

A: Uh, yes. I mean, um, you have misdemeanor obstruction without force, but... I'm sorry, sir, can you ask that question one more time?

Q: This is a question based on application of the-, of the hand strike at the time, not in hindsight 20/20...

A: Yes, sir.

Q: At that time.

A: Yes, sir.

Q: In your report, you mentioned OT1 Walker was uncooperative. Do you believe it's a violation to be uncooperative is that a violation of law by itself?

A: Yes, sir, it is.

Q: What law-, what law is it that you're referring to being uncooperative is a law violation?

A: Uh, it would be obstruction of legal process and either a misdemeanor or escalated version of gross misdemeanor obstruction.

Q: You mentioned a number of times about the chaos of the call and your impressions of what was going on. Based on looking at squad video that shows other officers who weren't on the call initially, but showed up that at some point were shaking hands and, and, uh, in greeting one another-, based on your observation of that, what was your impression of that?

A: At the time or on the squad video now?

Q: At the time or now?

A: At the time, I didn't even, uh, really notice that or pay attention to it. Um, now, I feel, uh,...

Q: Question for you. Did those officers appreciate the gravity of this call?

A: In my eyes, no, absolutely not.

Q: Were they there when the shots were fired?

A: No, sir.

Q: Did they experience what you experienced?

A: No, sir. They arrived to a Code 4 scene not what I went through.

Officer Carlson concluded his statement by reporting, "*You had mentioned earlier that I had worked a long day. Um, I don't remember being tired, but it was a long day, um, but I normally, uh, don't sleep that well anyway, so I'm used to long days. That's not out of the norm for me per se. Um, and also as I stated, I've, I've been on, you know, probably 500 high risk search warrants in my short career and, uh, this was probably to date my most stressful call just due to the uncertainty of, uh, the situation and not knowing where*

*my partner was for a moment encountering, you know, two what I believed to be armed suspects at once by myself and, uh, that was a lot to deal with on scene at the time.*

### **SUMMARY STATEMENT OF OFFICER JOHN HAUGLAND**

Officer John Haugland responded to an IUA notification letter and he provided a recorded interview in MPD IAU on 9/23/2014. The statement was taken under Garrity. Lt. Robert Kroll from the Police Federation was present for the interview.

On 5/23/2014, Officer Haugland was working on duty. He was assigned to work the 4<sup>th</sup> Precinct **13.43**. He was working the 425 district with his work partner, Officer Troy Carlson. Officer Haugland's work history resume was reviewed. Officer Haugland was a trained member of the MPD **13.43**. He was a **13.43 - Personnel Data** and he trained with live fire at the range at least once per month.

Officer Haugland reported he and his partner were patrolling in the area of 25<sup>th</sup> and Aldrich Av N, Mpls. The marked squad used was P#76664. Officer Haugland heard gun fire. He exited the squad and began to canvass on foot. Officer Carlson remained inside the squad car (mobile patrol.) The officers were separated from one another.

Officer Haugland reported he was 110 percent certain the sound he was hearing was gunfire. In addition, he reported he heard people screaming for help. He estimated distance from the gunfire to be 50 feet away; he remarked the gunfire was, "extremely loud and close to our proximity."

Officer Haugland reported his first concern was for the safety of himself, his partner and the citizens. He believed that someone had just been shot. Officer Haugland reported, *"After the shots were fired and I observed the suspect, my partner and I both aired shots were fired. I continued to run to where my partner was in the squad car, and as I got to where he was behind a vehicle where the male I had observed run to was attempting to get into, another group of people north of 25<sup>th</sup> and Aldrich began to yell, he has a gun, and they were referring to the male that I had observed run in front of me southbound on Aldrich crossing 25<sup>th</sup>. And they were screaming, he just shot at us, he's got a gun, that's the guy."*

Officer Haugland stated he ran fifty yards; he and his partner converged on the suspect and a vehicle at 25<sup>th</sup> and Aldrich Av N. Officer Haugland heard another vehicle, "peel out" and left the area. Officer Haugland voiced three areas of concern. The shots fired location, the area of the stop in front of him and the vehicle that had left the area. There were attempts made to "call out everything" to MECC. A request was made for assisting officers, Code 3. Officer Haugland was armed with his .40 caliber, Sig 226 duty gun; he reported using it to, "cover the suspects."

I asked the following questions and I was provided with the following responses about the actual stop:

Q: In listening to the audio recording from dispatch, a patrol supervisor got on the air and stated, tone this. What does that mean to you, tone this?

A: Uh, the tone-, when he got on the air and said, tone it, that's my partner and I needed help and we needed more people there to handle the situation.

Q: And based on your knowledge when, when dispatch tones help call, does, does that tone that's put out by dispatch and that information, does that supersede or "walk on" any other dispatch messages? For example, if you were trying to call out, does that-, um, does that negate what you were saying. Does that completely cover what were you saying as far as getting instructions out based on what you heard today?

A: I'm sorry. I'm...

Q: When you...

A: What I was trying to air information?

Q: Yes. Yes. Was, was part of your information covered by dispatch toning the call?

A: Yes.

Q: And how did that affect what you were trying to accomplish at the scene?

A: I had to repeat it more than one time and continually think about what else was going on.

Q: By dispatch toning the call, did that assist or did that detract from what you were trying to accomplish?

A: I believe it detracted from what we were trying to accomplish.

Q: Now, out, out at the scene of the actual stop, can you describe and tell me about how the stop was conducted?

A: Um, as soon as I arrived to where my partner was behind the vehicle, which was southbound on-, facing southbound on Aldrich just south of 25<sup>th</sup>, my partner was out of the car, uh, dealing with the driver. I was on the sidewalk near the passenger side attempting to deal with passenger or the suspect trying to get into the front passenger seat, who had just fired the gun and I had been running after on foot.

Q: Did you know at the time how many people were inside the vehicle?

A: I did not.

Q: The suspect you were chasing, did that suspect-, was he able to get into the vehicle?

A: He attempted to, but he did not and he stopped outside of the vehicle.

Q: Did you give any verbal commands to the suspect?

A: I gave numerous verbal commands to the suspect.

Q: Based on your memory and based on the squad audio and video, can you tell me verbatim what you stated to the suspect?

A: Uh, I, I told him to get on the fucking ground and repeated myself numerous times.

Q: Can you tell me about the purpose of giving that specific instruction at that point and why?

A: At that point, I was using it as a use of force to attempt to control a suspect because at the time I was there I truly believed he had a gun or there was a gun within a close proximity and trying to use that, uh, to control the situation as a use of force.

Q: Did it work?

A: It did not.

Q: So, what, what did you have to do next?

A: I continued to give more verbal commands, escalated my verbal commands. I threatened to shoot the suspect if he did not get on the ground, and, uh, he, he was not complying with the orders. He had already fled me, so I continued to escalate my verbal commands rather than, you know, use other options of force. I was using my language to try and control the suspect's actions.

Q: Where were you when you were giving these verbal commands? You indicated that you had, had run a distance. And were you behind cover at that point? Were you behind the squad car, were you behind a tree, where were you?

A: I was out in the open on a sidewalk, probably 15 feet away from the suspect.

Q: How was the suspect not complying with you? Describe that for me.

A: He was-, he was slow to get on the ground. He kept trying to raise his head and look at where my location was, and trying to-, what I thought was trying to distract me from continuing to give him commands, so he could plan his next move on my partner and I.

Q: What was the distance between you and your partner at that point?

A: He was on the opposite side in the street, so probably 20 to 25 feet.

Q: Could you hear what your partner was stating? Could you hear the verbal commands that your partner was giving?

A: I could hear him yelling, but I was so focused on my side of the car and the scene that was to my back and also the scene to the west of 25<sup>th</sup> and Aldrich.

Q: What happened-, tell me about what happened with, um, the vehicle and additional suspects? What were your next-, what were your observations next? You were providing verbal commands to the suspect and the suspect wasn't complying. You gave more verbal commands. What happened next?

A: Uh, as I was giving verbal commands, the vehicle that was on 25<sup>th</sup> and Aldrich took off at a high rate of speed, squealing the tires, which alerted my safety again because I didn't know what they were up to, so I was trying to pay attention to that vehicle to make sure that they weren't turning around to shoot at us or harm my partner and I at, at the time that they squealed their tires.

Q: At some point, did additional squads show up to assist you at the scene?

A: Yes.

Q: After listening to audio and looking at video today, and looking at the-, I have VisiNet records, it appears that based on the VisiNet records that dispatch was notified at about 1:44:16 and then Code 4 was called at 1:46:52. Can you tell me, based on your memory and based on being at the scene and based on looking at video, Code 4 was called approximately two minutes later; was the scene under control at that point?

A: No.

Q: From your experience, why is the scene called Code 4 during a help call or, or shortly after a help call is called? What's the purpose of that?

A: To slow other officers coming from all over the city down and cancel them because we have enough resources at the scene to continue with what we have going on.

Q: Was the scene Code 4 at 1:46:52?

A: No. We still had the scene behind us that we had to evaluate.

Q: At the time the scene was called Code 4, based on your knowledge being out there, did any-, had anyone canvased to talk to any potential crime victims?

A: No.

Q: At that time, because you had heard gunfire, had any firearm been, been located two minutes after, um, the call came out?

A: No.

Q: Was there any canvas done of the area within those two minutes to, to make the scene Code 4?

A: No.

Officer Haugland reported other officers arrived on the scene to assist. Officer Haugland escorted the driver (OT-1/Derrick Walker) from the suspect vehicle to his squad car. Once at the squad car, Officer Haugland began to search Derrick Walker. Another officer walked up and began talking to Officer Haugland. The other officer was Officer Sheneman.

Officer Haugland reported he told Officer Carlson to take control of the suspect (Walker) and finish the search. Officer Haugland walked off with Officer Sheneman (north on Aldrich from 25<sup>th</sup> Av N.)

Officer Haugland reported he did not see Officer Carlson search the suspect and he did not see Officer Carlson use force on Derrick Walker.

Officer Haugland reported that Sgt. Montgomery arrived on the scene. It took an hour to process the scene. There was a crime scene area located. During a canvas, a handgun was located, "five feet" from where the suspect was arrested. In addition, shell casings and a vehicle was located that was damaged by gunfire.

When asked to describe the complexity of the scene, Officer Haugland reported, *"This, uh, call was probably one of the most complex calls that I've been on in my career due to the fact of having to try and identify-, or try to identify a shooter who then ran to a vehicle while trying to watch the person I believed to be armed. There was another group of six to seven people behind us who were screaming and yelling that he had a gun. The people that we believed to have a gun were saying the people behind us had a gun, and then another vehicle who also took off and peeled his tires who we thought was involved and could also have a gun. So there was multiple, um, situations going on while trying to keep our safety up, the citizens safety up around us, trying to air all the information for other responding squads to-, that were responding, so they would have the information needed if anything left the scene, and trying to get on the radio and do all of it at the same time. It was fairly overwhelming trying to get everything under control.*

The following questions were asked about the stop and answered by Officer Haugland:

Q: When you and your partner converged on this vehicle and, and person that you had-, were chasing and eventually found out that the vehicle was occupied, would you consider that stop to be a felony stop?

A: Yes.

Q: In terms of a-, of a textbook felony stop, based on your training and experience, can you describe what, what a textbook felony stop might look like and then tell me, um, based on what happened at the scene, how or why you deviated from that? Were there some other dynamics there that you could address?

A: A textbook felony stop would be get behind a car, you exit your door of the squad car, order everybody out of the car at gunpoint, everybody obeys every verbal command that you do and doesn't cause any problems verbally or physically. Uh, the call that we had had every bit of uncooperative, uh, groups of people from trying to get out of the vehicle as soon as we pulled up, people running to the vehicle, then trying to run from the vehicle. So, we didn't have time to do a textbook felony stop. We had to adapt on the fly as the situation rapidly was evolving in front of us.

Q: Did you have an opportunity or did your partner have an opportunity to retrieve, uh, either the shotgun or any long gun that you may have had in your squad car?

A: No.

Q: Did you-, were you equipped with either shotguns or rifles in your squad car?

A: We were equipped both with long guns.

Q: If you had-, if you had immediate access to those weapons to arm yourself, would that-, would that have been the preferred method?

A: Yes.

Q: And again, why didn't you-, uh, why didn't you arm yourself with a shotgun or a rifle?

A: Uh, we had zero time to get access to those because everything happened so quickly.

Q: In these textbook felony stop situations, is a textbook felony stop conducted with one squad or is there, based on your training and experience, are there more-, typically more squads that assist in those types of felony stops?

A: Textbook is usually more than one or two squads. It's usually three or more.

Q: When you converged on the scene with your partner, what were you forced to do?

A: Handle the situation with my partner and I.

Q: Did you have cover from your squad car and squad doors?

A: No.

Q: Did you have access to your squad PA?

A: I did not.

Q: Did you consider this stop dangerous or high risk?

A: Yes.

Q: Based on everything you've told me here, those facts support that conclusion?

A: Yes.

Q: [pause] Given the choice, would you conduct a felony stop alone with your partner and approach the vehicle, or given the choice, would you do it a different way?

A: Given the choice, I would do it with many more officers assisting.

Q: And based on what you described today, do you feel like you were given a choice?

A: No. We were not given a choice.

Q: During the pre-stop, did either you or your partner let dispatch or other squads know what was going on?

A: No.

Q: In listening to-, for example, in the audio recordings that we heard, did you-, did you and partner at least inform dispatch of your stop location and some of the items that were-, or some of the things that were happening?

A: Yes.

Q: And in textbook type felony stop, high risk stop, based on your training and experience, if the vehicle was in-, if a vehicle was in motion, is it-, is it best for the officers to choose for the stop location versus the suspects?

A: Yes.

Q: And in this case, who-, what dictated the stop location, you or the suspects?

A: The suspects dictated where we were conducting.

At the conclusion of the interview, Officer Haugland informed me, "*One thing that I would like to say after watching the video that I think is kind of a key point is after we get the suspects from the vehicle where they fled to our demeanor changed with the females to them. Our verbal commands are a lot more soft with the females versus the males just to kind of show how we were able to de-escalate while dealing with them because they weren't as directly involved as the ones doing-, or during the shots fired causing the distraction or problem during the stop.*"

#### **SUMMARY OF FOLLOW-UP INTERVIEW WITH OFFICER JOHN HAUGLAND**

On 10/02/2014, Officer John Haugland was sent an IAU notification letter for a follow-up interview. He appeared and was interviewed in MPD IAU on 10/09/2014. Officer Haugland provided a second recorded statement, taken under Garrity. Lt. Robert Kroll from the Federation was present during the interview.

The follow-up interview was scheduled to review squad video for P#76629 and to provide further details for the case. After reviewing the video, Officer Haugland reported the squad video that he reviewed was from his squad car.

Officer Haugland reported he chased a suspect on foot. The male was told, "stop, police." The suspect did not comply. The suspect ran towards a vehicle. Officer Haugland and his partner converged on a stop of a car and people.

Officer Haugland reported he provided the following verbal commands to the suspects, "*get on the fucking ground, get your mother fucking hand out, I will kill you.*" Officer Haugland stated, "*put your fucking face down.*"

Officer Haugland reported that the incident involved shots fired at people trying to get into a vehicle. Officer Haugland reported that the verbal commands he provided were directed toward the male suspects that were "*pointed out*" on the scene by other people that were present.

Officer Haugland reported he provided the verbal commands to, "*escalate his use of force,*"

He stated the suspect would not listen and the suspect continued to lift his head up. Officer Haugland reported he was in fear the suspect may shoot him and or flee from the scene. Officer Haugland stated he had no hardcover or concealment. Officer Haugland stated he was 15 feet away from the suspect with no cover and he believed that this was the suspect who was armed with a gun.

Officer Haugland reported that two females on scene were given the orders to get on the ground. Officer Haugland was armed with his 40 Caliber handgun. He stated the two males were not responding or complying with the verbal commands or orders.



## SUMMARY STATEMENT OF OFFICER DAVID MATTSSON

On 7/02/2014, Officer David Mattsson was interviewed in MPD IAU. A recorded statement was taken under Garrity. Lt. Robert Kroll was present from the Federation. Prior to taking a statement from Officer Mattsson, he was allowed to view squad video from the event (P#76664) and listen to the 911 audio calls (squad radio transmission.)

Officer Mattsson reported that he was a patrol officer assigned to the 4th Precinct **13.43**. On 5/23/2014 at about 0144 hours, Officer Mattsson reported he was working marked squad 430, he responded code 3 to assist officers at 25th and Aldrich Av N. Officer Mattsson's squad (P#76664) had audio/video activated.

While responding to the call, Officer Mattsson reported that officers from the scene broadcast, *"That there was guns involved, that there were shots fired, and that there was officers needing help."* Officer Mattsson reported that squad 421 and 425 were involved. However, he did not recognize the officers' voices as both squads were **13.43** cars."

When asked what type of call this was, Officer Mattsson reported, *"I don't know what type of stop it was other than the fact, but like I said-, understood there was guns and shots fired involved. And what I recall seeing is that there were people, um, police officers and civilians in the area, all over at the left, in other words South side of 25<sup>th</sup> and the North side of 25<sup>th</sup>."*

When asked to identify the officers on the scene, Officer Mattsson reported, *"Uh, I would have to see the video again to tell who was already on scene at the time of my arrival because I don't know if some of those people arrived after me or at the same time as me before they're on the video."*

Officer Mattsson viewed his squad audio and video. Officer Mattsson identified the voice of Officer Mays. Officer Mattsson did not recall who was at the scene and he stated he could not recognize the officers captured on his squad video.

Officer Mattsson reported he gave no verbal commands to any suspects at the scene and he did not hear any officers at the scene giving verbal commands to suspects.

Officer Mattsson identified himself in his squad video. When asked if Officer John Haugland and Officer Troy Carlson were on scene, he reported yes.

Officer Mattsson reported he did not recall Officer Haugland or Officer Carlson search a male on the scene.

Squad video was reviewed (P#76664) for Officer Mattsson. Officer Mattsson reported observing Officer Mays, Sheneman, Fitch and possibly Kaminski on the video. Officer Mattsson identified Officer Haugland in the video as well. Officer Mattsson reported that he was not present during any use of force at the scene.

The following highlighted questions provided to Officer Mattsson and he provided the following *answer* verbatim:

Q: Did you observe Officer John Haugland search a male that was identified in the CAPRS report as Derrick Walker, date of birth 1/28/1989?

A: I do not recall who was who at the scene as far as any suspects or anybody detained.

Q: Did you observe Officer John Haugland on the scene?

A: Yes.

Q: Did you observe Officer Haugland search a male?

A: I don't recall.

Q: Did you observe Officer Troy Carlson on the scene?

A: Yes.

Q: Did you observe Officer Troy Carlson search a male?

A: I do not recall.

Q: Did you observe Officer Troy Carlson use force against a male?

A: No.

Q: Were you present during a use of force, mainly a slap by one officer toward a suspect. Did you witness that?

A: No.

Q: In your police report, you reference that a male by the name of Derrick Morris Walker, date of birth 1/28/89, was at some point placed in your squad car. Do you remember that?

A: I remember there was two people in my squad, placed in my squad. At some point, they were swapped. I don't recall who was who by name. I was not familiar with these people. But I remember somebody requested "hey, can you get this guy out of the area and drop him off"

Q: Who did you transport to a well-lit location on the bus line at West Broadway and Emerson?

A: I would have to look at the name in my report cause I'm not familiar with the person.

Q: Please take a look at the report.

A: Sure. So I transported Mr. Walker to another location.

Q: During the transport of Derrick Walker, did he inform you that he was injured?

A: No.

Q: During the transport, was he-, did he remain in handcuffs?

A: I do not recall.

Officer Mattson reported that Officer Carlson and or Officer Haugland inquired with him about whether or not he was running squad video at the stop location. Officer Mattson reported he completed a supplemental report on the case.

### **SUMMARY STATEMENT OF SERGEANT MARK MONTGOMERY**

On 7/08/2014, I met with Sgt. Mark Montgomery, for a recorded statement, taken under Garrity. Sgt. Montgomery was sent an IAU notification letter on 6/17/2014. To prepare for the recorded interview, Sgt. Montgomery reviewed the 911 audio file and two squad videos prior to the start of the interview for squad P#76629 and P#76664.

Sgt. Montgomery reported he was assigned to the 4<sup>th</sup> Precinct. He was a patrol sergeant, shift supervisor, working **13.43**. On 5/23/2014, Sgt. Montgomery responded to 25<sup>th</sup> Av N and Aldrich Av N for a shots fired event. Sgt. Montgomery reported, *"I was responding from downtown and I heard Officer Carlson on the radio saying shots fired. Um, with the tone of his voice and I heard shots fired, I thought he actually-, an officer actually fired the shots. I didn't-, I wasn't aware of, um, a suspect firing the shots the way it sounded. I thought an officer actually was involved in a shooting, so I informed dispatch to, uh, tone the call and then I heard Officer Carlson on the air saying not to tone it, but I wanted the call toned away because I, I thought it was an officer involved shooting."* Sgt. Montgomery reported the call was, *"toned"* to get the officers some help. Sgt. Montgomery reported that it was not clear to him if shots were fired by a suspect or the officers.

Sgt. Montgomery arrived on the call and he recalled a minivan was parked. Sgt. Montgomery reported he did not provide any verbal commands to any suspects at the stop location and he did not hear any verbal commands given by the officers. Sgt. Montgomery reported the scene was under control when he arrived; suspects were already in custody and placed in squad cars.

Sgt. Montgomery reported that he was on-scene for an hour and he cleared. Sgt. Montgomery was contacted by Officer Carlson an hour later at the station. While at the station, Sgt. Montgomery reported he was informed by Officer Carlson that there was a use of force on the call.

Sgt. Montgomery viewed a screen shot (\*see below,) during the IA interview from Squad Video P #76664 (Crime Lab CD.) The image captured 3 MPD officers and a suspect. After viewing the screen shot image, Sgt. Montgomery identified Officer Carlson as the officer that was in control of the suspect.

Sgt. Montgomery could not identify the other two officers depicted in the video screenshot. When asked if the other two officers were Officer Kaminski and Officer Fitch, he reported that Officer Fitch was the middle officer and he did not know Officer Kaminski by name.

When asked to describe the use of force as described by Officer Carlson, Sgt. Montgomery reported, *"He told me, um, when we were back at the precinct. He told me that he didn't real-, he didn't realize that he had to report an open hand strike. And then that's when I informed him that any strike is a reportable force. And then he informed me that the use of force was actually caught on video, so he-, and he had the vid-, he told me that he had the video up and ready for me to observe. Um, so I went to the front desk where it was at and I watched the video at the front desk of the Fourth Precinct. And then that's where I watched the video and I observed him use a open hand to the back of the, uh, person in custody's head."*

## 13.43 - Personnel Data

## 13.43 - Personnel Data

When asked to explain what he meant about the, "gravity of the situation and the word malicious" Sgt. Montgomery reported the following: *"At the time of the incident, I believe given the gravity of the situation with shots being fired, um, the adrenaline with the officers, um, and in particular with the officers that were directly involved, the primary officers handling, uh, the person in custody, I didn't believe that the force was*

*malicious against that person. I would've preferred that an assisting officer would've handled the, the arrested part-, or the, uh, person in custody, but unfortunately that wasn't the case. After reviewing the video today, I have a different perspective. Um, being so far out, so.."*

Sgt. Montgomery reported that the felony stop used by the officers did not contain the use of a shotgun or the squad public address system. Sgt. Montgomery reported that he only viewed one squad video prior to conducting a force review and he was not aware of the language used by the officers at the time of the stop.

When asked if the Minneapolis police routinely train on slapping handcuffed suspects, Sgt. Montgomery replied, no.

### **SUMMARY STATEMENT OF OFFICER MATTHEW KAMINSKI**

On 7/09/2014, I met with Officer Kaminski in MPD IAU for a recorded interview taken under Garrity. Officer Kaminski was sent an IAU notification letter on 6/17/2014. Prior to taking a statement from Officer Kaminski, he listened to a 911 audio transmission and 2 squad videos (P#76629 and P#76664) in MPD IAU. Lt. Robert Kroll and Officer David O'Connor from the Federation were present during the interview.

Officer Kaminski reported he was assigned to work 4<sup>th</sup> Precinct 13.43. On 5/23/2014, Officer Kaminski was working on-duty and he responded to a shots fired call at 25<sup>th</sup> Av N and Aldrich Av N with his partner Officer Sheneman.

Officer Kaminski reported that he heard officers in squad 425 call out on the police radio and air that shots were fired, there was a car at the scene and another car was fleeing. Squad 425 was asking for additional assistance code 3. Officer Kaminski, reported, what he was hearing on the police radio was very chaotic.

Officer Kaminski reported he observed a felony stop upon arriving at the call and the scene was called code 4 just as he was arriving. Officer Kaminski reported he did not provide any verbal commands and he heard no verbal commands given by other officers to suspects at the time of the stop. Officer Kaminski reported that suspects were already handcuffed and were taken to squads.

Officer Kaminski reported he was present when the Derrick Walker was searched by Officer John Haugland and then by Officer Troy Carlson. Officer Kaminski reported that Officer Carlson was trying to control the suspect. Officer Kaminski was asking questions of Officer Carlson about the stop. The suspect (Walker) began to talk. Officer Kaminski reported that the suspect (Walker,) "*spun around on Troy.*" Officer Kaminski reported that Officer Carlson pushed the back of the suspect's head." Moreover, Officer Kaminski stated, "*-, Troy didn't expect him to flip around him and I don't think the guy expected to get, you know, smacked in the back of the head to draw his attention back to what was going on.*"

Officer Kaminski reported the suspect was in handcuffs when he was pushed and the suspect fell partially to the ground. Officer Kaminski reported that the force applied by Officer Carlson was reactionary in nature. Officer Kaminski reported that Officer Carlson used an open hand to the back of the suspect's head.

Officer Kaminski viewed a screen-shot of the video. In viewing screen-shot of the squad video, Officer Kaminski identified himself and Officer Carlson. The third officer was not identified. When asked if the third officer was Officer Cory Fitch, Officer Kaminski reported, "*It could be. I, I just can't-, uh, I don't remember who, who was standing there and I can't really tell by the picture.*"

Officer Kaminski reported a gun was recovered from the scene within 5 minutes of code 4. The scene was described as chaotic. Officer Kaminski reported that victims and other people were, "milling around" the scene. After the gun was found, "the scene calmed down."

Officer Kaminski reported Sgt. Montgomery arrived at the scene. Officer Kaminski reported he did not complete any reports, memos or documentation as a result of the call.

At the end of the interview I asked the following question and I received the following response from Officer Kaminski:

Q: Is there anything else you would like to add to this statement that I have not asked you concerning this incident? Are there other details here that, that, uh, you would like to add at this point?

A: Yeah, I'd like to clarify my statement back on-, when I said, um, when you asked me if, uh, what the actions Troy took and how I described it. Um, I didn't mean to say he hit him, hit his head to the ground cause he didn't. He hit him in the back of the head straightforward and the guy kind of fell to the ground is, is how I was tryin' to describe it. His head was not going towards the ground.

#### **SUMMARY STATEMENT OF OFFICER MICHAEL MAYS**

On 7/22/2014, I interviewed Officer Mays in MPD IAU. A recorded statement was taken under Garrity. Prior to the interview, Officer Mays viewed squad audio and video from squad P#76629 and squad P#76664. Officer Mays viewed a screen shot of a video clip taken from squad P#76664.

Officer Mays reported he was working on duty on 5/22/2014. He was assigned to work squad 421 with Officer James Boyd. Officer Mays was working an overtime shift. Officer Mays reported he responded to a shots fired event on 5/23/2014 at 25<sup>th</sup> Av N and Aldrich Av N, Minneapolis. Officers responded to a, "help call."