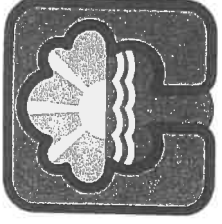


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17-2



Chaska Police Department

address all correspondence to
SCOTT M. KNIGHT
Chief of Police

2 April 2018

Mr. Noah McCourt
33 West Lake Street - #404
Waconia, MN 55387

RE Citizen Complaint; 23 March 2018

Mr. McCourt:

Your recent complaint asserts two concerns stemming from your 6 October 2017 arrest:

- Jurisdictional Venue
- Police Use-of-Force

Regarding:

Jurisdictional Venue:
Matter for the Court

Use-of-Force:

Your assertions were thoroughly investigated by an outside/independent police agency (Eden Prairie Police Department.) Their investigation was completed and tendered to me on 19 January 2018. You were given notice that their findings exonerated the CPD officers involved; finding your allegations to be false.

Our stated/published policy advises complainant's who do not agree with the disposition of their complaint:

"Within fifteen days of notification of the disposition, with good cause, the complainant may request the Chief to reopen the investigation."

You made no such request.

Accordingly, these assertions are ~~undeserving~~ of further examination.


Scott M. Knight
Chief of Police

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Chaska
Police Department

**STATE OF MINNESOTA
COUNTY OF CARVER
BEFORE THE OFFICE OF THE CHASKA CHIEF OF POLICE**

address all correspondence to
SCOTT M. KNIGHT
Chief of Police

In the matter of the alleged misconduct regarding:

- Sergeant Mike Duzan
- Officer Joe Kavlie
- Officer Martin Godinez

| | |
|---------------------------|--------------------------------|
| Complainant: Noah McCourt | Control Number: 17-2 |
| 33 West Lake Street #404 | Date Occurred: 6 October 2017 |
| Waconia, MN 55387 | Date received: 30 October 2017 |

Alleged Misconduct:

Complainant was, on 6 October 2017, the principle subject of a “Welfare Check/Suicidal Male” call. He was located and ultimately taken into custody. He alleges the following:

- Officers did not have probable cause or exigent circumstances required to stop him.
- Officers did not ask him how they could help him.
- Officers “never” told him to “stop” or “put your hands on your head”.
- Officers grabbed him by the arms and tackled him to the ground.
- Officers failed to provide him with medical care.
- Officers falsely reported him as being intoxicated.
- Officers caused him to lose a tooth; e.g. “knocked out a tooth”.

These seven points of concern are encapsulated in an assertion that officers had no legal foundation on which to approach/inquire of him, performed faulty arrest procedures, used unnecessary/unauthorized use of force; said force causing demonstrable injury, and found fault with Chaska Police Department policy and training.

Complainant was advised by the Chaska Chief of Police, on 1 November 2017, that “in the interest of avoiding any perceived conflict, and providing transparency, the investigation [of his complaint] will be conducted by the Eden Prairie Police Department”.

The Eden Prairie investigator – Lt. Bill Wyffels – conducted the investigation and tendered his report and findings to Chief Knight on 19 January 2018.

FINDINGS OF FACT

- All named officers were on duty on 6 October 2017.
- Officers received a call regarding a suicidal male.
- Officers, upon arriving at the call location, were told that the male – complainant – had fled on foot and was intoxicated.
- Officers located complainant near the Minnesota River.
- Complainant refused to dialog with officers; only stating “get away or I’ll make you shoot me”.
- Complainant was immediately combative.
- Complainant was taken into custody.
- The allegations made by the complainant were thoroughly investigated.
- Evidence gathered consisted of Complainant’s Citizen Complaint, witness interviews, complainant’s interview(s), Chaska Police Department reports, Carver County Sheriff’s Office reports, video and audio recording of the events, complainant’s social media/Facebook/Twitter postings, and the criminal complainant. In addition, the following Chaska Police Department General Orders were reviewed and examined:
 - CPD General Order 13 – Subject Resistance/Use of Force
 - CPD Subject Resistance Force Continuum
 - CPD General Order 38 – Community Relations

CONCLUSION

Eden Prairie Police Lieutenant Wyffels determined:

“ ... based on the listed facts, the evidence does not support any of Noah McCourt’s complaints ... ”

DISCIPLINARY ACTION

All Chaska Police Department officers named -- Duzan/Kavlie/Godinez -- are **EXONERATED**. No disciplinary action is warranted.



Scott M. Knight
Chief of Police

19 JAN 2018

Date

