

Mr. Olson indicated that he does not know Brian Vanderlee or anyone from his table, and does not know Sgt. Clifford or those from his table. Mr. Olson has frequented Tanner's in the past and has never witnessed a fight there. He described the clientele at Tanner's as being "adult", with the age group being in the "40's" rather than the "20's".

### **Video from Tanners Station:**

The Administrative Case is comprised of such entities as Sgt. Clifford's account, witness statements, and officer reports. Another component of the Administrative Case is the surveillance video that captured the incident between Sgt. Clifford and Brian Vanderlee. The surveillance camera is mounted on the southwest brick wall of the patio. The surveillance camera captures the patio area, with the exclusion of the "smoking station" and the area immediately surrounding the smoking station. One table not in view of the surveillance camera is the table to the east of the smoking station. Subjective interpretations aside, there are points of interest to consider in viewing the video captured on June 16<sup>th</sup>, 2012:

#### Points of Interest:

- The video provided to this investigator commences at 1820 hours. Mike and Kourtney Vanderlee are seen sitting at a table with the umbrella up near the patio gate on the west side of the patio. Brian joins them approximately two minutes later.
- At 1823.38\* hours, [REDACTED] 13.43 enters the screen view and is seen selecting a table on the patio. One minute later, Ms. Coleman joins [REDACTED] 13.43 at the patio table.
- At 1853 hours, Kourtney Vanderlee gets up from the table, leaves through the gate, and walks on the sidewalk northbound out of view. Within approximately one minute, Brian Vanderlee and Mike Vanderlee get up, and it appears that Brian is hitting Mike's right forearm. Brian is seen pulling on the fencing and pushes Mike.
- At 1854.31 hours, Mike is seen sitting down.
- At 1858.13 hours, Kourtney Vanderlee is seen returning to the patio.
- At 1859.18, Brian gets up from the table and is back behind Kourtney Vanderlee. He then goes out to the sidewalk and does two jumping jacks before turning and walking northbound on the sidewalk, eventually out of camera view.

- At 1906.57 hours Sgt. Clifford and Mr. Paul Coleman enter the screen view, walking towards the patio.
- At 1907.23 hours Sgt. Clifford and Paul sit down at the table with **13.43** **13.43** and Kim Coleman.
- At 1908.18 **13.43** appears to be speaking directly to Sgt. Clifford
- At 1909.00 hours, the waitress (Ms. Blomquist) is at Sgt. Clifford's table.
- At 1912.21 hours, the same waitress returns to Sgt. Clifford's table with a tray of beverages.
- At 1913.37 hours, the manager (Mr. Donnelly) walks right past Sgt. Clifford's table. Mr. Donnelly speaks to the individuals at Brian's table until 1914.16 hours and walks right past Sgt. Clifford's table again.
- At 1916.28 hours, Michael Vanderlee is seen going inside the service door.
- At 1917.43 hours, Brian is seen putting the phone up to his right ear.
- At 1918.05 hours, Dave is seen starting to get up from his chair.
- At 1918.29 hours, Brian Vanderlee falls to the ground.
- At 1918.33 hours, Sgt. Clifford has exited the patio gate going northbound on the sidewalk.
- At 1922.30 the first responding officer arrived.
- At 1927.31 the paramedics arrived.

\*Times may be approximate, however, the listed time reflects the general nuance of what is occurring in the video.

## SUMMARY OF ALLEGATIONS AND RECOMMENDATION

### SUMMARY OF ALLEGATIONS

#### Allegation #1

It is alleged that on June 17<sup>th</sup>, 2012, Sgt. Dave Clifford was arrested by the Anoka County Sheriff's Office for Assault in the First Degree and Assault in the Third Degree. The alleged victim in the case was a patron at Tanners Station, an establishment in Andover, Minnesota. It is further alleged that on June 19<sup>th</sup>, 2012, the Courts charged Sgt. Clifford with the following:

609.223, Subd. 1- Assault in the Third Degree- Felony

On July 17<sup>th</sup>, 2012, the Courts amended the charges against Sgt. Clifford and added the following:

609.221, Subd. 1- Assault in the First Degree (Great Bodily Harm)-Felony

If these allegations are found to be true, they would violate the following:

#### 5-102 CODE OF ETHICS (08/01/91)

(A-D)

All sworn and civilian members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any on or off-duty conduct that would tarnish or offend the ethical standards of the department. Employees shall abide by the City's Ethics in Government Policy, Chapter 15. (05/23/07)

### Investigative Facts

- On June 16<sup>th</sup>, 2012 at approximately 1910 hours, Sgt. Dave Clifford, along with **13.43** and another couple, were at Tanners Station and seated on the patio.
- Seated at a table adjacent to Sgt. Clifford were Brian Vanderlee, Mike Vanderlee, and Kourtney Vanderlee.
- Sgt. Clifford had been served one drink, a Captain and Diet Coke, while on the patio.

- Sgt. Clifford reported that Mr. Vanderlee was saying things such as “fucking lesbian cunt” and other things that he considered “extremely offensive”.
- Sgt. Clifford stated that while on the patio, they were surrounded by “about 25 people”.
- Sgt. Clifford stated that Mike Vanderlee spoke to Brian Vanderlee and that it was “a little more quiet for a little while”.
- Sgt. Clifford stated that the older brother, Mike Vanderlee, went inside, and that Brian pulled out a cell phone and started up again with “fucking cunt” and “lesbian”. Sgt. Clifford stated the language was extremely offensive and **13.43** was “kind of impacted by that”.
- Sgt. Clifford thought he would walk over, maybe introduce himself and maybe get Brian to calm down “because the wait staff weren’t gonna do anything about it either”.
- Sgt. Clifford approached Brian, leaned over and asked Brian to keep the noise down. Brian was on his phone, “yelling and doing his thing”, and he looked up at Sgt. Clifford and said “Fuck you, asshole!”. Sgt. Clifford responded by telling Brian that he didn’t need to call him names and to just be a stand-up guy- that he didn’t have to say that.
- Sgt. Clifford stated that Brian slammed the phone down, stood up within three to four feet of him, and he felt that he was going to get punched.
- Sgt. Clifford considered that Brian and Mike Vanderlee were “weightlifter types” and that they had already been “fighting” already on the patio.
- Sgt. Clifford stated that he has been in his share of “defensive situations in law enforcement where I can immediately recognize the kind of pre-attack indicators that leads me to believe that, “Hey, guy, you’re gonna get hit or punched or....”
- Sgt. Clifford described the pre-attack indicators as being “spreading of the legs as if to kinda get a solid base to deliver a punch or to kind of come at me very quickly”. He also stated that “you can tell in a person’s eyes because they start to look down at your chest, ‘cause what they’re doing is they’re picking their target where they’re gonna hit ”.
- Sgt. Clifford stated that if he turned his back, he would have started getting clobbered and he did not know where Brian’s brother was. To make sure