

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

<u>COMPLAINT INFORMATION</u>			
INTERNAL AFFAIRS CASE NUMBER: 12-182	CCN: 12-163111	DATE OF INCIDENT: 5-29-12	TIME OF INCIDENT: 1538 hrs
LOCATION OF INCIDENT: 4044 Cedar Av S	DATE OF COMPLAINT: 9-7-12	REFERRAL METHOD: Internal via media	
COMPLAINANTS NAME (LAST, FIRST MIDDLE) 13.43	SEX M <input type="checkbox"/> F <input type="checkbox"/>	RACE:	DATE OF BIRTH:
HOME ADDRESS: 13.43	CITY / STATE / ZIP:		TELEPHONE:

<u>POLICY INFORMATION</u>
POLICIES ALLEGED TO BE VIOLATED: 5-303 AUTHORIZED USE OF FORCE (10/16/02) (08/17/07)

<u>ACCUSED EMPLOYEE(S)</u>
NAME/BADGE: Blayne Lehner #4073

<u>COMPLAINT ALLEGATIONS</u>
It is alleged that on 5-29-12 Off. Blayne Lehner used unauthorized force on a protester by placing his hand on her throat and pushing her backwards. The female subject of the force is an unknown person. Video of this incident was posted on the social media site YouTube.

<u>RECOMMENDATION</u> (Preliminary Cases Only)	
<input type="checkbox"/> Reckoning Period Expired Before Complaint was Filed <input type="checkbox"/> No Basis for Complaint <input type="checkbox"/> Closed Pending Further Information <input type="checkbox"/> Refer to Precinct with Coaching Documentation <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Policy Failure <input type="checkbox"/> Other	
COMPLAINANT 13.43 - Personnel Data	DATE 09-13-12
COMMAND	DATE



MINNEAPOLIS POLICE DEPARTMENT

Internal Affairs Unit

Administrative Case #12-182

Sgt. Denno

Date 825-13

CASE BACKGROUND

This case was assigned for review when it was found that in September 2012 the group "Cop Watch" had posted a montage of videos on the social media site YouTube that involved Off. Blayne Lehner. The video in question shows Off. Lehner working crowd control duty at a protest on 5-29-12. During the protest Off. Lehner is seen holding back a female protester by the throat and pushing her away. He then deploys his chemical spray towards the back rows of the protesters. No specific complaint has been filed by any of the protesters including the female shown being pushed back and her identity is unknown.

CASE INVESTIGATION

12-163111

This case was filed by 13.43 - Personnel Data detailing MPD officers' involvement with crowd control at 4044 Cedar Av on 5-29-12. In regard to this investigation Off. Lehner entered a supplement that details his involvement. He describes a rather chaotic and volatile situation with a large group of protesters. The group was actively trying to get around and through the lines that had been set up by the group of officers assigned to keep them away from a home that was to be foreclosed on.

Off. Lehner says in his report that the crowd was very resistant and pushing into him and other officers. He says that at one point he deployed his chemical spray into the crowd in order to stop them from pushing him and the other officers. His supplement makes no mention of him pushing the female protester back or putting his hand on her throat.

Off. Lehner's supplement gives many other details of the difficult time the small group of officers were having trying to keep the crowd outside of the perimeter that had been set up. He describes a very active and physically resistant group of protesters that outnumbered the officers several times over.

Off. Lehner Statement

In his statement Off. Lehner detailed a very volatile situation. He said that MPD officers were detailed to assist Hennepin County in an eviction situation were the

person being evicted was refusing to leave the property. A large group of organized protesters had gathered to support him and were actively trying to get to the property where the man was.

Off. Lehner said that there were an inadequate number of officers to control the size of the crowd. He said that a perimeter had been set up but that it had to be reduced in size more than once because it wasn't possible to hold back the crowd with the number of officers present. He said at the time the video was taken they were losing a pushing match with the crowd and he felt they were in danger of the perimeter collapsing. He said the line of protesters at his location was up to 5 rows deep.

Off. Lehner said that he reached out to a female who was actively pushing into the line of officers. He said that he momentarily put his hand on her throat area and pushed her back. At the same time he did this he pulled out his chemical irritant and sprayed the back rows of the crowd who were surging forward and pushing the people in front of them into the officers.

Off. Lehner expressed his feelings that there had been inadequate supervision and direction given to the officers. He did not know where a supervisor was at the time he deployed his chemical irritant and described the scene as a rapidly evolving situation. He felt that his decision to deploy his chemical irritant was necessary at the moment and there was no time to seek out a supervisor to get permission to spray the crowd.

Off. Chad Martin Statement

Off. Martin described the situation as very volatile. He said that originally police had set up a perimeter line with yellow tape but the protesters quickly broke through that. He described the police efforts to keep the protesters away from the house as very mobile, changing locations several times due to the size and constant movements of the crowd.

Off. Martin said at one point he saw another officer (Lehner) push a female protester back. He said she had been at or near the front of the line of protesters and was very active trying to get through the line of officers. He said that at about the same time he became aware that one of the officers had maced the back rows of the crowd. He said the front rows didn't seem to be affected. He had viewed the YouTube video and saw that it was Off. Lehner who had maced the crowd. He said he does not know Off. Lehner and didn't recall meeting him before that day.

Off. Martin did not know who had overall command of the situation at the time this situation took place.

YouTube

A copy of the YouTube video was made and is included in this case file. The video is also still available on YouTube by typing in Off. Lehnerns name in the YouTube search bar.

The video is a small montage of recorded incidents involving Off. Lehner. The interest and focus in Off. Lehner by "Cop Watch" seems to be driven by a case that was highly publicized locally wherein Off. Lehner confronts a local TV camera man and pushes him out of the way. That case has been previously investigated by IAU. The video of that incident is also contained on the YouTube clip.

The video of this incident shows Off. Lehner and several other officers in an active confrontation with a crowd of protesters that occurred at 4044 Cedar Av on 5-29-12. There is an active conflict between the crowd and the officers who are obviously trying to hold back the surging crowd. Off. Lehner can be seen reaching into the crowd and taking hold of a female protester by the throat and pushing her backwards. At the same time he draws his chemical irritant can from his beltline and sprays into the rear of the crowd.

SUMMARY OF ALLEGATIONS

Allegation # 1: It is alleged that on 5-29-12 Off. Blayne Lehner used unauthorized force on an unidentified female protester by pushing her back by the throat and then spraying a crowd of protesters with chemical irritant. If the evidence shows this to be true it would be a violation of the following MPD Policy and Procedure:

5-303 AUTHORIZED USE OF FORCE (10/16/02) (08/17/07)

Minn. Stat. §609.06 subd. 1 states, "When authorized...except as otherwise provided in subdivision 2, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

When used by a public officer or one assisting a public officer under the public officer's

direction:

- In effecting a lawful arrest; or
- In the execution of legal process; or
- In enforcing an order of the court; or
- In executing any other duty imposed upon the public officer by law.”

Investigative Facts

- On 5-29-12 Off. Lehner and a detail of other MPD officers were assisting with crowd control at an eviction protest at 4044 Cedar Av.
- The officers encountered an unruly and uncooperative crowd that outnumbered the officers several time over.
- The crowds' actions of violating the perimeters set up by the officers had forced the officers to shrink the perimeter lines more than once.
- Video shows an active confrontation between the crowd and the officers with the crowd obviously being held back by the officers.
- Video shows Off. Lehner reaching out and taking hold of an unidentified female protester by the throat area and pushing her backwards.
- Video shows that at the same time he was pushing the protester back he deployed his chemical irritant into the back rows of the crowd that were pushing into the line of officers.
- Off. Lehner stated that he felt the crowd was going to break through the police line and gain access to the house they were assigned to keep them away from.