

**MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS COMPLAINT FORM #3401**

COMPLAINT INFORMATION

INTERNAL AFFAIRS CASE NUMBER: 14-10106	CCN: 14-170465	DATE OF INCIDENT: 5/23/2014	TIME OF INCIDENT: 01:44
LOCATION OF INCIDENT: 25th Av N and Aldrich Av N, Minneapolis	DATE OF COMPLAINT 5/27/2014	REFERRAL METHOD: Internal	
COMPLAINANTS NAME (LAST, FIRST MIDDLE) 13.43 - Personnel Data			
HOME ADDRESS: 13.43 - Personnel Data	CITY / STATE / ZIP: 13.43 - Personnel Data	TELEPHONE: 13.43	

POLICY INFORMATION

POLICIES ALLEGED TO BE VIOLATED:
MPD Policy 5-105 Professional Code of Conduct (B)

ACCUSED EMPLOYEE(S)

NAME/BADGE:
Officer John Haugland #2813

COMPLAINT ALLEGATIONS

On 5/23/2014 at 01:44 hours, Officer John Haugland responded to a shots-fired event in the area of 25th and Aldrich Av N, Minneapolis MN 55411. A felony stop of a vehicle and suspects was completed. It is alleged that Officer John Haugland used harsh language during a felony stop, during the detention of suspects.

RECOMMENDATION

(Preliminary Cases Only)

- Reckoning Period Expired Before Complaint was Filed
- No Basis for Complaint
- Closed Pending Further Information
- Refer to Precinct with Coaching Documentation
- Exceptionally Cleared
- Policy Failure
- Other

COMPLAINANT SIGNATURE: 13.43 - Personnel Data	DATE 6-17-14
COMMANDER REVIEW:	DATE

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POLICY INFORMATION

POLICIES ALLEGED TO BE VIOLATED:
MPD Policy 5-105 Professional Code of Conduct (B)
MPD Policy 5-303 Authorized Use of Force (A-D)

ACCUSED EMPLOYEE(S)

NAME/BADGE:
Officer Troy Carlson #0998

COMPLAINT ALLEGATIONS

On 5/23/2014 at 01:44 hours, Officer Troy Carlson responded to a shots-fired event in the area of 25th and Aldrich Av N, Minneapolis MN 55411. A felony stop of a vehicle and suspects were completed. It is alleged that Officer Troy Carlson used harsh language during a felony stop and unreasonable force during the detention of an adult male suspect.

RECOMMENDATION

(Preliminary Cases Only)

- Reckoning Period Expired Before Complaint was Filed
- No Basis for Complaint
- Closed Pending Further Information
- Refer to Precinct with Coaching Documentation
- Exceptionally Cleared
- Policy Failure
- Other

13.43	DATE 6-17-14
COMMANDER REVIEW:	DATE



MINNEAPOLIS POLICE DEPARTMENT
Internal Affairs Unit
Administrative Case #14-10106
Investigator-Sergeant Thomas Wheeler
10/13/2014

CASE BACKGROUND

On 5/23/2014 at 01:44 hours, Officer Troy Carlson and Officer John Haugland responded to a shots fired call at 25th Av N and Aldrich Av N, Minneapolis. The officers responded in marked squad 425. The officers were working on-duty, in MPD uniform. Two male and two females suspects were stopped, reference CAPRS case 14-170465. The stop was captured by squad audio and video. During the stop, it is alleged that harsh language was used by Officer Haugland and Officer Carlson. It is alleged that Officer Troy Carlson used unreasonable force (slap to the head) on a handcuffed suspect. Sgt. Mark Montgomery (4th Precinct **13.43** supervisor) drafted a memo to MPD IAU to inform IAU that an officer used an open hand strike on a handcuffed person. During an IAU daily force review, Sgt. Pat Myslejak (MPD **13.43**) viewed the officer reports, squad video and Sgt. Montgomery's memo. Information was provided to **13.43** Commander Granger and an IAU Administrative Investigation was assigned for investigation.

CASE INVESTIGATION

MEMO OF SGT. MARK MONTGOMERY (EMAIL to MPD IAU)

Sgt. Montgomery drafted an email memo to MPD IAU that read:

From: **13.43 - Personnel Data**
Sent: Friday, May 23, 2014 7:16 AM
To: Police - IAU
Subject: Force Review 14-170465
Importance: High

"To whoever is reviewing Force Reviews,

The force was captured on Squad 430 (P#76664).

I DO NOT believe that this was a malicious act.

Unfortunately, OTI was handcuffed at the time the one (1) open hand strike was used and that is why I am sending it to you.

Please read the report to understand the gravity of the situation during this incident."

Thank you,

13.43 - Personnel Data

CASE SUMMARY STATEMENTS

SUMMARY STATEMENT OF OFFICER TROY CARLSON

Officer Troy Carlson responded to an IAU notification letter dated 9/12/2014. Officer Carlson provided a recorded statement in MPD IAU on 9/25/2014. The statement was taken under Garrity. Lt. Robert Kroll from the Federation was present for the interview.

Prior to taking the statement from Officer Carlson, he reviewed squad video for P#76629 and P#76664. In addition, he viewed images from the crime scene, and a "screen shot" image that was a frame from squad video P#76664. In addition, Officer Carlson listened to an audio recording that was recovered from the MECC audio file on the call. Work Force Director and work schedules were viewed for Officer Carlson's 5/22/2014 work day.

Officer Carlson's training records were reviewed. He has worked for the MPD since 2006. He was hired as a CSO at age 19. He attended the MPD Training Academy and served his FTO in the 3rd and 4th MPD Precincts. Officer Carlson was assigned as a patrol officer in the 2nd Precinct after FTO and after a year was transferred to the 4th Precinct to work [REDACTED] 13.43 [REDACTED]. Officer Carlson is a current MPD [REDACTED] 13.43 [REDACTED] member. He is a Certified MP-5 Operator and a weapons instructor. He is the current [REDACTED] 13.43 [REDACTED] 13.43 - Personnel Data [REDACTED] Officer Carlson has served on the [REDACTED] 13.43 - Personnel Data [REDACTED] for several months per year.

On 5/22/2014, Officer Carlson reported he worked [REDACTED] 13.43 [REDACTED] duty from 0800-1800 hours. Then he worked an overtime shift on the 4th Precinct [REDACTED] 13.43 [REDACTED] from 2015-0730 hours. On 5/22/2014, during the 2015-0730 hour shift, Officer Carlson reported he was working with his partner, Officer John Haugland. The officers were assigned to work squad 425 on the overtime shift.

Officer Carlson reported that both he and Officer Haugland were trained **13.43** members. Officer Carlson reported the specialized **13.43** equipment was stored in the squad trunk while on patrol. Officer Carlson reported on how their patrol car was set up for duty as follows:

Q: How was your squad car set up that day? What, what **13.37 - Security & Trade Secret** equipment did you have with you that day in your squad car, if any?

13.37 - Security & Trade Secret

Officer Carlson reported that he and Officer Haugland were in the area of 25th and Aldrich Av N, on patrol. Officer Carlson reported driving the squad car north on Aldrich near 26th Av N. He heard gun shots near the patrol car. He stated he was 100% sure that the sound he heard was gun fire. Officer Carlson provided the account of what occurred, *"I was driving, so we were westbound on 25th, and like I said, there was no mistaking it was a gunshot because it was-, we weren't exactly where, but it was close to our squad car, um, so we wanted to investigate. Um, my partner asked to be dropped off at the mouth of the alley, uh, 25th and Aldrich on the north side or the passenger side of the squad. And, uh, it was my understanding I thought he was going to wait and see if anyone ran, uh, in the alley and he continued to walk westbound. Um, at which point, we heard several more gunshots, um, and then he began to run westbound, and I was driving westbound to stay somewhat close to him. And, uh, I remember looking at him or at least what I thought looking at him and I saw him trying to work his squad mic or his portable mic, but I knew that often times with our radios they're in encrypted and they're old, and it's literally any time you take a step it like resets. And so, I felt he was having trouble, uh, calling out what was going on and I knew it was a extreme situation, so then I aired the initial callout that you hear at 1:44:10 of shots fired at 25th and Aldrich."* Officer Carlson reported that he and his partner had no immediate back-up and he and his partner were now separated.

More gunfire was heard and a male was seen running toward a vehicle near 25th and Aldrich Av N. Officer Carlson stated Officer Haugland was running as well. The male suspect was stated to be a black male with a long dreadlock hair style. Officer Carlson was unaware if the vehicle was occupied. The vehicle was parked on west curb, south of 25th and Aldrich. The running lights were on. Officer Carlson stated the stop was a high risk felony stop.

Officer Carlson reported that MECC was notified via radio, the call was, and "toned" a help call after Sgt. Montgomery asked dispatch to, "tone this." Officer Carlson reported that Sgt. Montgomery was not on scene. In regard to the help call, Officer Carlson stated, *"it detracted from what I was trying to do because I believe there was some bonking of*

each other on the air and then when I was trying to air more info I was cut off by the tone and then the dispatch going citywide for the help call."

When asked how his body was feeling in response to what was happening, Officer Carlson provided the following:

Q: Now, I'd like to talk to you about the felony stop. You heard the shots fired. You got a suspect in flight. You and your partner-, you in the squad and your partner on foot are converging on a car in which a suspect is running to. Tell me about how your body is feeling. Were you feeling, uh, "normal," um, or did you have some sort of an adrenaline dump? Tell me about that.

A: Uh, I was literally overwhelmed, uh, for the time being. After it was all said and done and thinking it about now, um...

Q: I just want to know about what happened at, at the exact moment. That moment.

A: Yes, sir. Yeah. I was overwhelmed. Uh, it was almost a state of panic because when I drove westbound and then southbound on Aldrich I knew that, uh, when I seen the suspect run south he was coming from the area of the shots, um, so I didn't know if we had, you know, a dead person that he just shot. I didn't know if someone was shooting at him, and now, they're behind us or behind me, and I was going to be shot at or ambushed. Um, initially, when I got behind the vehicle, um, I started dealing with the suspect that I saw run southbound and almost immediately I'm confronted by driver exiting the vehicle in which I didn't tell him to exit the vehicle. I didn't want him to exit the vehicle.

Q: Hold off for one second on that. I just want to ask you one more time about how your body was feeling. How was-, how was your hearing and your sight, and did you feel at any point that you were getting either tunnel hearing or tunnel vision where you're only focusing on, on certain things?

A: Yes. I, uh, I don't remember hearing much. Um, I didn't hear anything that was going on behind me. I couldn't hear my partner for the longest time it, it felt like, um, and literally, my eyesight was focused only on the two occupants of the vehicle and that was it.

When asked to tell me what a "text book" felony stop looked like, Officer Carlson provided an account. Officer Carlson stated, *"The officers are mainly the ones that dictate what happens, and by that, I mean, uh, we would air to dispatch, um, you know, that we're behind a high risk vehicle whatever it be. Uh, we would wait for at least one other, at a bare minimum, squad, if possible two squads. Uh, we would then follow behind the vehicle until we decide the best location to stop it. We would air the vehicle plate and/or description and the number of occupants before making the felony stop."*

Moreover, Officer Carlson stated, *"the driver would typically get on the PA system and calmly, uh, call the occupants of the vehicle out over the PA, so they can hear the verbal commands we're given 'em. Uh, I would then-, if I was driving like I was in this situation, I would call then to other officers that are my backup, so that I can remain*

focused on my task. My partner would be a cover officer and watching the occupants, uh, if he has the opportunity to grab a superior weapon, such as a in-squad shotgun or possibly a rifle, um, and we would let the other squads on scene deal with the occupants as they come out one by one." "It's much better for the officers to choose the stop location."

Officer Carlson reported that his felony stop was the, "furthest thing from the text book stop." He reported he was, "too close." Upon arrival on the stop, he maintained cover by the driver's door with no, "hard cover or tactical advantage." Officer Carlson reported he was unaware of where his partner was located at the moment of the stop. Officer Carlson had no time to obtain a "heavy vest" from the trunk or obtain a shot-gun or rifle. Officer Carlson stated that the incident had rapidly evolved and there was no time to obtain additional equipment.

Officer Carson was asked the following questions and he provided the following responses:

Q: Do you remember your P# for the squad?

A: 76-, it's either 609 or 629. You, you read the correct one at the beginning of the interview.

Q: 76629?

A: Yes, sir.

Q: Can you tell me verbatim the verbal instructions that you provided for the stop?

A: I believe I started out by saying get on the ground, get on the fucking ground, and it continued, uh, like that.

Q: What else did-, what else did you state to the suspect verbatim?

A: Uh, I believe I threatened to kill him or stated something along the lines of I will fucking kill you.

Q: And what was the purpose of providing those verbal commands and using that language?

A: Cause my initial request or command to get on the ground, in my experience, yielded no effect. Uh, the man on the right was literally still looking around, and in my experience, he was looking for a place to run and he wasn't listening to me. Uh, and then I get thrown the second suspect getting out of the car, not at my command. I didn't-, I didn't know what he was doing and, uh, he starts to walk away from the car also. I'm telling him, you know, get on the ground as he is walking away from the car. And so, I escalated my force verbally by yelling commands that I felt would intimidate them and get them to respond, so that they didn't run from the scene or cause harm to my partner and I, and I just wanted them just get on the ground.

Q: Did those verbal commands work?

A: Eventually, uh, after several seconds and me not relinquishing my verbal presence, yes, they complied.

Q: Could you hear any verbal commands that your partner was giving?

A: Yes. I heard, uh, I could hear him yelling to the right of me or the west of me. Um, I wasn't exactly sure what he was yelling at the time. Uh, as I stated, I, I know once I heard yelling to my right I figured he had the guy on the right and then that allowed me to focus primarily on the driver on the ground.

Q: Can you remember verbatim the words that your partner used, Officer John Haugland?

A: Uh, no. I believe he was swearing also, uh, something about-, I think he said I'll kill you motherfucker.

Q: Can you tell me what happened next? Did additional squads finally show up to assist?

A: Yes, eventually they did.

Q: And then what happened next?

A: Uh, we started to-, um, prior to other squads arriving, there were two females also that came out of this vehicle and they complied immediately and were ordered to the ground.

Q: Can you tell me about the verbal commands that were given to the-, did you say two females?

A: Yes, sir.

Q: What verbal commands were given to the two females?

A: Uh, just clear lang-, clear language to, you know, get on the ground, on the ground, um, much lower voice from me. No swearing, uh, because they complied instantly when they got out of the car and they weren't, in my opinion, looking to run from the scene.

Officer Carlson reported that the scene was called Code 4; however the scene was still not under control. Officer Carlson stated that scene was called Code 4 to stop other squads from continue to drive Code 3 to assist on the call, "putting themselves at risk." Back-up officers assisted in securing the stop location.

I asked Officer Carlson for an account of what happed with the driver:

Q: What happened with the driver?

A: Uh, like I said, it's like the handcuffs went on and there's no one securing them, so I, you know, I, I knew what was going on. I knew he was directly related. So, I went over, um, he's rambling on to me about, you know, he was the one got shot at. He didn't know what happened. He's just very vocal. So, my partner and I lift him up. Uh, we walk him back to the squad car. He continues to talk and talk. Um, my partner pats him down, and I'm trying to watch what's going on while covering my partner. I mean, uh, we hadn't

found a gun at this point, but I knew there was one in the area due to the shots, so I was trying to watch my partner, but not be distracted. And, uh, eventually, my partner searched him and then my partner left and handed him, um, kind of gave him to me even though he was still outside the squad car.

Q: So, you're standing along the squad car with a handcuffed suspect, your partner does the initial search. Did your partner-, what was happening that caused your partner to leave the suspect?

A: Just the sheer chaos of the scene.

Q: Did other officers come up to you and provide information or pull him away, or provide him with some details?

A: Yeah. The scene was so chaotic, and when this all originated, literally, my partner and I were the only ones on scene, so no one knew what was going on and there was, you know, at least I wanna say ten people behind us. You know, a car had taken off. We got the car we're dealing with. So, the other officers pulled my partner away to kind of, I guess, dictate or help with the scene.

Q: Did this crime scene extend beyond the initial stop location? Tell me what else was going on in the area. How many scenes were there if you know?

A: Uh, to my knowledge, there were two.

Q: And once again, do you know which officer approached your partner and maybe provided information causing your partner to walk off?

A: I have no clue, sir.

Q: When your partner walked off, what happened next? There's still a suspect there in handcuffs. What happened?

A: Yeah. Um, I was so distracted I didn't-, I didn't really realize that my partner had just searched him-, searched this suspect, and, uh, when he left, I grabbed a hold of his handcuffs and I began to, uh, pat search him again just cause I was so paranoid that there was a gun literally, you know, I didn't know where, but I knew close.

Q: And what happened next?

A: Uh, I started to pat search him and the suspect was-, he wasn't combative, but he wasn't compliant. He kept talking when I had told him to be quiet. Uh, he's handcuffed behind his back and I have a hold of his hands, um, you know, to prevent him from running or just have control over him. And I can feel him moving and he is swaying back and forth. He's looking behind him. He, he's talking as officers are walking by. And then, um, I'm trying to conduct pat search and another officer approaches me and distracts me more from the suspect.

Q: OK. What happened next?

A: Um, so as I'm dealing with the situation, dealing with the suspect, trying to pat search him again to make sure there's not a gun on him, another officer asked me a question about what was going on, so he could help with the scene. I try to answer it and, uh, I

remember I come up from where I was pat searching the suspect I try to point and I'm no longer looking at the suspect. I'm literally distracted from him, not paying attention to what he's doing, and I feel him moving in the handcuffs. And as I go to answer a question, he talks over me and he quickly turns to his left, um, around to like talk over me or answer the question or what not, and I, I felt the movement in the handcuffs and I instantly did a reactionary push to his, I believe, his head or upper back, more so his head, uh, into the squad. Um, at, at which point, he kind of fell over. Um, I told him to get up. You know, I didn't believe I had injured him in anyway or anything. I told him to get up. Uh, at that point, I was just so frustrated with the situation, the scene, there's too much going on, the suspect was still talking and distracting me from trying to control the scene that I then just I had to get him in the squad and secured, so that I could focus on other things.

Officer Carlson provided follow-up responses based on what he wrote in his CAPRS report. OT-1 was listed in the CAPRS report as Derrick Walker.

Q: In your report, I'm gonna read some verbatim information and ask the question. My partner had to leave to tend to another situation on scene and he passed OT1 off to me. OT1 was identified in the police report as Derrick Walker. Also from the report, I began to search OT1 again as I had not registered my partner had done it somewhat already. Is that true?

A: Yes, sir.

Q: OT1 continued to be vocal and not be quiet, so I could think. Is that true?

A: Yes, sir.

Q: I was also concerned-, "I was also very concerned about any weapon OT1 had on because he had not-, we had not located a weapon yet and I was unsure who actually had done the shooting I had just heard." Is that true?

A: Yes, sir.

Q: And again, can you describe for me how OT1 was being vocal?

A: He's-, well, from the beginning he was saying that he wasn't involved in this, he was the one being shot at, uh, so I felt like he was trying to distract me from him and his friend, uh, who was-, who was trying to run to the car and, uh, you know, give me a look on-, at the crowd that I had behind me, so that him and his friend could get away or get out of the situation they were in somehow. Um, but it just-, every, every time I tried to talk, he wouldn't listen. I kept asking him to be quiet. At one point, I told him to shut up. I, I was so frustrated.

Q: Could you tell me why you couldn't think?

A: My body was probably maximum adrenaline dump. One of the highest times I've ever had in this job so far this career.

Q: Can you tell me about-, a little bit more about the concern with OT1 and weapons? What did you mean by that? Did you think he was still armed by chance?

A: I honestly didn't know. I, uh, I heard the shots. Um, you know, I thought they were to the north, maybe I was wrong, and they were to the south. I don't know. You know, I've been on traffic stops where we've had two people in a car and three guns, so I was unsure if, uh, other one had a gun also and I really thought he might have a weapon of some sort or there was one in the vehicle because initially when I did that stop on his vehicle I mean he exited that car without being told and he walked away from the car while I'm yelling at him not to.

Q: OK. While dealing with OT1, another officer came up to ask me a question and it distracted me from OT1 at this point. OT1 starts to move side-to-side and tense up. Is that true?

A: Yes, sir.

Q: Which officer came up to you and asked the question, do you know?

A: Uh, from the video, it was Matt Kaminski.

Q: And from the video and from your memory, what was the question that was asked of you?

A: I, I honestly don't remember the question. It was, uh, something along the lines of what happened or...

Q: Would it refresh your memory if we replayed the video?

A: Yes, sir.

[video plays in background- on audio from 51:17 to 53:35]

Q: Do you see yourself in the video?

A: Not right now, but I, I do like when I'm on screen I realize that it's me.

Q: After reviewing the video, do you know which officer asked you the question and what they asked you?

A: Yes, sir. It was Officer Matt Kaminski and he says, were all these guys in the car.

Q: Is there also some language about whether or not the vehicle was a getaway car?

A: Yes, sir. Uh, that was me. I-, at that time in the situation, I believed that the passenger was running to the vehicle that I stopped to get in it and flee the scene of the shooting.

Q: In the report, it says OT1 attempted to turn around while I was speaking and not fully attentive on him. OT1 then also tried to talk over me and ask the question and answer the question. I was unsure of OT1's movements and I immediately reacted and struck OT1 one time in the head with an open hand to stop OT1 from moving and for him to be quiet, so I could think and process the whole scene as at this time we had still not located a gun. Is that true?

A: Yes, sir, it is.

Q: What part of his head did you strike with an open hand?

A: Um, I'm not quite sure, sir. I, I believe it was on the either the back or the, the right side, but I don't know specifically if, if it was like neck, or ear, or back of head, or fore-, I mean I know it wasn't the forehead or the, um, I don't believe it was the cheek area.

Q: When the suspect was struck, OT1 Derrick Walker, what was-, what was the reaction of the suspect?

A: He, uh, mildly went limp. Um...

Q: I'd like to read from the report. OT1 pretended to fall to the ground, but was not injured. I asked him to stop acting and he stood up. Can you tell me about OT1 pretending to fall to the ground?

A: Yes, sir. Uh, after he did it, like instantly when I, uh, um, pushed or struck him, uh, he like-, I felt his knees like just give out like that, and he looked back at me and it wasn't like a look of-, uh, it looked like he was-, in my experience, it looked like he was trying to create a scene or amplify the situation, you know, to lever it in his favor. I just don't feel it was a natural, uh, movement he made after I, I struck him.

Q: Did you check to see if OT1 was injured?

A: No, sir, I didn't. I, I visually inspected him. Um, you know, I, I didn't see any injuries. He didn't complain of any injuries and that was the extent of it.

Q: Do you know if anyone on scene asked OT1 if he was injured?

A: I do not know, sir.

Q: In your report, it said, at this point, I became so frustrated with OT1, I had to place him in a-, in the squad car without completing my search as he would not be quiet and I was too distracted and wanted to be able to focus on the scene and helping other officers that came to assist me. Is that true?

A: Yes, sir, it is.

Q: Can you tell me about your statement that you became frustrated with OT1?

A: Just his continue trying to talk over me, uh, the fact that he'd already tried to distract me from the overall situation, and what I believed was him to be lying, flat out lying about, you know, he was the victim and what not. Um, and I just-, I didn't wanna hear his lies or his statements at that time. It wasn't the right time. I would've given him a chance to talk if he wanted to, you know, but I'm not an investigator. I don't Mirandize people. Um, so, I wanted to then focus on getting the scene a true Code 4 under control, that it start being processed to, um, free up other squads for other calls. So like once it was under control and kind of the process started, you know, we could-, I could always go back to talking to him, but at that point I just I didn't want to hear him anymore.

Q: In your CAPRS statement, your report stated your concern the suspect was armed; however, the video shows the suspect was placed in the squad car. Did you complete a full search of the suspect?

A: No, I didn't, sir.

Q: Is this consistent with something you would normally do or is this a different situation? If so, can you tell me about that?

A: This is a different situation into the chaos of the scene. I had, uh, you know, officers approaching me. There was people walking by me. I still- [laughing], at this point in the video, sir, I still didn't even know if somebody had been shot. I mean, um...

Q: Can you tell me if you informed any other assisting officers to assist you in completing the search of OT1?

A: I did not. Um, I did know, you know, that my partner had searched him, but, uh, I guess I just wanted to be ultra sure. I was just paranoid that, you know, this guy had a gun.

Q: In your report, it said it should be-, it should also be noted that at the time I struck OT1 he was handcuffed. Is that true?

A: Yes, sir. He was handcuffed behind his back.

Q: I used approximately 40-50% of my strength when I struck OT1. Can you tell me what was the significance of placing that, that percentage of your strength in this-, in this, um, in your words struck OT1? Why is that significant to say that?

A: I felt because it showed that it wasn't, uh, deliberate and it wasn't thought out. It was literally a reaction. Um, when it occurred, it happened so fast to even me, so I felt by putting, you know, that I didn't, you know, put 110% into this strike, push, I just reacted and I think when you react that quick you don't use all your strength or at least I don't. You just-, it's enough to affect the situation at hand.

Q: Based on your memory and based on watching video, can you tell me based on watching yourself in the video, did you position yourself in such manner to, to you being in position to, to deliver a full strike or you described as reactionary?

A: No, sir. I, uh, I didn't make any positional changes to allow me a better strike if you will or a harder strike. I just literally reacted due to his movement.

Q: And based on listening to audio and the video, when the suspect is placed in the squad car, did you-, did you make any statements to the suspect?

A: Yes.

Q: Do you remember what you told him?

A: Yeah. He continued to try and talk and, uh, talk to other officers, talk over me, and uh, I believe I said-, I said I told you to shut up. At that point, I was done trying to be, you know, be quiet. It was I told you to shut up, shut up.

Q: Did you use any profanity when you told him to shut up?

A: Not at that time, no.

Q: Would you like to listen to the audio to refresh your memory?

A: Yes, I would.

[audio plays in background- on audio from 1:01:35 to 1:02:19]

Q: After listening to the audio and from your memory of re-listening to this, can you tell me what you told the suspect?

A: Yes, sir. I, uh, told him to shut up, and as I was putting him in the squad, I said, what's your fucking problem or what's your fuckin' problem. Yeah.

Officer Carlson reported the scene was canvassed for evidence. He reported that this incident involved 2nd Degree Assault. A vehicle was shot. Officer Carlson stated that a handgun was recovered along with shell casings at the scene. Photographs were taken at the scene. Officer Carlson viewed image printouts from the scene and identified them.

Officer Carlson reported that OT-1 (Derrick Walker) was not arrested at the scene as there was no probable cause developed for his arrest. OT-1/Walker was not photographed at the scene.

After the call, Officer Carlson reported he returned to the station to complete reports. Officer Carlson reported his use of force to Sgt. Montgomery.

The following Use of Force follow-up questions were asked and answered by Officer Carlson:

Q: [pause] Some follow up questions on your use of force. Was your use of force done to prevent a crime?

A: I, I don't know, sir. At the time when other one turned towards me, I was unsure of his intentions.

Q: Was your use of force completed to prevent an escape?

A: Yes. I, I was unsure of his actions and what he intended to do.

Q: Was it your intention to prevent an injury to an officer?

A: Yes, sir. That would be the whole reason is to protect my fellow officers.

Q: Was it your attempt to control any unlawful resistance?

A: Yes, sir.

Q: Was it also your intention to control the situation as quickly as possible?

A: Yes, sir.

Q: [pause] Did you think that being uncooperative was a violation of law by itself?