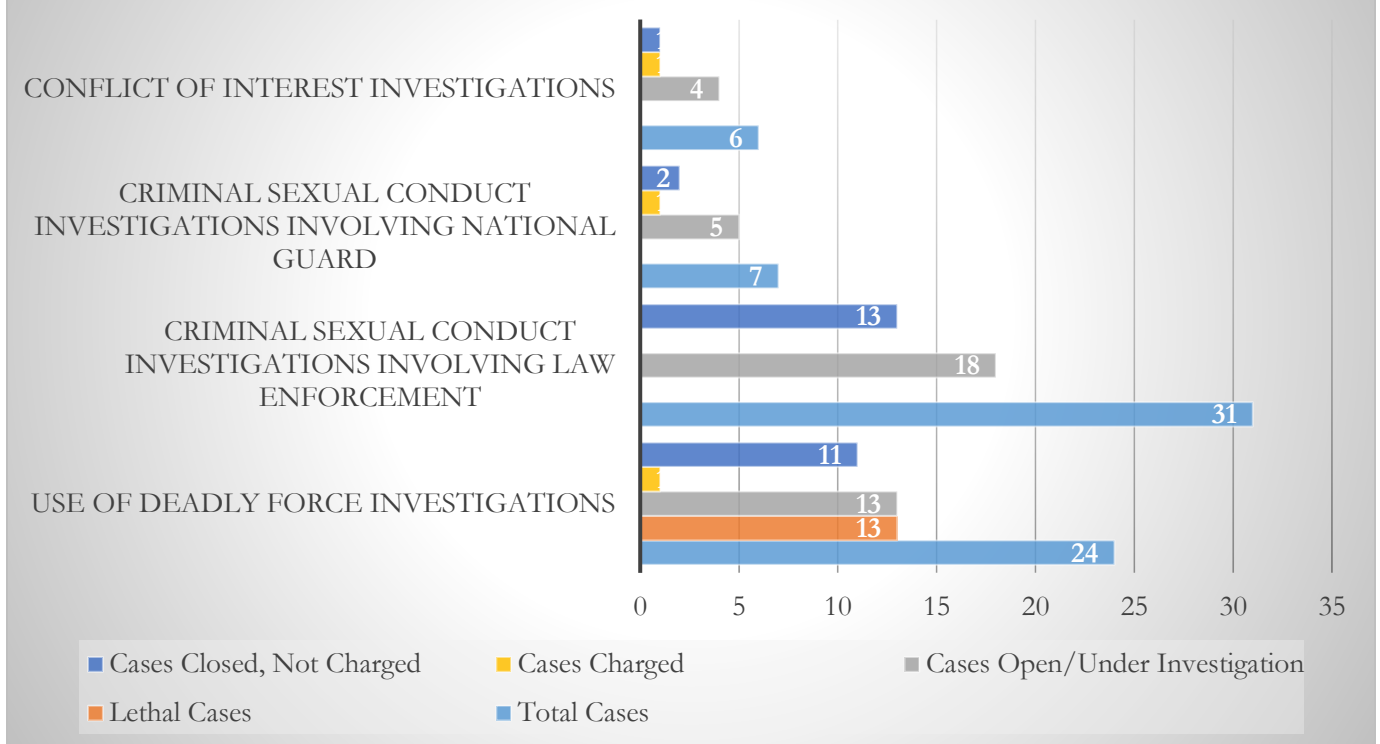
The BCA created a Victim, Family, and Community Relations Coordinator position. This position meets with and is a conduit of information and resource referrals for families related to use of deadly force investigations. This person also works closely with communities, stakeholders and organizations to grow their understanding regarding the BCA's investigative and legal process and build community relationships.

As a part of the BCA's commitment to continuous improvement the bureau annually reviews and adjusts policies and procedures to create consistency as well as to ensure best practices are evaluated.

Use of Force Investigations 2021



2021 Cases (January 1, 2021 - December 31, 2021)



***In 23 of the 24 cases, officers used firearms, in one instance a vehicle was used as deadly force.**

The BCA Use of Force Investigations Unit responded to 24 use of deadly force investigations. There was one use of deadly force investigation that occurred on the Red Lake Indian Reservation, for which the FBI is the primary investigative agency, resulting in 25 total use of deadly force investigations opened in Minnesota in 2021.

2021 BCA Use of Deadly Force Investigations by Date & City

Date	City	Date	City
1. 1/8/2021	Robbinsdale	13. 6/12/2021	Rushford
2. 1/14/2021	Minneapolis	14. 7/4/2021	Olivia
3. 1/29/2021	Saginaw	15. 7/4/2021	Moorhead
4. 2/21/2021	Braham	16. 9/20/2021	Minneapolis
5. 2/25/2021	Duluth	17. 9/22/2021	Mounds View
6. 2/27/2021	Wadena	18. 9/28/2021	Duluth
7. 3/16/2021	Coon Rapids	19. 10/5/2021	Blaine
8. 3/8/2021	Bloomington	20. 10/11/2021	Oakdale
9. 4/11/2021	Brooklyn Center	21. 11/28/2021	Forest Lake
10. 4/18/2021	Burnsville	22. 11/28/2021	Burnsville

11. 6/3/2021	Minneapolis	23. 12/17/2021	Willmar
12. 6/5/2021	Minneapolis	24. 12/22/2021	Austin

Cases Charged

Charging Synopsis: On January 26, 2021, the St. Cloud Police Department was notified of a sexual assault involving Philip Miller, the Benton County Attorney, and a 15-year-old victim. The victim reported that Mr. Miller would enter her bedroom and sexually assault her while she attempted to sleep. The victim reported wrapping herself in multiple blankets in an attempt to protect herself from Mr. Miller. On July 27, 2021, Mr. Miller was charged with one counts of criminal sexual conduct in the 2nd degree (victim under 16/significant relationship/609.343), a felony; and two counts of criminal sexual contact in the 4th degree (victim 13-15, actor more than 48 months older-609.343), a felony.

Charging Synopsis: On April 11, 2021, Brooklyn Center Police Officers Anthony Luckey and Kimberly Potter conducted a traffic stop involving Daunte Wright. It was discovered during a records check that Mr. Wright had a warrant for a gross misdemeanor weapons charge. Officer Luckey asked Mr. Wright to exit the vehicle and attempted to place Mr. Wright's hands behind his back. Mr. Wright initially complied, and then pulled away from officers and got back into the driver's seat of his vehicle. At that point, Officer Potter with a 9mm Glock handgun in her hand, verbalized, "Taser, Taser, Taser," and then shot one lethal round into the left side of Mr. Wright. On April 14, 2021, Potter was charged with one count of 2nd Degree Manslaughter-609.205 (1), a felony. On September 2, 2021, Officer Potter was also charged with 1st Degree Manslaughter-609.11.5 (a), a felony in addition to the previous charge. On December 23, 2021, Officer Potter was convicted by a Hennepin County jury of 1st and 2nd Degree Manslaughter. Ms. Potter will be sentenced on February 18, 2022 and is currently in custody at MCF-Shakopee.

Charging Synopsis: On July 28, 2021, the Minnesota National Guard received a report of alleged non-consensual sexual contact involving a Minnesota National Guard soldier that occurred in Pipestone, Minn. area. On August 4, 2021, FIU Agents conducted an interview with a female soldier who reported that on July 24, 2021, a male soldier, Joshua Eldridge, held her hair by her ponytail with one hand while using his other hand to touch between her legs. This was done over her clothing and without consent. The victim also reported that Mr. Eldridge grabbed both of her breast over the clothing without consent. On November 22, 2021, Mr. Eldridge was charged with one count of 5th Degree Criminal Sexual Conduct (609.3451.1 (1), a gross misdemeanor.

Conclusion

The BCA Force Investigations Unit investigated a total of 68 cases in 2021. The Unit is still processing the majority of these cases, all while it works to build community relationships and connect victims and families

with necessary information and resources. The BCA is grateful for the continuous support of the Minnesota Legislature, the BCA's law enforcement partners, and the residents of Minnesota.