

- Sometime between 10:00 p.m. and 11:00 p.m., Officer's MPD/Powell and Thole decided to go downtown to the Washington St. bar area. They then wanted to go across the river to check out a bar that MPD/Powell heard had been remodeled; the Sardine Can Bar.
- MPD/Powell stated he did see a Green Bay police officer, but didn't remember who it was. He said he stopped the officer, introduced himself by name and told him that he used to work for GBPD, but left (in 2006) and now works for MPD. MPD/Powell asked the officer for a ride to the Sardine Can Bar, but the officer told him he couldn't do that, and then provided him with a cab number. Officer's MPD/Powell and Thole then took a cab over to the Sardine Can Bar. This was approximately at 11:15 p.m.
- MPD/Powell stated he and MPD/Thole arrived at the Sardine Can Bar, went in and he ordered a beer. He then sent GBPD Officer Nate Allen a text message, asking him if he was working, and if so, could he come by the Sardine Can Bar.
- Approximately one half hour later, GBPD/Allen arrives at the Sardine Can Bar and MPD/Powell sees him pull up in his squad car. MPD/Powell went out to meet GBPD/Allen and they had "small talk", catching up with one another on what they'd been up to because they hadn't seen each other in a while. MPD/Powell stated he did not hear MPD/Thole make the comment "What's that? Green Bay is too nigger friendly."
- When asked if he ever used the term nigger in any kind of conversation or comment while talking with GBPD/Allen, MPD/Powell stated "no, not to my recollection, I did not."
- MPD/Powell stated GBPD/Allen then had to leave and respond to an EM1 call. MPD/Powell said he and MPD/Thole then stayed at the Sardine Can Bar another 30 to 45 minutes before leaving. He had finished one beer, ordered a second one, but did not finish that one. He and MPD/Thole then left the bar and walked back over to the Washington St. side of the river, approximately a 5 to 10 minute walk.

- On the walk back down Washington St., on their way back to the hotel, MPD/Powell stated they stopped into a country bar. He ordered a beer, talked with MPD/Thole, hung out, walked around and checked it out. MPD/Powell did not recall the name of the bar, but said he and MPD/Thole were there for 30 to 45 minutes.
- MPD/Powell stated he left the country bar (with MPD/Thole) and started to head back to his hotel, walking south on Washington St, approaching Doty St. He noticed a group of four black males that were walking towards him, taking up most of the sidewalk, acting very animated, loud and happy to be out.
- MPD/Powell stated he walked past the four black males, and they directed their attention towards him, saying something. He stated he does not recall what they said, but it prompted him to say "Not me." As he continued to walk past them, one of the black males caught MPD/Powell's attention and caused him to stop, to the effect of something they said with "white boy" in it. MPD/Powell stopped, turned around and said "What did you say?" MPD/Powell was now at the corner of Washington St. and Doty St.
- MPD/Powell stated he was facing northbound on Washington St. when the four black males came at him and MPD/Thole. The males got chest to chest with him. Words were being exchanged but MPD/Powell doesn't remember what was said, he was thinking to himself, what they were wearing and descriptions.
- MPD/Powell stated one individual stood out to him. He described him as black male, wearing a light blue t-shirt or tank top, with white glasses on.
- MPD/Powell stated he didn't progress towards the males and that he stopped and stood in place. The males kept advancing towards him, then remembers being shoved by someone, but didn't know which one of them shoved him. He stated it was one of the four initial black males. Two of them were light skinned black males and another one appeared to be white from observation of the video.

- MPD/Powell describes that he saw sudden movement out of his left eye peripheral vision, then stating that's when he got hit/punched in the face two times. He doesn't know if he was hit by two different people or if just by one person, but he remembers getting hit in the face, and as a result causing him to see a bright flash of white.
- MPD/Powell stated that he was hit shortly after it was said (by MPD/Thole) that they're police officers in an attempt and hope to diffuse the situation.
- MPD/Powell described the hit he received similar to his experiences of being hit [REDACTED] and in police training scenarios, specifically the LVNR. [REDACTED]

13.43 - Personnel Data

13.43 - Personnel Data

He called it a "flash knock-out."

When he'd come to, he would hear a "whooping" sound and his body would be tingling all over. MPD/Powell stated he experienced those same physical sensations after being hit/punched by the unknown male.

- MPD/Powell stated that when he came to, the original four males were still there, but he observed an additional two black males coming up on his right hand side. He described the additional two black males; one was very tall and wearing all black, and the other was wearing a red shirt and white shorts, not as tall, but large in stature. MPD/Powell believed these two black males were either coming up to further assault him or to help the other four black males out. He didn't know if the two black males knew the other four black males.
- MPD/Powell remembers getting pushed back, pushed away, then turned away as he was still coming to. He realized he had been "flash knocked-out" and was knocked out on his feet, still standing, but wobbly. He stated he remembers at one point walking away and to the other side towards Washington St., then a GBPD squad arrived and its recorded squad video begins capturing what occurred after that.

- The recorded squad video of GBPD/Andrae was played. MPD/Powell identified himself in the video, wearing a white shirt, blue jeans, and a baseball cap, and MPD/Thole was wearing a black shirt and blue jeans. MPD/Powell points out in the video that MPD/Thole can be seen flagging down the police officer that was arriving on-scene.
- MPD/Powell identified four individuals that can be observed on the recorded video as the four males initially involved in the incident. The following are the descriptions of those four males, who all can be seen leaving the scene as GBPD/Andrae arrives on-scene:
 - ♦ Caucasian/light skinned black male wearing a checkered shirt, blue jeans and a balding/shaved head.
 - ♦ Black male wearing a dark blue or black shirt, white shorts, black tennis shoes, baseball cap.
 - ♦ Light skinned black male, possibly white, wearing blue jeans, white sneakers, and blue shirt with a white stripe running along the back and down the back of the arms.
 - ♦ Light skinned, very thin, black male, wearing a white baseball cap, khaki shorts, blue t-shirt, white tennis shoes and white framed glasses.
- MPD/Powell identified in the video the additional two black males that were on scene when he "came to" after being hit/punched. He stated they were not involved in the assault. One is wearing a black shirt/black pants, the other is wearing a red shirt/white shorts. MPD/Powell stated he believed these two black males were there to separate the disturbance and cause some time for the other four individuals to get away and leave.
- MPD/Powell noted he can be seen in the video looking north, down Washington St., getting a better vantage point and watching the suspects leave the scene.
- MPD/Powell is approached by GBPD/Denney in the video, giving MPD/Powell instructions to go to the other side of the street. MPD/Powell stated he did not do this immediately, that he was still heated and still upset

- that he was assaulted. He also didn't want to leave that side of the street because he knew the suspects were still going northbound on Washington St.
- The recorded squad video of GBPD/Denney was played. MPD/Powell explained his reaction towards the two black males on the corner (who were telling GBPD/Andrae that they didn't know what was going on) was a response to reiterate that they (2 black males) didn't know what was going on, and that there was a sense of urgency, because MPD/Powell believed the suspects were getting away. He believed GBPD was talking to the wrong people and instead, they should have been going down the street after the suspects.
 - MPD/Powell was asked why he did not tell the on-scene GBPD officer his concern the suspects were getting away, to which he replied that he did alert them and re-alert them, and that MPD/Thole was also waving them down and pointing to the suspects. He stated that the situation evolved in which he and MPD/Thole were the only ones detained.
 - When asked if he could relate to GBPD/Denney having immediate concern in regards to him not cooperating or following his orders, MPD/Powell stated "sure."
 - When asked why he was giving GBPD/Denney such a hard time, MPD/Powell stated he was trying to get the point across that the suspects were leaving the scene and that there was a sense of urgency for him (Denney) to deal with that part of the call/situation, instead of being overly concerned with him (MPD/Powell) being on the other side of the street.
 - MPD/Powell stated he was not attempting to cause a disturbance or be disorderly in any way.
 - MPD/Powell's explanation regarding his comment, "Go take their fucking story...be that way...take that story dude", was one in which he didn't believe GBPD was taking sides, but that multiple officers were on scene and no description was aired, the situation wasn't aired, and the suspects running northbound on Washington wasn't aired. There was no GBPD officer actively attempting to go after the suspects who had just assaulted him.

- MPD/Powell stated he heard and interpreted on the GBPD/Denney squad video, the "N" word being used. MPD/Powell acknowledged it was his voice that could be heard and he admitted to saying the "N" word. When asked, he stated it was used in a sentence and does remember saying it. He stated he was heated, still angry, and mad after being assaulted and no GBPD officers did anything or were sent in the direction of those who assaulted him.
- MPD/Powell's explanation regarding his comment, "Do you have a victim? Do you have a victim?", was based on his reaction towards GBPD/Denney's focus on identifying MPD/Thole for the police report, after he (Thole) admitted he had punched someone. MPD/Powell stated he was insinuating to GBPD/Denney that your victim is standing right in front of you.
- MPD/Powell's explanation regarding his comment, "we're walking down the sidewalk and we get assaulted and now we're the suspects...that's unbelievable", was that it was unbelievable that he was being treated as a suspect, squad cars were leaving the scene, and that nobody during the entire incident listened to him or acted on what he had told them happened.
- In regards to MPD/Thole's comment, "you upped on me," MPD/Powell did not know what that term "upped" meant or exactly what MPD/Thole was referring to or how he used it.
- MPD/Powell's explanation regarding his comment, "...a fucking joke", was a reference on how the whole situation had transpired.
- MPD/Powell did not recognize the voice on the GBPD/Czarnecki squad video as his stating "they should not have run fucking names" and he did not remember saying that. He did state he knew GBPD/Knetzger who was on scene, and stated because he used to work with him, that they (GBPD) didn't have to run his name because they knew who he was.
- MPD/Powell denied saying to GBPD/Jeanquart "You guys are a fucking joke...you know who we are, right?" MPD/Powell stated it would be cliché to expect people to just know who he is. He said he did not know GBPD/Jeanquart.

- MPD/Powell stated to the GBPD officers the fact that he used to work for GBPD, but there was no intention for any preferential treatment. He stated at the time, he was still stating that he was the victim of an assault.
- MPD/Powell denied telling any GBPD officer, or hearing anyone tell an on-scene GBPD officer, to "fuck off."
- MPD/Powell did admit to "flipping off" GBPD/Knutson as he drove by him in a marked squad. He said he was still angry at that point about the whole thing that transpired.
- MPD/Powell's explanation regarding his comment cited in GBPD/Mahoney's supplement, "I told you they wouldn't fucking do anything...they don't know what the fuck they're doing" and "these cops don't know what to do", was in response that they (GBPD) weren't going to do anything. MPD/Powell explained after giving repeated descriptions of the suspects and telling on-scene GBPD officers where the suspects were running, recalling ten GBPD officers at the scene, that no GBPD officers went down the street to go further investigate and try to attempt to find the suspects.
- MPD/Powell further explained that as an experienced officer, he would have known what to do in that situation, but it wasn't being done by GBPD. He remembered seeing a plainclothes officer on-scene, which told him from his experience, that at least one officer was being trained (rookie or recruit officer).
- When asked how much alcohol he had consumed the night of the incident, MPD/Powell stated that he couldn't put a number on it, but did say he was not intoxicated and that he had not consumed anything else other than alcohol.
- MPD/Powell returned to his hotel and stated he was still upset and angry that he was assaulted and nothing was done about it. He stated he then called GBPD/Allen from the hotel parking lot and explained the situation to him over the phone. MPD/Powell said he asked GBPD/Allen "Can you come down here?", because nothing was being done at that point, and MPD/Powell

wanted a report listing him as a victim of an assault, in case something like this (investigation) happened.

- MPD/Powell stated that GBPD/Allen did not get an answer from him, but instead, GBPD/Allen started laughing at him, making light of the situation, mocking him and the seriousness of the situation. MPD/Powell stated this was the reason why he thought the whole situation was a joke.
- MPD/Powell stated that GBPD/Allen told him he was in the Watch Commander's office, so MPD/Powell asked who it was (Watch Commander) and GBPD/Allen said it was GBPD/Opperman. MPD/Powell then talked to GBPD/Opperman, explaining the situation to him as well. MPD/Powell stated GBPD/Opperman also mocked him and treated the situation like a joke. MPD/Powell stated he told GBPD/Opperman that he wanted a report, and that GBPD/Opperman told him if he wanted to make a complaint and want a report, to come down to the station. MPD/Powell said he told GBPD/Opperman that he would be down at the station in five minutes and then hung up.
- MPD/Powell stated the purpose of going to the GBPD was to file a police report. Upon arrival into the GBPD, MPD/Powell stated he rendered a salute to GBPD/Opperman, who he could see behind a window. MPD/Powell said GBPD/Opperman could see him walk into the lobby and that is who he was acknowledging.
- MPD/Powell stated he can be seen with a bottle of water in his hand that he continued to flip it, tossing it back between each hand, and didn't drop it at any time, verifying that he was not intoxicated.
- GBPD/Opperman came out and shook MPD/Powell's hand, and then on the video can be seen pointing to his (MPD/Powell) neck, asking MPD/Powell what happened. MPD/Powell stated he told GBPD/Opperman he had been assaulted and that he told him that on the phone and he (Opperman) made a joke of it. MPD/Powell stated GBPD/Opperman told him that he thought he (MPD/Powell) was kidding.

- MPD/Powell stated he told GBPD/Opperman "So somebody calls to tell you that they were assaulted, during an actual call that happened, and you don't take it serious? And I assume you're not taking it serious because it was me." MPD/Powell stated GBPD/Opperman said he thought that he (MPD/Powell) came down to the police station to visit. MPD/Powell then explained to GBPD/Opperman everything that happened at the scene, and that the conversation went back and forth.
- The recorded GBPD lobby video was played. MPD/Powell identified himself and MPD/Thole in the video as well as GBPD/Opperman. MPD/Powell stated during his interaction at the GBPD lobby, he was still upset and re-talking and re-living in his head, upset that he was assaulted and didn't get listened to on the scene and that nobody went after the suspects.
- MPD/Powell stated that the reports indicated that he was animated and someone thought that he was going to assault GBPD/Opperman. MPD/Powell stated that was never even a thought in his mind where he would physically assault GBPD/Opperman.
- MPD/Powell stated GBPD/Opperman then asked him if he could go call the people that were out on the scene and talk to them. At this time, MPD/Powell stated he was there to get a report, but he knew GBPD/Opperman couldn't do the report, so he (Opperman) had to go call someone in to do the report and get their (GBPD officers) side of the story.
- While viewing the GBPD lobby video, MPD/Powell can be seen physically reacting to things that are being said, but he could not recall specifically what was being said to him at that specific moment that caused him to generate some of the physical reactions he displayed in the video.
- When asked if he, at any time while in the GBPD lobby, specifically asked or demanded that a report be taken, MPD/Powell stated "yes", both over the phone and at the station, he remembered saying he wanted a report.
- When asked if a report was ever taken for him, MPD/Powell said "no." He stated he didn't even know that a report was even being done or completed. He also stated that he never knew he was even considered a suspect at all

regarding the incident until he received his notification letter, stating that he failed to notify IA and his supervisor that he was a suspect in a report, and being investigated.

- MPD/Powell stated nobody told him he was a suspect, and nobody ever informed him he was being investigated for a crime. MPD/Powell stated he kept saying he was the victim of an assault and didn't believe at any time that he committed a crime.
- MPD/Powell identified GBPD/Mahoney on the video entering the GBPD lobby. MPD/Powell stated when he talked to GBPD/Mahoney, that he (Mahoney) was explaining what he had seen and observed out at the scene. MPD/Powell stated he told GBPD/Mahoney he wasn't there the whole time, especially at the time when he (MPD/Powell) and MPD/Thole gave the description or the direction of travel of the suspects.
- MPD/Powell stated he asked GBPD/Mahoney "Then what is the suspect description, what's their last known direction of travel, and how many suspects were there?" MPD/Powell stated GBPD/Mahoney could not answer those questions. It was at that point that GBPD/Mahoney advised MPD/Powell to leave the GBPD lobby or he would be arrested for disorderly conduct. MPD/Powell stated he then left as he did not want to get arrested and stated that to GBPD/Mahoney even though he still believed he was a victim.
- MPD/Powell stated GBPD/Mahoney made a comment "Big bad Minneapolis cops and little old Green Bay", to which MPD/Powell stated it had nothing to do with that. He identified GBPD/Allen in the video and then said he looked at him and said "I used to work here" and "I use to take calls with you." MPD/Powell then said his last parting words, as he was walking out the door were "Andy" as he looked at GBPD/Opperman and "Nate" as he looked at GBPD/Allen.
- When asked what his expectations regarding the outcome of going to the GBPD lobby would be, MPD/Powell stated it was to have...to be placed in a report as a victim in case something like this happened.

- When asked regarding GBPD/Mahoney's report that stated he (MPD/Powell) continued to claim he was a victim, but didn't want anything done, MPD/Powell said that was not an accurate statement. MPD/Powell stated GBPD/Mahoney also said that on video at the scene, but remembers telling him he wanted a report, and that he wanted somebody to arrest the suspects, but that particular statement of what he was saying is not on video.
- When asked about his comment regarding that he wasn't there (in the GBPD lobby) to get any cops in trouble and not wanting this to go to IA, MPD/Powell explained that he felt he was a victim and they (GBPD) didn't do their job...not because of any preferential treatment or because he was a cop, he (MPD/Powell) was there as a victim to get a service. He stated he didn't want any of their officers to go to their IA and added that he wasn't in there saying "Hey, keep this hush-hush...I don't want you to call my department."
- When asked what his response to GBPD/Mahoney accusing him of using the "N" word at the scene, and that may have caused the disturbance, MPD/Powell stated he responded to GBPD/Mahoney, "So what if I used the "N" word", because that is what he (MPD/Powell) had said.
- In regards to MPD/Thole's reaction to GBPD/Mahoney's accusation of using the "N" word at the scene, MPD/Powell stated MPD/Thole made a comment with regards it's his Constitutional Right/freedom of speech. MPD/Powell stated they (GBPD Lt's.) told him "not when it causes a disturbance."
- MPD/Powell stated that he did nothing to cause the disturbance. What he had said, was after the disturbance was done. The disorderly disturbance investigation that happened at the scene was done and completed. MPD/Powell stated that all the officers and the lieutenant decided there wasn't enough PC to make an arrest on him and he was free to go. The comment he made (use of the "N" word) was nowhere in close relation to the time of the disturbance and when he actually said it and made no impact on starting, prolonging or reigniting the disturbance.
- MPD/Powell stated after he left the GBPD lobby, he and MPD/Thole went back to the hotel. It was at that time MPD/Thole told him he (MPD/Powell)

had a black eye. MPD/Powell stated you can see the black eye in the injury photographs he provided at his arrival to his interview.

- MPD/Powell stated he went and looked in the mirror and noticed his eyes were messed up, that one pupil was smaller than the other. He stated from his medical training experience, that this was a sign of a concussion. [REDACTED]

13.43 - Personnel Data

[REDACTED] He also noticed at that time the cut on his chest, the scar in his mouth, and the whole left side of his face was starting to swell, causing pain and a headache. He stated he could tell he was hit hard.

- MPD/Powell stated that the following day, 13.43 - Personnel Data he did talk to GBPD/Allen. He said he apologized to GBPD/Allen for what happened last night, to tell the other GBPD officers he wasn't trying to be difficult to them or disrespectful to them. He said he reiterated to GBPD/Allen that he was the victim; that he wanted a report taken, nobody took it, and the suspects got away.
- MPD/Powell stated he also contacted GBPD/Richgels post incident, via a text message, apologizing to him for what had happened. GBPD/Richgels replied to MPD/Powell via text, stating something to the effect of "Don't worry...let's just put it all in the past...behind us now...what is done is done...hopefully it goes no further."
- MPD/Powell stated GBPD/Richgels texted him "I can't believe you went back to the station", to which MPD/Powell told him that GBPD/Opperman told him to come to the station. MPD/Powell clarified that any time he went to Green Bay, he'd always contact GBPD/Richgels to see if he could meet up with him and/or GBPD/Allen when he was in town. MPD/Powell considered GBPD/Richgels and GBPD/Allen his closest friends on the department when he used to work there.
- MPD/Powell stated he was intending to stay the entire weekend, but decided not to stay any longer because of what had happened. He and MPD/Thole then rode their motorcycles back to the Twin Cities.

- At the conclusion of the interview, MPD/Powell asked to make a statement for the record. The following is a copy of the transcribed statement from his interview:

*"I...I just want to state and reiterate, uh, for the record - That my intent to go to Green Bay, uh, was a memorial run **13.43** My intent on contacting my friends on the Police Department before going down there, it wasn't for any preferential treatment - it was to go down there, because that's custom...that's what I do, especially Lt. Richgels, I let him know when I'm coming to town so I can see him and...and hopefully, you know, catch up with him because I consider him a friend - a true friend.*

Umm...I...I wasn't there to cause a disturbance, I wasn't there to fight anybody, I wasn't there to, umm...My interaction, what happened, and my interaction with the police officers that day, I wasn't trying to cause a disturbance, I wasn't not listening to them because I wanted to - there was an urgency there. I was just trying to get it across and justify and show them that I was a crime victim and I wanted them to get the suspects before they got away.

That was my intent on going down there when Lt. Opperman invited me down to the Police Station to talk with me. And during my whole contact, the whole entire time with the...the officers on the scene and at the Green Bay Police Department, I didn't get any of that - none of my point got across, I was actually looked at as a suspect, when that wasn't the case. Umm...I just want to reiterate that.

Uhh...And there's a couple of other things I want to say. This is my first chance to actually even go on the record and actually apologize. I apologize to, you know, the Chief, our Chief, for my actions that night. It could have been different, it should have been different, but what is done is done. Umm...That is not an accurate depiction of who I am as a person. Umm...It's not in my character to go around saying things like that, just to say them. Umm...It's not my character go to out and get in fights and I didn't get in fights this time. It's also not in my character to place myself in a situation where I'm gonna be a victim of a crime.

Umm...You know, I wanted to sit down with the Chief, apologize to the Chief of Police here. I also want to apologize to the Chief of Police in Green Bay. Umm...And also the police officers on the scene that night – in which I did, I thought I portrayed that a little bit, umm, on the phone conversation with Officer Allen the next day. And, uh, also, I did think about what this brought on our Department and everybody else, including the two gentlemen sitting here that wear this uniform and, uh, what I brought on that patch to everybody else. That's my apologies. Umm...And I never wanted anything...this happen, I didn't want it to come out like this.

Umm...That being said, umm, I also want to make it a point that I've had a...a great career here in...in the Minneapolis Police Department my short seven years. If you look in my file, I've done a lot of good things for the citizens and the City and the Department as a whole here. There is not one disciplinary thing in my file, umm, that I recall. Umm...But what I do recall - I know there is a number of awards and a number of awards in my file, and there is also awards that I've been put in for that haven't been approved, to the fact that, you know, it didn't meet the standards, but still - a letter went in my file. Umm...This is one mark, and one isolated incident, you know, and I...I have...I have a lot of good things that I've done as well.

The last thing is, I...I took it upon myself, nobody told me to, I didn't have to, umm, to get myself some remedial training, because clearly I said something that I didn't mean and I'm sorry for. I went on the internet and I found a company who does online diversity coaching. Umm...I signed up for it for myself, I am currently taking that course. It's a four hour course. To you, it may sound short or small, umm, but I did pay out of my own pocket for it. Umm...I'm not looking for any free training. Umm...To understand, you know, what my impact is and what...what my words, how they mean, you know, what my impact of my words are – that's better put. Umm...So I am taking a diversity coaching course, umm, and it's at my own speed and I'm taking it and it...it should be completed here fairly quickly and I just wanted that to be on the record – that, umm, nobody told me to do that, I took my own time, money, to

do this. Umm...And it's what...what I can afford. It's an expensive course, umm, that doesn't mean anything. But I'm taking the remedial training and I noticed, I...I found a shortcoming, dealt with it, dealing with it head-on, and I'm doing what I...what I know is best to fix that discrepancy or that deficiency that I have. And this won't happen again."

SUMMARY OF ALLEGATIONS

Allegation # 1: It is alleged that on 06/29/2013, between 0117 and 0153 hours, MPD/Powell was involved in a disorderly conduct incident at the intersection of S. Washington St./Doty St in Green Bay, WI. While having contact with several uniformed Green Bay Police Department officers, MPD/Powell verbally identified himself as a police officer, a Minneapolis police officer, and a Minneapolis SWAT officer, in an attempt to use his position to solicit privilege and/or special treatment regarding his involvement in an alleged disorderly conduct incident.

Allegation # 2: It is alleged that on 06/29/2013, between 0223 and 0323 hours, MPD/Powell was involved in an incident inside the GBPD lobby, where several uniformed GBPD officers and lieutenants described his physical behavior as animated, agitated and upset, to the point that GBPD Officer Nate Allen (former colleague and friend of MPD/Powell) believed a physical altercation was going to occur between MPD/Powell and GBPD Lieutenant Opperman.

If either of these allegations is found to be true, it would violate the following:

5-102 Code of Ethics: All sworn members of the department shall conduct themselves in a professional and ethical manner at all times and not engage in any 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.

Investigative Facts

- On Friday, 06/28/2013, MPD/Powell traveled to Green Bay, WI on a memorial motorcycle ride [REDACTED] **13.43 - Personnel Data**
[REDACTED] MPD/Powell traveled to Green Bay, WI, with his friend and current police partner, MPD/Thole. He arrived in Green Bay at approximately 6:00 PM, checked in to St. Brendan's Inn, then had dinner and drinks [REDACTED] **13.43** and MPD/Thole.
- MPD/Powell then went into downtown Green Bay and at approximately 10:00 PM, he initiated contact with a marked GBPD patrol car manned by GBPD Officer Thomas Denney. MPD/Powell identified himself to GBPD/Denney, telling him he was a former GBPD officer and a current MPD officer. MPD/Powell asked GBPD/Denney for a ride to the Sardine Can Bar, to which GBPD/Denney declined. MPD/Powell then took a cab to the bar.
- Several hours later, beginning at 0117 hours on 06/29/2013, MPD/Powell was involved in a disorderly conduct disturbance with several black males, who stated that the altercation with MPD/Powell occurred as a result of the "N" word being said to them, either by MPD/Powell or Thole, as they passed each other. GBPD Officers arrived on scene and shortly thereafter, requested backup due to MPD/Powell's uncooperative behavior and agitated demeanor. During his contact with GBPD officers, MPD/Powell identified himself as a former Green Bay Police Officer and current Minneapolis Police Officer.
- MPD/Powell did not recognize the voice on the GBPD/Czarnecki squad video as his stating "they should not have run fucking names" and he did not remember saying that. He did state he knew GBPD/Knetzger who was on scene, and stated because he used to work with him, that they (GBPD) didn't have to run his name because they knew who he was.
- Several GBPD Officers and Lieutenants, in their Q & A statements, did believe MPD/Powell had identified himself as a Minneapolis Police Officer/SWAT Team member in an attempt to use his position to solicit privilege/special

treatment regarding his involvement in the alleged disorderly conduct incident.

- Former colleague and friend of MPD/Powell, GBPD Lt. Gary Richgels, stated that in his experience, people who identify themselves as officers, or give their profession, are trying to, or expect some type of professional courtesy – either extra service or to look the other way.
- MPD/Powell stated there was no intention for him to receive any preferential treatment when he identified himself as a Minneapolis Police Officer and telling GBPD officers that he used to work for them (GBPD).
- Approximately one half hour later, when inside the GBPD lobby, several uniformed GBPD officers and lieutenants described MPD/Powell's physical behavior as animated, agitated and upset. GBPD/Officer Nate Allen (former colleague and friend of MPD/Powell), while inside the GBPD lobby, observing MPD/Powell exchanging words with GBPD/Opperman, believed a physical altercation was going to occur between MPD/Powell and GBPD/Opperman.
- MPD/Powell stated during his exchange of words with GBPD/Opperman and Mahoney in the lobby, he was upset that he had been assaulted, wasn't listened to on the scene, and that no GBPD officers went after the suspects. He stated at no time did he ever think of assaulting GBPD/Opperman.

Allegation # 3: It is alleged that on 06/29/2013, between 0117 and 0153 hours, MPD/Powell was involved in a disorderly conduct incident at the intersection of S. Washington St./Doty St in Green Bay, WI. During GBPD's initial on-scene response, GBPD officers attempted to deescalate and separate MPD/Powell from the other suspected involved parties. MPD/Powell failed to initially comply with the directives given to him by the GBPD officers, prolonging the on-scene disturbance and initial investigation.

Allegation # 4: It is alleged that on 06/29/2013, between 0117 and 0153 hours, MPD/Powell was involved in a disorderly conduct incident at the intersection of S. Washington St./Doty St in Green Bay, WI. Several GBPD officers and a lieutenant described MPD/Powell as being animated/upset that he was being identified for a police report and stated that MPD/Powell was accusatory of GBPD taking sides in the initial investigation. MPD/Powell told GBPD officers that he found it “unbelievable” that he was being looked at as a suspect.

If either of these allegations is found to be true, it would violate the following:

5-105.4 Professional Code of Conduct: *Employees shall not interfere with any criminal investigation being conducted by any other law enforcement agency.*

Investigative Facts

- On Friday, 06/28/2013, MPD/Powell traveled to Green Bay, WI on a memorial motorcycle ride [REDACTED] **13.43 - Personnel Data** [REDACTED]. MPD/Powell traveled to Green Bay, WI, with his friend and current police partner, MPD/Thole. He arrived in Green Bay at approximately 6:00 PM, checked in to St. Brendan’s Inn, then had dinner and drinks with [REDACTED] and MPD/Thole.
- Several hours later, beginning at 0117 hours on 06/29/2013, MPD/Powell was involved in a disorderly conduct disturbance with several black males, who stated that the altercation with MPD/Powell occurred as a result of the “N” word being said to them, either by MPD/Powell or Thole, as they passed each other. GBPD Officers arrived on scene and shortly thereafter, requested backup due to MPD/Powell’s uncooperative behavior and agitated demeanor.
- During GBPD’s initial on-scene response, GBPD Officers attempted to deescalate and separate MPD/Powell from the other suspected involved parties. MPD/Powell failed to initially comply with the directives given to

him by GBPD/Denney, prolonging the on-scene disturbance and initial investigation.

- MPD/Powell stated he was not attempting to cause a disturbance or be disorderly in any way. He stated his response to GBPD/Denney was to reiterate that they (2 black males) didn't know what was going on, and that there was a sense of urgency, because he believed the suspects were getting away. He believed GBPD was talking to the wrong people and should have been going down the street after the suspects.
- MPD/Powell stated he was not trying to give GBPD/Denney a hard time, that he was just trying to get the point across to GBPD/Denney that the suspects were leaving the scene and that there was a sense of urgency to deal with that part of the call/situation, instead of being overly concerned for him needing to be on the other side of the street.
- MPD/Powell stated he could relate to GBPD/Denney having an immediate concern in regards to him not cooperating or following his orders.
- Several GBPD officers and a lieutenant described MPD/Powell as being animated and upset because he was being identified for a police report and stated that MPD/Powell was accusatory of GBPD taking sides in the initial investigation. MPD/Powell stated he didn't believe GBPD was taking sides, but was concerned that there was no GBPD officer actively attempting to go after the suspects who had just assaulted him.
- MPD/Powell can be heard on video telling GBPD officers that he found it "unbelievable" that he was being looked at as a suspect. MPD/Powell's explanation of his "unbelievable" comment was in reference that he was being treated as a suspect, and that nobody during the entire incident listened to him or acted on what he had told them happened.
- Contrary to MPD/Powell's claim, GBPD did do an on scene investigation, talking to Civilian/Higgs and Civilian/Garth, who both intervened in the altercation, attempting to break it up, and it was determined the other

parties involved in the disturbance had left the scene, including a potential victim (Civilian/Michael Hill) who had been punched by MPD/Thole.

Allegation # 5: It is alleged that on 06/29/2013, between 0117 and 0153 hours, MPD/Powell was involved in a disorderly conduct incident at the intersection of S. Washington St./Doty St in Green Bay, WI. As a result of his involvement, MPD/Powell was listed as a "suspect" in GBPD Report #13-208448.

If this allegation is found to be true, it would violate the following:

5-105.7 Professional Code of Conduct: *Any employee notified they are being investigated for a criminal offense, shall immediately notify their chain of command and Internal Affairs or an on-duty supervisor, who will notify the Internal Affairs Unit. Required information is the allegation, date, time and jurisdiction of alleged occurrence, and any special or relevant factors.*

Investigative Facts

- On Friday, 06/28/2013, MPD/Powell traveled to Green Bay, WI on a memorial motorcycle ride [REDACTED] 13.43. MPD/Powell traveled to Green Bay, WI, with his friend and current police partner, MPD/Thole. He arrived in Green Bay at approximately 6:00 PM, checked in to St. Brendan's Inn, then had dinner and drinks with [REDACTED] and MPD/Thole.
- Several hours later, beginning at 0117 hours on 06/29/2013, MPD/Powell was involved in a disorderly conduct disturbance with several black males, who stated that the altercation with MPD/Powell occurred as a result of the "N" word being said to them, either by MPD/Powell or Thole, as they passed each other. GBPD Officers arrived on scene and shortly thereafter, requested backup due to MPD/Powell's uncooperative behavior and agitated demeanor.

- As a result of MPD/Thole's admittance that he had punched an unknown black male victim, who had since fled the scene, coupled with the agitated demeanor and uncooperative behavior of MPD/Powell and Thole, GBPD generated Incident #13-039973 and Report #13-208448, listing MPD/Powell as a suspect in the report.
- MPD/Powell stated that he did not know a report was even done or completed, and stated he never knew he was even considered a suspect at all during the incident until he received his Accused Officer Notification Letter.
- MPD/Powell stated nobody told him he was a suspect, nor informed him he was being investigated for a crime. He stated he kept saying he was the victim of an assault and didn't believe at any time that he committed a crime.
- MPD/Powell did, at the onset of the investigation, shortly after he was relieved of duty, asked this investigator if the investigation was criminal in nature. At the time MPD/Powell asked, there was not enough information to determine if a crime had been committed or not. GBPD did not file any criminal charges against MPD/Powell with his involvement in the disorderly conduct incident.

Allegation # 6: It is alleged that on 06/29/2013, between 0117 and 0153 hours, MPD/Powell was involved in a disorderly conduct incident at the intersection of S. Washington St./Doty St in Green Bay, WI. During said incident with GBPD police contact, MPD/Powell made the following comments and/or actions towards the GBPD and/or GBPD officers:

- ♦ "...you guys are a fucking joke...you know who we are, right?...you guys are all fucking jokes"
- ♦ "...I told you they wouldn't fucking do anything...they don't know what the fuck they're doing..."
- ♦ "...these new cops don't know what to do"
- ♦ "...you let the fuckers go and you are harassing us when we are the victims"

- ♦ MPD/Powell told a GBPD uniformed officer to “fuck off”
- ♦ MPD/Powell gave the “finger” to a GBPD uniformed officer in a marked squad

If this allegation is found to be true, it would violate the following:

5-105.14 Professional Code of Conduct: *Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence.*

Investigative Facts

- On Friday, 06/28/2013, MPD/Powell traveled to Green Bay, WI on a memorial motorcycle ride **13.43 - Personnel Data**. MPD/Powell traveled to Green Bay, WI, with his friend and current police partner, MPD/Thole. He arrived in Green Bay at approximately 6:00 PM, checked in to St. Brendan’s Inn, then had dinner and drinks with [REDACTED] and MPD/Thole.
- Several hours later, beginning at 0117 hours on 06/29/2013, MPD/Powell was involved in a disorderly conduct disturbance with several black males, who stated that the altercation with MPD/Powell occurred as a result of the “N” word being said to them, either by MPD/Powell or Thole, as they passed each other. GBPD Officers arrived on scene and shortly thereafter, requested backup due to MPD/Powell’s uncooperative behavior and agitated demeanor.
- MPD/Powell identified himself as the one making the alleged comments aforementioned. He stated the comments made were in regards that GBPD was not going to do anything, even though he and MPD/Thole gave repeated descriptions of the suspects and where they were running. MPD/Powell recalled 10 GBPD officers on scene, but said not one of them went down the street to further investigate and attempt to find the suspects.
- On GBPD/Denney’s squad audio, GBPD/Denney can be heard asking other GBPD officers, “Where’s the guy in the white clown glasses.” Another

unknown voice/GBPD officer can also be heard asking the question if they saw someone in white clown square glasses.

- GBPD did do an on scene investigation, talking to Civilian/Higgs and Civilian/Garth, who both intervened in the altercation, attempting to break it up, and it was determined the other parties involved in the disturbance had left the scene, including a potential victim (Civilian/Michael Hill) who had been punched by MPD/Thole.
- GBPD/Meisner stated in his report that MPD/Powell told him to "fuck off." MPD/Powell denied that he told a GBPD uniformed officer to "fuck off" and stated he did not hear anyone else make that comment to a GBPD uniformed officer.
- MPD/Powell admitted "flipping off" GBPD/Knutson as he drove by in a marked squad, stating he was still angry at that point about the whole thing that had transpired.

Allegation # 7: It is alleged that on 06/29/2013, about one hour prior to MPD/Powell's involvement in a disorderly conduct incident at the intersection of S. Washington St./Doty St in Green Bay, WI, MPD/Powell met with former GBPD colleague Officer Nate Allen outside the Sardine Can Bar. During his conversation with GBPD/Allen, MPD/Powell is alleged to have used the term "nigger" in a reference to African/Americans.

Allegation # 8: It is alleged that on 06/29/2013, between 0117 and 0153 hours, MPD/Powell was involved in a disorderly conduct incident at the intersection of S. Washington St./Doty St in Green Bay, WI. During said incident, GBPD/Denney stated he heard MPD/Powell say the word "nigger" in the context of a sentence after MPD/Powell had been given a directive to go to the other side of the street and out of the intersection.

If either of these allegations is found to be true, it would violate the following:

5-105.15 Professional Code of Conduct: *Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.*

Investigative Facts

- On Friday, 06/28/2013, MPD/Powell traveled to Green Bay, WI on a memorial motorcycle ride [REDACTED] **13.43 - Personnel Data** [REDACTED]. MPD/Powell traveled to Green Bay, WI, with his friend and current police partner, MPD/Thole. He arrived in Green Bay at approximately 6:00 PM, checked in to St. Brendan's Inn, then had dinner and drinks with [REDACTED] and MPD/Thole.
- MPD/Powell then went into downtown Green Bay and at approximately midnight, outside the Sardine Can Bar, met with former colleague and friend, GBPD/Allen, who was working on-duty. MPD/Powell stated he had "small talk" with GBPD/Allen, but stated "no, not to my recollection, I did not", when asked if he ever used the term "nigger" in any conversation or comment while with GBPD/Allen.
- Beginning at 0117 hours on 06/29/2013, MPD/Powell was involved in a disorderly conduct disturbance with several black males, who stated that the altercation with MPD/Powell occurred as a result of the "N" word being said to them, either by MPD/Powell or Thole, as they passed each other. GBPD Officers arrived on scene and shortly thereafter, requested backup due to MPD/Powell's uncooperative behavior and agitated demeanor.
- On GBPD/Denney's squad audio, a voice off camera left states "(inaudible)... nigger friends(ly)...(inaudible)." GBPD/Denney immediately replies "What'd

you say...come here and talk to me...the only reason I'm ask..." Some inaudible arguing then takes place. GBPD/Denney stated he heard MPD/Powell say the word "nigger" in the context of a sentence.

- MPD/Powell stated he heard and interpreted on the GBPD/Denney squad video, the "N" word being used. He acknowledged it was his voice that could be heard and he admitted to saying the "N" word. He stated he used it in a sentence and does remember saying it. He said he was heated, still angry, and mad after being assaulted and no GBPD officer doing anything in regards to him being assaulted.

Allegation # 9: It is alleged that MPD/Powell was involved in a disorderly conduct disturbance on 06/29/2013, between 0117 and 0153 hours, at the intersection of S. Washington St./Doty St., in Green Bay, WI. During contact with uniformed officers of the Green Bay Police Department prior to, during, and after the disorderly conduct disturbance, MPD/Powell is alleged to have committed the aforementioned allegations 1 thru 8, which are all applicable violations under the MN Law Enforcement Code of Ethics.

If this allegation is found to be true, it would violate the following:

5-102.01 Minnesota Law Enforcement Code of Ethics: *A MN Law Enforcement Officer will keep their private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and...will be exemplary in obeying the laws of the land and the regulations of their department.*

Investigative Facts

- See the above investigative facts in allegations 1 thru 8, as all applicable violations under the alleged above referenced policy/procedure violations are all applicable violations under the MN Law Enforcement Code of Ethics.

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sgt. Thomas Schmid".

Sgt. Thomas Schmid
Internal Affairs Unit



Minneapolis
City of Lakes

July 23, 2014

**Department of
Human Resources**

250 South 4th Street - Room 100
Minneapolis MN 55415-1384

Office 612 673-2282
Fax 612 673-2508
Job Hotline 612 673-2489
TTY 612 673-2157

Mr. Shawn Powell

[REDACTED]

Ms. Trina Chernos
Assistant City Attorney
350 South 5th Street, Room 210
Minneapolis, MN 55402

**RE: RECOMMENDATION FOR DISCHARGE
SHAWN POWELL
POLICE OFFICER
MINNEAPOLIS POLICE DEPARTMENT**

On July 22, 2014 the Civil Service Commission heard oral arguments regarding the Recommendation for Discharge of Shawn Powell from his position of Police Officer with the Minneapolis Police Department.

The Civil Service Commission has reached a decision in this matter, which is enclosed.

Sincerely,

Darcie Bisset
Staff Support
Civil Service Commission

Attachment

cc: Civil Service Commission
Chief Janee Harteau
Destiny Xiong, HR Generalist

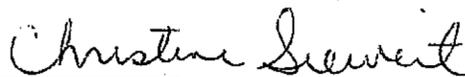
CIVIL SERVICE COMMISSION
for the
City of Minneapolis
ORDER

In Re: the Recommendation for Discharge of
SHAWN POWELL
POLICE OFFICER
Minneapolis Police Department

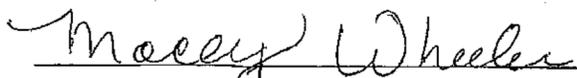
IT IS HEREBY ORDERED THAT:

The Civil Service Commission for the City of Minneapolis adopts the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Officer as its own, thereby affirming the discharge of *SHAWN POWELL* from his position as Police Officer with the Minneapolis Police Department.

DATED: July 22, 2014



CHRISTINE SIEWERT
Civil Service Commissioner



MACEY WHEELER
Civil Service Commissioner