

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

**COMPLAINT INFORMATION**

INTERNAL AFFAIRS CASE NUMBER: <b>15-01672</b>	CCN: <b>14-438765</b>	DATE OF INCIDENT: <b>12/15/14</b>	TIME OF INCIDENT: <b>1759 hrs.</b>
LOCATION OF INCIDENT: <b>923 Broadway Ave. W.</b>	DATE OF COMPLAINT <b>1/16/2015</b>	REFERRAL METHOD:	
COMPLAINANTS NAME (LAST, FIRST MIDDLE) <b>13.43 - Personnel Data</b>	SEX M <input type="checkbox"/> F <input type="checkbox"/>	RACE:	DATE OF BIRTH:
HOME ADDRESS: <b>13.43 - Personnel Data</b>	CITY / STATE / ZIP:	TELEPHONE:	

**POLICY INFORMATION**

**POLICIES ALLEGED TO BE VIOLATED:**  
**MPD 5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS:** Any sworn MPD employee who uses force shall comply with the following requirements: a CAPRS report is required and supervisor notification is required when an injury or alleged injury occurs when force is used by an officer.

**ACCUSED EMPLOYEE(S)**

NAME/BADGE:  
**Officer Gabriel Grout, #2496 and Officer Justin Stetson, #6812**

**COMPLAINT ALLEGATIONS**

On 12/15/14 at approximately 1759 hours, Officer Justin Stetson and Officer Gabriel Grout, responded to a group of individuals in front of the Olympic Café, located at 923 Broadway Ave. W. (CCN 14-438765). The group was suspected of loitering and selling narcotics. AP1/Douglas was placed under arrest after a brief struggle with officers. AP1/Douglas sustained a small cut near his right eye from hitting the sidewalk when he was taken down by Officer Stetson. AP1/Douglas refused medical treatment and EMS.

It is alleged that Officer Grout and Officer Stetson failed to notify a supervisor about the use of force and injury. Therefore, a supervisor did not respond to the scene of the incident.

**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: <b>13.43</b>	DATE: <b>01-27-15</b>
COMMANDER REVIEW:	DATE:



**MINNEAPOLIS POLICE DEPARTMENT**

Internal Affairs Unit  
Administrative Case #15-01672  
Sgt. Michael Heyer  
Date: March 30th, 2015

**CASE BACKGROUND**

This case involves two officers that allegedly did not contact a supervisor in regards to a Use of Force incident.

The alleged incident occurred on December 15th, 2014. Officer Justin Stetson and Officer Gabriel Grout were assigned to squad 422. At approximately 1741 hours, they were dispatched to the Olympic Café, located at 923 W. Broadway Ave. They were dispatched to the location to check on a group of black males that were loitering, possibly selling drugs and refusing to leave. The MPD case number was 14-438765.

When the officers arrived, they observed five black males standing in front of the business. An individual, later identified as AP/Douglas, walked away from the officers. Officer Stetson gave AP/Douglas verbal commands to stop. AP/Douglas did

not comply with the order. Officer Stetson caught up with AP/Douglas. Officer Stetson struggled with AP/Douglas and eventually took him to the ground. With the assistance of Officer Grout, AP/Douglas was handcuffed.

Once AP/Douglas was under control, a small cut was observed near his right eye. It was believed the cut was from when AP/Douglas was taken to the ground.

AP/Douglas denied any medical treatment and refused EMS.

Neither Officer Stetson nor Officer Grout contacted a supervisor to respond to the scene.

Per MPD Policy and Procedure, 5-306 USE OF FORCE: REPORTING AND POST INCIDENT REQUIREMENTS: any sworn MPD employee who uses force shall comply with the following requirements: a CAPRS report is required and supervisor notification is required when an injury or alleged injury occurs when force is used by an officer.

Sgt. Stephen McBride was Officer Stetson and Officer Grout's immediate supervisor on the night in question. Sgt. McBride sent a memo to the Internal Affairs Unit on December 16<sup>th</sup>, 2014, notifying I.A.U. about what had transpired. The memo stated that he had spoken to the involved officers about the incident. A copy of the memo will be included in the case file.

## CASE INVESTIGATION

On January 16th, 2015, I was assigned this case by Lt. Halvorson. The case involved two officers that allegedly did not contact a supervisor in regards to a Use of Force incident.

The alleged incident occurred on December 15th, 2014. Officer Justin Stetson and Officer Gabriel Grout were assigned to squad 422. At approximately 1741 hours, they were dispatched to the Olympic Café, located at 923 W. Broadway Ave. They were dispatched to the location to check on a group of black males that were loitering, possibly selling drugs and refusing to leave. The MPD case number was 14-438765.

When Officer Stetson and Officer Grout arrived, they observed five black males standing in front of the business. After the officers exited their squad, Officer Grout instructed four of the males to place their hands on the squad car. Officer Stetson observed one of the males, later identified as AP/Douglas, turn away and walk away from the group. Officer Stetson ordered AP/Douglas to stop. AP/Douglas did not comply with the order. Officer Stetson caught up with AP/Douglas. Officer Stetson struggled with AP/Douglas and eventually took him to the ground. With the assistance of Officer Grout, AP/Douglas was handcuffed.



Once AP/Douglas was under control, a small cut was observed near his right eye. It was believed the cut was from when AP/Douglas was taken to the ground.

AP/Douglas refused any medical treatment and refused EMS.

Officer Stetson found 8 small baggies of suspected marijuana where he tried to stop AP/Douglas. This was near the entry way to the Olympic Café. AP/Douglas was booked into Hennepin County Jail for loitering with the intent to sell narcotics.

Neither Officer Stetson nor Officer Grout contacted a supervisor to respond to the scene.

Sgt. McBride, a supervisor on the 4th Pct. **13.43**, was approving offense reports on December 15th, 2014. When Sgt. McBride was reading CCN 14-438765, he observed that AP/Douglas sustained a minor injury when a takedown technique was used to get him under control. Sgt. McBride attempted to speak with Officer Grout and Officer Stetson about the incident that night, but they had both left their shift early to attend training. Sgt. McBride spoke with both of these officers the following day. He informed them that a supervisor's review must be done when there is an injury that results from officers using force on an individual.

I obtained a video of the incident that was supplied by the MPD SICM unit. From viewing the video, it appeared to concur with the statements authored by Officer Grout and Officer Stetson in the offense report.

On March 11th, 2015 at approximately 1700 hours, Officer Gabriel Grout came to the MPD Internal Affairs Unit for a recorded statement. Also present was Lt. Bob Kroll of the Minneapolis Police Federation.

Officer Grout was advised about Garrity and stated that he understood. Officer Grout read and signed the Data Practices Advisory otherwise known as the Tennessen Warning.

Officer Grout was informed that the purpose of this statement related to an internal investigation and specifically an administrative review that was being conducted and that it was alleged that he may have violated MPD Policy and Procedure, 5-306 USE OF FORCE: REPORTING AND POST INCIDENT REQUIREMENTS: any sworn MPD employee who uses force shall comply with the following requirements: a CAPRS report is required and supervisor notification is required when an injury or alleged injury occurs when force is used by an officer.

Officer Grout was informed that on 12/15/14 at approximately 1759 hours, he and Officer Justin Stetson, responded to a group of individuals in front of the Olympic Café, located at 923 Broadway Ave. W. (CCN 14-438765). The group was suspected of loitering and selling narcotics. AP1/Douglas was placed under arrest after a brief struggle with officers. AP1/Douglas sustained a small cut near his right eye from

hitting the sidewalk when he was taken down by Officer Stetson. AP1/Douglas refused medical treatment and EMS.

Officer Grout was informed that it was alleged that he and Officer Stetson failed to notify a supervisor about the use of force and injury. Therefore, a supervisor did not respond to the scene of the incident. Officer Grout confirmed that he was being called to explain the circumstances regarding this event.

Officer Grout watched the video I had obtained of the incident.

Officer Grout was asked if on the night in question, if he was on-duty or working an off-duty job. He stated he was on duty and in full, MPD uniform. He was assigned to work with Officer Stetson for that shift.

I showed Officer Grout a booking photograph. He was asked if this was the individual that he and Officer Stetson had arrested on the night in question. Officer Grout stated it was. It should be noted that the booking photograph was of AP/William Fantez Douglas.

Officer Grout was asked to describe to me in as much detail as possible, what occurred on December 15th, 2014 at approx. 1759 hours. The location listed in the offense report was the Olympic Café, located at 923 Broadway Ave. W. The CCN was 14-438765. Officer Grout stated that when they arrived, he observed individuals

matching the description of those involved in the call. He exited the squad and instructed four of the individuals to place their hands on the squad. He stated while he was doing this, one of the individuals, later identified as AP1, started to walk away from the scene. He stated Officer Stetson walked after this person and gave him verbal commands.

Officer Grout stated he then observed Officer Stetson struggling with AP/Douglas and giving him verbal commands to get on the ground. Officer Grout then ran over to where Officer Stetson was struggling with AP/Douglas. Officer Grout stated that when he got to Officer Stetson, AP/Douglas had already been taken to the ground. Officer Grout stated he gave AP/Douglas verbal commands to get his hands behind his back, while he was pulling on AP/Douglas's left arm in an attempt to get his left hand out from under his body. Officer Grout stated AP/Douglas eventually complied and was handcuffed. Officer Grout stated he did not use any force on AP/Douglas.

Once AP/Douglas was handcuffed and under control, he was picked up off the ground. Officer Grout stated he then observed a very minor, cut or scrape under AP/Douglas's right eye. Officer Grout was asked if AP/Douglas complained about the injury. Officer Grout stated he did not.

Officer Grout was asked if medical assistance was provided or offered to AP/Douglas. Officer Grout stated AP/Douglas was offered medical service and he refused.



Officer Grout was asked if he was familiar with MPD Policy and Procedure, 5-306  
USE OF FORCE: REPORTING AND POST INCIDENT REQUIREMENTS: any sworn MPD  
employee who uses force shall comply with the following requirements: a CAPRS  
report is required and supervisor notification is required when an injury or alleged  
injury occurs when force is used by an officer. Officer Grout stated he was familiar  
with the policy.

Officer Grout was asked while he was at the scene, if a supervisor was notified of the  
situation. He stated a supervisor was not notified. Officer Grout was asked to  
explain why a supervisor was not notified. Officer Grout stated because the injury  
sustained by AP/Douglas appeared so minor. Officer Grout stated it was an  
oversight, in not notifying a supervisor.

Officer Grout stated a supervisor did not respond to the scene.

Officer Grout was asked if a supervisor ever spoke to him about this incident at a  
later date. Officer Grout stated Sgt. McBride had spoken to him. He stated Sgt.  
McBride reminded him that any time an officer uses force on an individual and there  
is an injury or alleged injury to this person, a supervisor notification and CAPRS  
report are required. Officer Grout was asked if he recalled when this conversation  
had taken place. He believed it was the following day.

Officer Grout was asked if AP/Douglas was eventually taken to the HCJ. He stated AP/Douglas was booked for loitering with the intent to sell narcotics. Officer Grout could not recall if AP/Douglas was also charged with obstruction.

Officer Grout was asked if there were any facts concerning this incident that he had knowledge of, but had not disclosed. He stated there were not. He did not have anything else that he would like to add to this statement that I had not asked him. He acknowledged it was a true and accurate statement.

Officer Grout was advised PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, HE WAS NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN HIS FEDERATION/UNION REPRESENTATIVE OR ATTORNEY. He acknowledged understanding this.

The interview was concluded shortly thereafter.

On March 19th, 2015, I inter-office mailed Officer Grout two copies of his transcribed statement. Enclosed was a letter asking him to review the statement for accuracy and to make any corrections. On March 27th, 2015, I received a signed copy of Officer Grout's statement.

On March 11th, 2015 at approximately 1730 hours, Officer Justin Stetson came to the MPD Internal Affairs Unit for a recorded statement. Also present was Lt. Bob Kroll of the Minneapolis Police Federation.

Officer Stetson was advised about Garrity and stated that he understood. Officer Stetson read and signed the Data Practices Advisory otherwise known as the Tennessen Warning.

Officer Stetson was informed that the purpose of this statement related to an internal investigation and specifically an administrative review that was being conducted and that it was alleged that he may have violated MPD Policy and Procedure, 5-306 USE OF FORCE: REPORTING AND POST INCIDENT REQUIREMENTS: any sworn MPD employee who uses force shall comply with the following requirements: a CAPRS report is required and supervisor notification is required when an injury or alleged injury occurs when force is used by an officer.

Officer Stetson was informed that on 12/15/14 at approximately 1759 hours, he and Officer Grout responded to a group of individuals in front of the Olympic Café, located at 923 Broadway Ave. W. (CCN 14-438765). The group was suspected of loitering and selling narcotics. AP1/Douglas was placed under arrest after a brief struggle with officers. It is believed that AP1/Douglas sustained a small cut near his right eye from hitting the sidewalk. This occurred when you used a taken down

technique to attempt to get AP/Douglas under control. AP1/Douglas refused medical treatment and EMS.

Officer Stetson was informed that it was alleged that he and Officer Grout failed to notify a supervisor about the use of force and injury. Therefore, a supervisor did not respond to the scene of the incident. Officer Stetson confirmed that he was being called to explain the circumstances regarding this event.

Officer Stetson watched the video I had obtained of the incident.

Officer Stetson was asked if on the night in question, if he was on-duty or working an off-duty job. He stated he was on duty and in full, MPD uniform. He was assigned to work with Officer Grout for that shift.

I showed Officer Stetson a booking photograph. He was asked if this was the individual that he and Officer Grout had arrested on the night in question. Officer Stetson stated it was. It should be noted that the booking photograph was of AP/William Fantez Douglas.

Officer Stetson was asked to describe to me in as much detail as possible what occurred on December 15th, 2014 at approx. 1759 hours. The location listed in the offense report was the Olympic Café, located at 923 Broadway Ave. W. The CCN was 14-438765.



Officer Stetson stated he and his partner responded to a group of males loitering in front of the above location. When they arrived, one of the males, later identified as AP/Douglas, started to walk away from the scene. Officer Stetson stated that he followed AP/Douglas and gave him verbal commands to stop. He stated AP/Douglas continued to walk away from him and walked towards the entrance of the Olympic Café. Officer Stetson caught up to AP/Douglas and grabbed ahold of him. Officer Stetson stated AP/Douglas struggled with him and attempted to pull away from him. Officer Stetson gave him verbal commands to get down on the ground. AP/Douglas did not comply with the order. Officer Stetson then grabbed ahold of AP/Douglas's upper body and brought him down to the ground. Once on the ground and with the assistance of Officer Grout, AP/Douglas was handcuffed and placed under arrest.

Once AP/Douglas was handcuffed and under control, he was helped up off the ground. Officer Stetson stated he observed a small, superficial cut/scrape near AP/Douglas's right eye. Officer Stetson was asked if AP/Douglas complained about the injury. Officer Stetson stated he did not.

Officer Stetson was asked if medical assistance was provided or offered to AP/Douglas. Officer Stetson stated AP/Douglas was offered medical service and he refused.

Officer Stetson was asked if he was familiar with MPD Policy and Procedure, 5-306 USE OF FORCE: REPORTING AND POST INCIDENT REQUIREMENTS: any sworn MPD employee who uses force shall comply with the following requirements: a CAPRS report is required and supervisor notification is required when an injury or alleged injury occurs when force is used by an officer. Officer Stetson stated he was familiar with the policy.

Officer Stetson was asked while he was at the scene, if a supervisor was notified of the situation. He stated a supervisor was not notified. Officer Stetson was asked to explain why a supervisor was not notified. Officer Stetson stated because the injury sustained by AP/Douglas appeared so minor, he did not even think about contacting a supervisor.

Officer Stetson stated a supervisor did not respond to the scene.

Officer Stetson was asked if a supervisor ever spoke to him about this incident at a later date. Officer Stetson stated Sgt. McBride had spoken to him. He stated Sgt. McBride reminded him that any time an officer uses force on an individual and there is an injury or alleged injury to this person, a supervisor notification and CAPRS report are required. Officer Stetson was asked if he recalled when this conversation had taken place. He believed it was the following day.

Officer Stetson was asked if AP/Douglas was eventually taken to the HCJ. He stated he was booked for loitering with the intent to sell narcotics.

Officer Stetson was asked if there were any facts concerning this incident that he had knowledge of, but had not disclosed. He stated that there were not. He did not have anything else that he would like to add to this statement that I had not asked him. He acknowledged that it was a true and accurate statement.

Officer Stetson was advised PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, HE WAS NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN HIS FEDERATION/UNION REPRESENTATIVE OR ATTORNEY. He acknowledged understanding this.

The interview was concluded shortly thereafter.

On March 19th, 2015, I inter-office mailed Officer Stetson two copies of his transcribed statement. Enclosed was a letter asking him to review the statement for accuracy and to make any corrections. On March 23rd, 2015, I received a signed copy of Officer Stetson's statement.

## **SUMMARY OF ALLEGATIONS**

If these allegations are found to be true, Officer Stetson and Officer Grout would be in violation of the following Department policy:

- MPD Policy and Procedure 5-306 USE OF FORCE: REPORTING AND POST INCIDENT REQUIREMENTS: any sworn MPD employee who uses force shall comply with the following requirements: a CAPRS report is required and supervisor notification is required when an injury or alleged injury occurs when force is used by an officer. (B-C)

## **Investigative Facts**

- The alleged incident occurred on December 15th, 2014. Officer Justin Stetson and Officer Gabriel Grout were assigned to squad 422. At approximately 1741 hours, they were dispatched to the Olympic Café, located at 923 W. Broadway Ave. They were dispatched to the location to check on a group of black males that were loitering, possibly selling drugs and refusing to leave (MPD CCN 14-438765).
- Officer Stetson and Officer Grout arrived and observed five black males standing in front of the business. After the officers exited their squad, Officer Grout instructed four of the males to place their hands on the squad car. Officer Stetson observed one of the males, later identified as AP/Douglas,



turn away and walk away from the group. Officer Stetson ordered AP/Douglas to stop. AP/Douglas did not comply with the order. Officer Stetson caught up with AP/Douglas. Officer Stetson struggled with AP/Douglas and eventually was able to wrestle AP/Douglas to the ground. With the assistance of Officer Grout, AP/Douglas was handcuffed.

- Once AP/Douglas was under control, a small cut was observed near his right eye by both officers. It was believed the cut was from when AP/Douglas was taken to the ground. AP/Douglas refused medical treatment and EMS.
- AP/Douglas was booked into Hennepin County Jail for loitering with the intent to sell narcotics.
- Neither Officer Stetson nor Officer Grout contacted a supervisor to respond to the scene.
- Both officers were interviewed for this investigation and informed me they were knowledgeable about the MPD Use of Force Policy. Both officers informed me they did not believe the injury sustained by AP/Douglas, while he was resisting arrest, met the threshold of reportable injury.
- Both officers clearly state in their offense report supplements that

AP/Douglas had a small cut near his right eye. The officers clearly disclosed the force used and the resulting injury sustained by AP/Douglas.

- Sgt. McBride, a sergeant on Officer Stetson and Officer Grout's shift, spoke with both officers the following day about the mistake they made, not contacting a supervisor when force is used by an officer that results in injury or alleged injury. Sgt. McBride went over the Use of Force policy with both officers.
- Officer Stetson and Officer Grout acknowledged they had complete understanding of the MPD Use of Force policy. Both officers took responsibility for their actions.

I confirm that the information I provided in this case is true to the best of my knowledge.

Respectfully Submitted,



Sgt. Michael Heyer

Internal Affairs Unit

March 15, 2016

Officer Gabriel Grout  
Fourth Precinct  
Minneapolis Police Department

Officer Grout,

RE: IAU Case Number #15-01672  
**LETTER OF REPRIMAND**

The finding for IAU Case #15-01672 is as follows:


**MPD P/P 5-306 Use of Force Reporting.....SUSTAINED (Category B)**

You will receive this Letter of Reprimand. The case will remain in the IAU files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge from employment.

Sincerely,

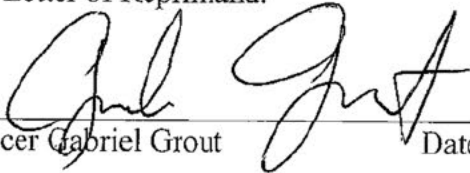
Jane Harteau  
Chief of Police



BY:

Assistant Chief  
Kristine Arneson

I, Officer Gabriel Grout, acknowledge receipt of  
this Letter of Reprimand.

 04/13/2016  
\_\_\_\_\_  
Officer Gabriel Grout Date of Receipt

 4-13-2011  
\_\_\_\_\_  
Inspector Friestleben Date

CC: Inspector Friestleben  
Personnel  
IAU



March 15, 2016

Officer Justin Stetson  
Fourth Precinct  
Minneapolis Police Department

Officer Stetson,

RE: IAU Case Number #15-01672  
**LETTER OF REPRIMAND**

The finding for IAU Case #15-01672 is as follows:

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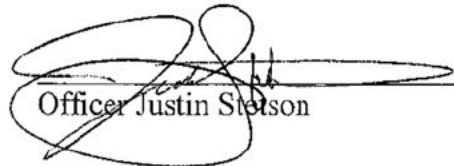
Jane Harteau  
Chief of Police



BY:

Assistant Chief  
Kristine Arneson

I, Officer Justin Stetson, acknowledge receipt of  
this Letter of Reprimand.

  
\_\_\_\_\_  
Officer Justin Stetson

4-13-16  
Date of Receipt

  
\_\_\_\_\_  
Inspector Friestleben

4-13-2016  
Date

CC: Inspector Friestleben  
Personnel  
IAU