



September 8, 2014

Office of  
Police Conduct Review

Velma J. Korbelt  
Director

Department of Civil Rights

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Officer John Haugland  
4<sup>th</sup> Precinct **13.43**  
Minneapolis Police Department

RE: OPCR Case Number 14-04997  
CAPRS CCN #14-044893

**NOTIFICATION LETTER**

Officer Haugland:

You are being investigated for an alleged violation of the City of Minneapolis Police Department Policy and Procedures. The specific policy(s) are:

MPD Policy & Procedure § 5 – 301.1 Use of Force Policy

*Summary of allegations: It is alleged that on 02/11/2014 at approximately 02:16 hours, the Complainant was a passenger in a motor vehicle involved in a FLEE. When the vehicle came to a stop, the Complainant exited the vehicle and lay down on the ground with his arms outstretched. Complainant claims that he lay on the ground right away and then Officers jumped on him. Complainant alleges that the Officers' conduct resulted in a broken arm, cut to his lip and face, and an injury to his back. Complainant claims he did not fight back or try to get away.*

Pursuant to the Minneapolis Police Department's Discipline Process, the above allegation, if true, constitutes a Category A-D violation. However, be advised that the violation categories and the above listed charges may be amended or changed at any time during the investigation.

According to Workforce Director you are scheduled to work:  
**Tuesday, 09/23/2014, 2015-0615 hours**

Your appointment to provide a statement to the Office of Police Conduct Review has been scheduled for **09/23/2014 at 20:45 hours at the Office of Civil Rights, Room 239 in City Hall**. It is your responsibility to arrange for a Federation and/or legal representative if you wish to have one accompany you to the interview. If you have a conflict you must contact me by **09/22/2014** to discuss an alternate date. I can be contacted by e-mail at [stephen.mckean@minneapolismn.gov](mailto:stephen.mckean@minneapolismn.gov) or phone at **612-673-5505** between the hours of 9:00 am and 5:00 pm, Monday through Friday. Failure to show for your scheduled interview or to request alternate dates by the time directed will result in additional charges.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/federation representative. You are entitled to be represented at this interview by a union/federation representative or an attorney.

Sincerely,

A handwritten signature in black ink that reads "Stephen J. McKean". The signature is written in a cursive style with a large, stylized 'S' and 'M'.

Stephen J McKean, CPO  
Investigator  
Office of Police Conduct Review

# Office of Police Conduct Review

## Data Practices Advisory

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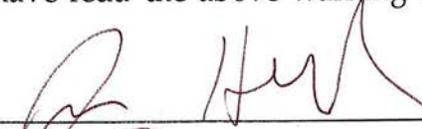
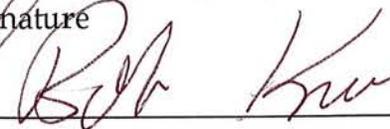
### Internal Investigation Warning for Employees under Investigation (Tennessee Warning)

You are being questioned as part of an official internal investigation into a complaint of misconduct. The information you provide will be used in a fact-finding process, as part of the total evidence, to determine if such misconduct occurred and for assessing whether disciplinary action should be taken. Any admissions that you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline. The information you supply may also be used in a grievance hearing, arbitration, or other appeal procedure. The following individuals and entities may have access to the information you provide:

- The subject of the data, which includes you, but may include someone else.
- Employees and officials of the City of Minneapolis whose work assignments reasonably require access to the information.
- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis if such information is related to a matter upon which the City seeks legal advice.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

Failure to provide the information requested means that the internal investigation must be concluded based upon all evidence and testimony received by the investigator(s) without your statement.

I have read the above warning or have had it read to me.

	5/19/15	1110
Signature	Date/Time	
	5/19/15	1110
Witness	Date/Time	

**STATEMENT OF Officer John Haugland**

**PLACE:** Minneapolis Department of Civil Rights, Office of Police Conduct Review – Room 239

**DATE:** September 24, 2014

**TIME:** 8:58 p.m.

5 **CASE NO:** 14-04997

**INVESTIGATOR:** Stephen McKean

**ALSO PRESENT:** Lieutenant Robert Kroll, Minneapolis Police Federation

10 Q. Officer, if you would state your full name please?

A. John Cameron Haugland.

Q. And what is your present rank and work assignment?

A. Patrol Officer in 4<sup>th</sup> Precinct Dogwatch.

15 Q. And what is your employee number and date of appointment?

A. My employee number is 2813. My date of employment was November of 2002.

20 Q. All right. You are being ordered to give a statement regarding matters pertaining to the scope of your employment or fitness for duty. It is a compelled statement pursuant to MPD Policy and Procedure. Under the Garrity Decision, any statement you provide in this investigation cannot be used in criminal proceedings against you except in cases of alleged perjury. Do you understand this warning?

A. Yes.

25 Q. And I'm advising you that should any of your answers in this statement be found to be untruthful, departmental disciplinary proceedings will be taken against you. Do you understand this?

A. Yes.

30 Q. Is it correct that you have read, understood and signed the Data Practice Advisory, otherwise known as the Tennessen Warning?

A. Yes.

35 Q. And have you been informed that the purpose of this statement relates to an OPCR investigation and specifically an administrative review that is being conducted and that you have been accused of violating Minneapolis Police Department Policy and Procedure Section 5-301.1, the use of force policy?

A. Yes.

40 Q. And that the allegations occurred on February 11<sup>th</sup>, 2014 at approximately 0216 hours at the eastbound 394, ah, east of Penn Avenue?

A. Yes.

45 Q. And that you're being called to explain the circumstances regarding this event?

A. Yes.

Q. All right. So, on the, February 11<sup>th</sup>, 2014, ah, at approximately 2:16 a.m., were you, in fact, on duty?

A. Yes.

50 Q. And who's your partner?

A. Officer Carlson.

Q. Okay. And were you the driver or the passenger officer?

A. Hmmm, I believe I was driving.

Q. Okay. And, at that time, did you and your partner become involved in a motor vehicle flee?

A. Yes.

55 Q. And, um, where did, ah, the, ah, pursuit conclude? Where did it stop?

A. Um, 394 just east of the Penn Ave, ah, just east of Penn Avenue on the ent...just east of the entrance

ramp.

Q. Okay. And, ah, how far back do you believe you were at the time that the fleeing vehicle came to a stop?

A. Probably 30 to 35 yards.

5

Q. Okay. And, um, could you see what caused the vehicle to stop?

A. No.

Q. Okay. And, when um, do you remember where you, recall where you positioned your, your, ah, squad car?

10 A. Behind two cars that were ahead of us.

Q. Okay. And, what would, what did you do, ah, when, when, ah, you came to a stop?

A. Exited the squad and moved up towards the other squads ahead of us.

15

Q. Okay. And, where did you...where did you go in relationship to the driver's side or the passenger's side?

A. Ah, approached on the driver's side of the vehicle.

Q. Okay. Now, did you see, um, any occupants of the vehicle as they were exiting?

A. I saw the driver exit as the vehicle, as I was running up from the vehicle.

20

Q. Okay. And what did he do?

A. Ah...

Q. What did the driver do?

25

A. Jumped out of the vehicle.

Q. Okay. Ah, anything else that he did specific?

A. No. I just saw him jump out of the vehicle.

30

Q. Okay. Did you see him lay down? Did you see him run or do anything of that sort?

A. Well, he jumped out of the car and was on the ground.

Q. Okay. All right. Now, did, did you see the passenger at, at any time as he was exiting the car?

A. Ah, I saw him after I was, ah, after the driver was bein' taken into custody.

35

Q. Okay. So, the first time you saw him was after the driver was already in custody?

A. Yes.

Q. Okay. So, did you assist in taking the driver into custody?

40

A. I provided cover in the car as other officers took him into custody.

Q. Okay. And, um, once he was in custody, what did, what did you do then?

A. I turned around and saw my partner and another officer attempting to secure another male in handcuffs.

45

Q. Okay. And where was that individual in relationship to the flee vehicle?

A. Ah, he was on the ground on the right side, right rear side of the fleeing vehicle.

Q. Okay. And when you saw him first, can you explain or describe, ah, what you saw him doing, if anything?

50

A. I saw him physically rolling around on the ground with my partner and the other officer as they were trying to put him in handcuffs.

Q. Okay. Did, um, was anybody saying anything to this individual at that time?

A. As I approached, they were givin' him commands to put his hands behind his back and to quit resisting.

55

Q. Okay. Was he saying anything?

A. He was just yelling. He wasn't saying anything specific.

Q. Okay. All right. And, um, what, what did you do, if anything, um, after you made these observations?

5 A. I went over there and, ah, placed my knee on his upper torso to help keep his body on the ground so he could be secured in handcuffs.

Q. Okay. And other than that, did you grab an arm or anything of this sort to assist in placing him in handcuffs?

A. I, ah, grabbed one of his arms so he could be totally secured in handcuffs.

10 Q. Okay. Do you remember which arm that you grabbed?

A. I don't remember specifically which arm I grabbed.

Q. Okay. All right. So, just to back up a little here. The first time you saw him he was already on the ground so you didn't see how he got on the ground?

15 A. Yes. The first time I saw him was when my partner was attempting to secure him in handcuffs.

Q. Okay. Okay. So, could you explain or describe the, what, what ah, your partner was doing at that time?

20 A. Well, initially when I first saw him, he was trying to grab arms and then the male on the ground thrusts his weight off and caused my partner to go off balance and that, at that time, that's when I started making my way over to help secure him.

Q. Did, um, you see your partner strike, ah, this male at any, at any time?

A. I did not.

25 Q. Okay. Did, um...at any time, did you, did you see, um, your partner with his knee or leg on top of, ah, this individual's head and holding it down onto the pavement or the road surface?

A. I did not.

Q. Did, ah; at any time did you see, um, the other officer, I believe it was Officer Lindquist that was assisting?

30 A. Yes.

Q. At any time did you see Officer Lindquist strike this individual?

A. I did not.

35 Q. Okay. Now, so, it, it, ah, did it, in fact, take the three of you together in order to, ah, finally place this gentleman into handcuffs?

A. Yes. It did.

Q. Okay. Now you said that you did grab one of his arms. Is that correct?

40 A. Yes.

Q. What, where was his arm when you first grabbed it? Was it, was it out or was it underneath, was it...?

A. It was towards one of his sides of, on the ground.

45 Q. Okay. And, um, um, when you grabbed his arm, how much effort did it take to get his arm back so you could handcuff him?

A. A fair amount. I used my knee to hold him down and I had to physically pull his arm to get it to where the other handcuff could be put on.

50 Q. Okay. Before you came in and put your knee on him, um, was he still movin' around as you described it earlier?

A. He was still actively resisting and pulling away from the other officers as they were trying to secure him.

55 Q. Okay. And after you got there and, and, um, placed him in handcuffs, do you remember how long it took for you to finally get him subdued?

A. I don't remember an exact time.

Q. Okay. All right. And after he was, ah, handcuffed, um, what occurred?

A. We got 'em up off of the ground to move him away from the car that was fully engulfed in flames.

Q. Okay. And, do you remember where you put him?

A. In the back of our car I believe.

Q. Your squad. Okay. All right. Now, did you speak with, ah, with this individual after he was placed in handcuffs?

A. I don't believe that I did.

Q. Did, ah, did you have any, ah, occasion to, ah, make any, ah, observations of his physical well-being? Did you notice any scrapes, cuts or anything of that sort on his face?

A. I didn't see any physical injury and he was movin' around just fine.

Q. All right. Did he make any complaints of any injuries?

A. I don't recall at the scene.

Q. Okay. Do you know if he spoke to a, a supervisor at all?

A. I do not.

Q. Okay. So, it's, is it true that what, what you're saying is the only person you personally saw get out of the car was the driver?

A. Yeah, yes as I was running up, that's where my attention was at.

Q. Okay. So you were comin' up that side and he was hoppin' out [INAUDIBLE 13:19]. Okay. Did you, ah, did you notice Officer, ah, Lindquist at all, ah, in front of his squad, ah, dealing with the, with the passenger at all?

A. I did not.

Q. Okay. So, your sole focus was on what was, what, what the driver was doing and...

A. The, the driver and then covering the vehicle as the officers were taking the driver into custody.

Q. Okay. Now, you say covering the car. You're talkin' about seeing if there's anyone else in the car, or...?

A. Making sure no one else was in the car and you couldn't see into the car 'cause the whole car was filled with smoke and flames comin' out of it.

Q. Okay. Now when you, ah, came to, um, assist in placing this individual in, in, into custody, did, ah, did you strike him at any time?

A. I did not.

Q. Is the only...is the only kind of force that you used, ah, or could you describe what kind of, what force you used to, to take him into custody?

A. I used my knee in the upper torso area to hold him on the ground and I used an arm bar to pull his arm behind his back.

Q. Okay. While, um, any of this was goin' on, did, um, did he make any, make any statements? Did he say anything? Did he make any unusual sounds at all?

A. No.

Q. Okay. And, to your understanding and knowledge he made no complaints about being injured. Is that correct?

A. Correct.

Q. Okay. And, um, did? How long did he stay in your squad car? Ah, was, was he passed off to another agency or what, what happened?

A. I, I honestly don't recall. I think it was, um, that's, Brooklyn Park took him. I just looked at the report here. The driver and the passenger were taken by Brooklyn Park.

5

Q. Okay. So, you didn't transport him from that location?

A. No.

Q. Okay. And, ah, so, after he was passed out to another, another agency, ah, ah, did you guys clear? Did you stay there for a while?

10

A. Cleared and, or cleared the scene and went and did our reports.

Q. Okay. All right. After, ah, you guys left the scene; did you and your partner discuss what happened out there?

15

A. What do you mean?

Q. Did you two, you know, talk about arresting this individual, or?

A. Just did our reports.

20

Q. Okay. You didn't have any conversation about, about what, what took place out there?

A. No.

Q. Okay. All right. All right. All right. Is there anything else that you can add to your statement, ah, that I have not already asked you about concerning this incident?

25

A. Nope.

Q. And is this a true and accurate statement?

A. Yes, sir.

30

Q. Okay. Ah, per MPD Policy and Procedure Sections 5-107.8, you are not to discuss this interview or case investigation with anyone other than your Federation or Union Representative or an attorney. Do you understand this?

A. Yes.

35

Q. All right. So, we'll conclude the interview at 9:16 or 2116 hours.

A. All right.

Q. Thank you.

40

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

jmc



May 12, 2015

**Office of  
Police Conduct Review**

**Velma J. Korbelt**  
*Director*

*Department of Civil Rights*

**Civilian Unit**

350 S. 5th Street - Room 239  
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[policereview@minneapolismn.gov](mailto:policereview@minneapolismn.gov)

Officer John Haugland  
Canine Unit  
Minneapolis Police Department

RE: OPCR Case # **14-04997**  
**CAPRS CCN # 14-044893**

**NOTIFICATION LETTER – SECOND INTERVIEW**

Officer Haugland,

You are being investigated for an alleged violation of the City of Minneapolis Police Department Policy and Procedures. The specific policy(s) are:

**OPCR Ord. § 172.20(1) – Use of Excessive Force**  
**MPD P&P § 5-301.01. – Use of Force Policy**  
**OPCR Ord. § 172.20(8) – Violate MPD Policy & Procedure Manual**  
**4-218 MOBILE AND VIDEO RECORDING (MVR) POLICY (05/25/04)**  
**(9/19/08) (08/28/09) (08/01/11)**

*Summary of allegations: It is alleged that on 02/11/2014 at approximately 02:16 hours, the Complainant was a passenger in a motor vehicle involved in a FLEE. When the vehicle came to a stop, the Complainant exited the vehicle and lay down on the ground with his arms outstretched. Complainant claims that he lay on the ground right away and then Officers jumped on him. Complainant alleges that the Officers' conduct resulted in a broken arm, cut to his lip and face, and an injury to his back. Complainant claims he did not fight back or try to get away.*

*It is further alleged that Officer Haugland failed to comply with Minneapolis Police Department Policy and Procedure requiring the officer to wear the wireless microphone, verify that it is turned on and be responsible for ensuring that it is working properly throughout the shift.*

Pursuant to the Minneapolis Police Department's Discipline Process, the above allegation, if true, constitutes a Category A-D violation. However, be advised that the violation categories and the above listed charges may be amended or changed at any time during the investigation.

In an email, you requested to participate in an interview prior to 13:00 hours on the following dates:

1. **Monday, 05/18/2015**
2. **Tuesday, 05/19/2015**
3. **Wednesday, 05/20/2015**

Your appointment to provide a statement to the Office of Police Conduct Review has been scheduled for **05/19/2015** at **11:00** hours at the Office of Civil Rights, Room 239 in City Hall. The purpose of this interview is to follow up on and to clarify statements you made during an earlier interview on this matter, which occurred on 09/25/2014 at 21:00 hours.

If you have a compelling conflict you must contact me by **05/18/2015** to discuss an alternate date. I can be contacted by e-mail at [stephen.mckean@minneapolismn.gov](mailto:stephen.mckean@minneapolismn.gov) or phone at **673-5505** between the hours of 09:00 and 17:00, Monday through Friday. Failure to show for your scheduled interview or to request one of the alternate dates by the time directed will result in additional charges.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/federation representative. You are entitled to be represented at this interview by a union/federation representative or an attorney.

Sincerely,



Stephen J McKean  
Investigator  
Office of Police Conduct Review

**STATEMENT OF Officer John Haugland**

**PLACE:** Minneapolis Department of Civil Rights, Office of Police Conduct Review – Room 239  
**DATE:** May 19, 2015  
**TIME:** 11:10 a.m.  
5 **CASE NO:** 14-04997  
**INVESTIGATOR:** Stephen McKean  
**ALSO PRESENT:** Robert Kroll, Minneapolis Police Federation

10 Q. This is a recorded statement of Officer John Haugland on May 19<sup>th</sup>, 2015 at approximately 11:10 hours in the Minneapolis Civil Rights Department, Room 239, being interviewed by Investigator Stephen McKean. And this, ah, is regarding OPCR Case 14-04997 and Bob Kroll from the Minneapolis Police Federation is present during this interview.

And Officer, what is your full name, please?

15 A. John Cameron Haugland.

Q. What is your present rank and work assignment?

A. Patrol Officer in the K-9 Unit.

20 Q. And what is your employee number and date of appointment?

A. 2813 and March of 2005.

Q. Okay and you are being ordered to give a complete and truthful statement regarding matters pertaining to the scope of your employment or fitness for duty. It is a compelled statement pursuant to MPD Policy and Procedure. Under the Garrity Decision, any statement provided in this investigation cannot be used in criminal proceedings against you except in cases of alleged perjury. However, these statements may be used against you in relation to employment allegations. Do you understand this warning?

25 A. Yes.

Q. And I am advising you that if you refuse to answer or give a false or intentionally incomplete statement or intentionally omit information that is pertinent to this investigation, you will be subject to disciplinary action up to and including suspension or discharge. Do you understand this?

30 A. Yes.

Q. And is it correct that you have read, understood and signed the Data Practices Advisory, otherwise known as the Tennessen Warning?

35 A. Yes.

Q. And have I informed you the purpose of this statement relates to an OPCR investigation and specifically an administrative review that is being conducted, um. Find the recent letter. Okay, and, ah, continuing on that, ah, you have been accused of violation of OPCR Ordinance 17-.201, ah, Use of Excessive Force, MPD Policy 5-301.01 Use of Force Policy, Ordinance...again 172.20 Subsection 8, um, Violate MPD Policy and Procedure and Section 4-218, ah, Mobile and Video Recording Policy. Is that, is that your understanding?

40 A. Yes.

Q. Okay and that this occurred on, um, ah, February 11<sup>th</sup>, 2014 at approximately 02:16 hours?

45 A. Yes.

Q. Okay and you also understand that you're being called to explain the circumstances regarding this event?

50 A. Yes.

Q. Okay. Now, we, um, spoke and, um, I conducted an interview with you earlier on September 24<sup>th</sup>, 2014. Is that correct?

A. Yes.

55 Q. Okay. And, um, during that interview, I talked to you about your, um, role, ah, in this particular incident and, um, I'm just calling you back to do some clarification on, um, some other points that, um, that I missed

during that particular time. And, first of all, I just want to understand. You were the officer that was, ah, driving the squad that you were assigned to that night?

A. Yes.

5 Q. Okay. The, um, area that I wanted to talk to you about primarily is the, ah, video recording from your squad?

A. Yes.

Q. Okay. The, um, did you have a, um, ah, um a voice microphone on or with you at that, on that date?

10 A. I don't remember.

Q. Okay. Um, typically when, ah, when you start, ah, your shift, um, with regards to the MVR equipment, what, what are your responsibilities?

15 A. To sign on to the MVR. Um, makin' sure everything on the camera is operating and if it's not, um, we notify a supervisor and note in on the, on the sign-on phase which is kept for 90 days.

Q. Okay. Now, you're talkin' the sign-on phase of the video?

A. Mmhmm.

20 Q. Okay and it's a digital recording?

A. Yes.

Q. So, and it's indicated as a 90-day retention. Correct?

25 A. Yep.

Q. Okay. So, unfortunately, that section is no longer available to us.

A. Yeah.

Q. Um, and in that, in that, um, would you...or if the microphone is not working, do you seek out another?

30 A. If one's available, we'll seek out one. Um, more...most times, there's not but we'll notify the supervisor and note it on the, on the retention or, you know, the, or the initial sign-in with the time "P" number, if the mike is workin', if the mike is not working. If it's not, we'll say the mike is not working and a supervisor was notified.

Q. Okay. All right. Um, is there any other location, ah, that you would make notes of that such as, ah, in VisiNet?

35 A. Ah...not that I recall.

Q. Okay. All right. So, let's...if, if the microphone is not working, and there's none, none available, you just proceed with your shift? Is that...?

40 A. Notify the supervisor and then when we do the sign-on.

Q. Okay. All right. With regards to, ah, this particular date, do you have any recollection of whether or not the microphone was working?

45 A. I have no recollection with it.

Q. Okay. All right. The reason I'm...the reason I'm asking these questions is because there is no audio of...other than the inside of your squad car, ah, ah, during this incident that's, ah, been recorded.

A. Mmhmm.

50 Q. So. The, um, the other issue is, um, at the time after, ah, Mr. Lilienfeld was, ah, was taken into custody and he, he was brought back to the squad car, um, by your partner and another officer that I don't recall who it was. Um, you came back to the driver's side, ah, of the squad car and then there's a sound of a door opening and then the, the video is terminated. Did, did you manually shut that off at that time?

55 A. Ah, I don't recall if I shut it off but it went off. I would assume it was deactivated.

Q. Okay. Um...

A. Lt. Kroll: I missed that, the question. Did you say when he was the, ah, accused, or the person you're dealing with brought back to the car? Could you just re-ask that question? I'm sorry.

5 Q. Sure. Ah, in the video, ah, after Mr. Lilienfeld is, is, is taken into custody and he's handcuffed, um, Officer Carlson and another officer that I, I don't recall which one it was brought him back to the passenger side of the car. Um, Officer Haugland, ah, is seen in the video walking back to the driver's side of the squad car and then there's the sound of a door opening and the video was terminated.

A. Lt. Kroll: Okay.

10

Q. So, my question was, did you manually deactivate the video at that particular point in time?

A. Yeah, I would have...it would have been turned off if the incident was over.

Q. Okay. Was Mr. Lilienfeld placed in the back of your squad car?

15

A. I don't recall if he was placed in the back of our squad car or another squad car.

Q. Okay. Okay. 'Cause if, if he had in fact been put in the back of the squad car, the incident still would be ongoing wouldn't it? Would it not?

A. What's and, ah, can you repeat that?

20

Q. If Mr. Lilienfeld was placed in the back of your squad car, would the incident, in fact, still be continuing?

A. Um, well, there was a different agencies incident...

Q. Mhmm.

25

A. And they were on scene so once the initial deal was, where we were assisting on was over, that agency took custody of 'em pretty much right after the entire deal was over and I was doing other things than dealing with him.

Q. Okay. Um, did you have any, any contact with him other than, you know...I know you, you assisted in his arrest, ah, at the, um, at the location and, um, did you have any personal contact with him such as did you have an opportunity to ask him if he was injured?

30

A. Not that I recall.

Q. Okay. And, um, do you know if he made any complaints that he had been injured?

35

A. Not that I recall.

Q. Okay. And, did, um, with regards to, ah, ah, Brooklyn Park, ah, you said they took custody of 'em almost immediately?

A. Yes.

40

Q. Okay. Do you know if, um, did you or any other officer inform them that force had been used on this individual?

A. I personally don't believe that I did. I didn't talk to the other officer. I just knew that they were there and took custody of 'em.

45

Q. Okay. Did...after he was brought back to the squad car, um, could you explain what...I think you said you were involved in some other activities. Can you describe what you were doing?

A. Well, the car that was on fire, we were making sure that traffic was stopped so the fire department could get out there and we were tryin' to keep a safe distance from the car as well and protect everything around with a car that was fully engulfed in flames.

50

Q. Okay. Did, um, did you remain on-scene until that vehicle was removed or the fire department arrived or do you remember?

A. I was there when the fire department, ah, put the car out, the flames out on the car.

55

Q. Did you or your partner, ah, complete paperwork with regards to the recovery of the stolen vehicle or the towing of it that you're familiar with?

A. Ah, I don't remember. I do remember the vehicle...I don't remember if we did the paperwork, but I know the vehicle got towed off of the, off of the freeway.

5

Q. Okay. With regards to the, um, um, efforts that you made in, in, in assisting with this arrest, um, did you have to document any of your, ah, if you would use this term of force used to, you know, was that...rise to the level that would need to be documented by you?

A. The force that I used?

10

Q. Yes.

A. It was covered in my, in my statement.

Q. Okay. All right. And, um, did, did you specifically speak to, ah, a supervisor on scene about what, what took place during his arrest?

15

A. I don't recall at this present moment. Um, with my report...I'd need to look over my report. It would be in my statement on what, what occurred.

Q. I have a copy of the CAPRS report that was submitted on this incident, ah, 14-044893 and let's see if your supplement...Would you care to review it?

20

A. Yeah. The call I used was, ah, my body weight to, um, to pin him.

Q. Okay.

A. Ah, to the ground.

25

Q. Okay.

A. And that's, ah, non-reportable force to a supervisor if it's just covered in, ah, the CAPRS...

Q. Okay.

30

A. Portion by me in the report, in my statement.

Q. All right. Now, um, with regards to...this is just kind of my own question that I have in my own mind. With regards to use of force issues and when an officer uses non-reportable force and another uses reportable force, do you, are you just required to report or to talk to a supervisor about you specifically did or what you saw another officer do?

35

A. I'm responsible to report the force that I used. I'm responsible for me and no one else.

Q. Okay. All right. Are you ever asked by a supervisor any questions about what you may have seen another officer whatever force you may have seen another officer use?

40

A. Ah, I haven't.

Q. Basically as a, as a potential witness?

A. In my experience, I've just been asked what I did, what the situation was...

45

Q. Mhmm.

A. And what I used.

Q. Okay. Okay. All right. I think I've covered all the questions I have listed here. Um, if I can...too much paperwork. All right. Um, are there any facts concerning this incident that you have knowledge of but have not been dis...but that you have not disclosed?

50

A. No.

Q. And, is there anything else that you would like to add to the statement that I have not asked you about concerning this incident?

55

A. No.

Q. Is this a true and accurate statement?

A. Yes.

5 Q. Okay.

A. And per MPD Policy and Procedure Sections 5-107.8, you are not to discuss this interview or case investigation with anyone other than your Federation Union, excuse me, Federation or Union Representative or an attorney. Do you understand this?

A. Yes.

10

Q. I will conclude the statement at, um, 11:30 hours.

A. Lt. Kroll: Thank you.

15

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

jmc

**STATEMENT OF PLACE:** Robert Lilienfeld  
Brooklyn Park Police Department  
**DATE:** February 11, 2014  
**TIME:** 4:14 p.m.  
5 **CASE NO:** Brooklyn Park Police Department Case No. 14-006457  
**INTERVIEWER:** Detective Lieutenant Desmond Daniels

**This interview was transcribed by OPCR from a video (DVD) provided by Brooklyn Park Police Department for Minneapolis Department of Civil Rights, OPCR Case No. 14-04997.**

10 Lt. Daniels: All right. I'm Lieutenant Daniels and I'm just handling a portion of your case, okay?  
Mr. Lilienfeld: Yeah.

15 Lt. Daniels: So, ah...  
Mr. Lilienfeld: Hey, Man, they fucked up my new glasses and shit. They ain't meant to do that shit to me.

20 Lt. Daniels: Who's that?  
Mr. Lilienfeld: The Minneapolis police. I didn't do shit. All I did was ask them guys for a ride home.

Lt. Daniels: Well, let me...um, before we get into that, I've gotta read you your rights and stuff, okay?  
Mr. Lilienfeld: Yeah.

25 Lt. Daniels: And make sure all this information's correct also. You're Robert? Correct?  
Mr. Lilienfeld: Mmhmm.

Lt. Daniels: Allen A-L-L-E-N?  
Mr. Lilienfeld: Yeah.

30 Lt. Daniels: Last name is L-I-L-I-E-N-F-E-L-D?  
Mr. Lilienfeld: Mmhmm.

Lt. Daniels: 6-11-59?  
35 Mr. Lilienfeld: Yeah.

Lt. Daniels: Is this your current address?  
Mr. Lilienfeld: I can't see it. What is it?

40 Lt. Daniels: 2409 18<sup>th</sup> Avenue South.  
Mr. Lilienfeld: Yeah.

Lt. Daniels: Okay. And what's a current phone number for you?  
Mr. Lilienfeld: Well, I don't know. I had...they took my phone and shit.

45 Lt. Daniels: What's that phone number?  
Mr. Lilienfeld: 612...

Lt. Daniels: Uh-huh.  
50 Mr. Lilienfeld: 466.

Lt. Daniels: Okay.  
Mr. Lilienfeld: 1584.

55 Lt. Daniels: And that's a cell phone?  
Mr. Lilienfeld: Yeah. The last time I seen that phone, it was layin' in...on the freeway.

Lt. Daniels: All right. Um, have you ever been read your Miranda rights?

Mr. Lilienfeld: Yeah. I don't know why you have to do that for.

5 Lt. Daniels: I have to, so...The constitution requires I inform you that you have the right to remain silent. Anything you say can and will be used against you in court. You have the right to talk to a lawyer now or have a lawyer present now or at any time during questioning. If you cannot afford a lawyer, one will be appointed for you without cost. Do you understand these rights as I've explained to you?

10 Mr. Lilienfeld: Yes, I do.

Lt. Daniels: Having these rights in mind, do you wish to talk to me at this time?

Mr. Lilienfeld: Yeah.

15 Lt. Daniels: Okay. So just tell me what's goin' on. I skimmed through the report, um, let me know what, what happened, what took place.

Mr. Lilienfeld: Well, my nephew called me and asked me did I want a ride home.

Lt. Daniels: And who is your nephew?

20 Mr. Lilienfeld: James Mitchell.

Lt. Daniels: Okay.

Mr. Lilienfeld: So, I said, "Yeah." You know? 'Cause I wanted to get back over South.

Lt. Daniels: Where were you?

25 Mr. Lilienfeld: I was out at, ah, my son's girlfriend's house over at the car service.

Lt. Daniels: And that is...where's the car more at?

Mr. Lilienfeld: Um, it's 2...215 whatever that is...Noble?

30 Lt. Daniels: 252?

Mr. Lilienfeld: I don't know. I don't know. I don't really know my way around out here.

Lt. Daniels: So, on Noble somewhere? Was it in Brooklyn Park do you know, or...?

35 Mr. Lilienfeld: Okay. It was...okay, when you get off the freeway, you cross this way.

Lt. Daniels: 610 or 252? Probably 610 I'm guessin'.

Mr. Lilienfeld: Where's that gas station at? There's a Kwik Trip or somethin'.

Lt. Daniels: Kwik Trip?

40 Mr. Lilienfeld: I think that's the name of it.

Lt. Daniels: Yep. There's one of them.

45 Mr. Lilienfeld: Okay. Instead of goin' to the gas station, you go this way across the freeway and she lives right there.

Lt. Daniels: Okay. So, he called you, asked if you wanted a ride home?

Mr. Lilienfeld: Yeah.

Lt. Daniels: Did you call him earlier?

50 Mr. Lilienfeld: I had talked to 'em a couple times earlier.

Lt. Daniels: Told him you needed a ride or what?

Mr. Lilienfeld: Mmhmm.

Lt. Daniels: Okay. And then what happened?

Mr. Lilienfeld: Then, after they picked me up, we get, we're goin' to SA or somewhere and that's when they got off and the next thing you know, we're getting' into a chase. And I told him as soon as I seen 'em...

5

Lt. Daniels: At SA? Where?

Mr. Lilienfeld: Ah, around 252 or wherever. I don't know how far down that is. That's where it started; on this, on this street that we're on or whatever. It was a busy street.

10

Lt. Daniels: There's a Holiday. Is it the Holiday you're talkin' about?

Mr. Lilienfeld: Oh, yeah, maybe that is.

Lt. Daniels: Okay. Yeah. There's a McDonalds across the street.

Mr. Lilienfeld: Yeah, okay, that's right, that's right. So, we on the gas station side where, um...

15

Lt. Daniels: Okay. Where, um, there's like a Festival Foods and Burger King and stuff. Does that ring a bell?

Mr. Lilienfeld: But, but what had happened, he, he, I don't know. I didn't even know...

20

Lt. Daniels: Who was drivin'?

Mr. Lilienfeld: My nephew.

Lt. Daniels: Okay. James was drivin'. And who else was in the vehicle?

Mr. Lilienfeld: I don't know the other guy really. He's Roy or something'. Some white guy.

25

Lt. Daniels: Where was he seated?

Mr. Lilienfeld: Well, he, he, we, we, we were, he, at first he was in the front and then, and then...

Lt. Daniels: The passenger front?

30

Mr. Lilienfeld: Yeah, then I got up there.

Lt. Daniels: When?

Mr. Lilienfeld: Ah...

35

Lt. Daniels: When he picked you up? Or did you stop somewhere?

Mr. Lilienfeld: We had stopped.

Lt. Daniels: Huh?

Mr. Lilienfeld: We had stopped somewhere. I think it was a gas station.

40

Lt. Daniels: So, you got in the front?

Mr. Lilienfeld: Mhmm.

Lt. Daniels: Was it the Holiday that you were talkin' about or?

45

Mr. Lilienfeld: Just one of the gas stations or somethin'. I don't remember. I was so tired.

Lt. Daniels: What time was all this happening?

Mr. Lilienfeld: Just about 1:30 I think.

50

Lt. Daniels: In the morning?

Mr. Lilienfeld: Mhmm.

Lt. Daniels: Oh, okay.

Mr. Lilienfeld: That's why I was tired. I wanted to get home. I had been workin' on that car all day.

That's why I'm so dirty.

Lt. Daniels: So, this Roy guy or whoever he is, was in the front. You had stopped at a gas station and you ended up in the front?

5 Mr. Lilienfeld: Mmhmm. And then when we left, ah, the police started followin' us. So, he turns into some, um, deal. I don't know what it is where they had a bunch of semi-trucks or somethin' and he did a U-turn and I said, he said, or his friend said, "Well, I got a warrant." or somethin'. And then I looked at him and I go, "Well, what the fuck is goin' on?" My nephew didn't get nervous yet. And, and uh, when the police pulled up behind us and threw their lights on, he says, "I'm jumpin' out." No, no, they followed us through that neighborhood...

Lt. Daniels: Okay.

Mr. Lilienfeld: You know, zig zag and stuff.

15 Lt. Daniels: Why were you guys...or what was the deal with zig zaggin' through the neighborhood?

Mr. Lilienfeld: I don't know. I, I lost track of what was goin' on.

Lt. Daniels: And so when he turned into the semi-truck area, the police were already behind?

20 Mr. Lilienfeld: Mmhmm.

Lt. Daniels: Followin'?

Mr. Lilienfeld: Mmhmm.

25 Lt. Daniels: And when did you guys notice that the police were followin'?

Mr. Lilienfeld: Right away. We were the only ones out, the only ones in.

Lt. Daniels: Like at a gas station you're sayin'?

30 Mr. Lilienfeld: 'Cause they have these lights (woomph). And he says, "Oh shit." You know? And I wasn't thinkin' nothin' of it. You know? I figured, "What are these guys fuckin' doin'?" They got some dope or somethin' on 'em or somethin' I don't know? He said nothin'. And then, and then when the police got behind us after we came out here, they just followed us and we kept goin' through and what the fuck's goin' on? Just stop us. You know what's wrong? The one dude said he's got warrants or somethin'. And then I'm thinkin', "Well, my nephew must be doin' somethin' wrong too then."

35

Lt. Daniels: What was bein' said when you were goin' through the neighborhood?

Mr. Lilienfeld: Um, "Are we gonna get away or do somethin'?" I, I can't really remember. They were just fuckin' gibberin'.

40

Lt. Daniels: Okay.

Mr. Lilienfeld: You know? And, um, when he did, when they finally...no, wait. When they threw their lights on, before we got out of the neighborhood part, they got onto the freeway, I did get 'em to stop. I said, "Just pull the fuck over. We haven't done nothin' wrong." I said, "Just stop."

45

He said, "No. No. No. No." And the guy in the back just leaps out. I'm like, "What the fuck is goin' on?" You know? So, my nephew, he pulls up a little farther, and, and I had him. You know? I said, "Stop, Man." You know? I said...I put it in park. I said, "Stop. Stop." He said, "No. No. No. I'm scared. I'm scared." I said, "What the fuck you scared of?"

50

Now, the whole time I don't know nothin' about this car bein' stolen. Now he said it was his friend's car. He had it for like a day or two. You know? And I figured somebody let him use it 'cause he had the keys to it. Well, next think you know he smashes off. I'm like, "Man, you're not gonna get away from 'em with this piece of shit car." Well, come to think of it, he did get away

from 'em.

Lt. Daniels: (laugh)

Mr. Lilienfeld: Okay? You don't know how fuckin' nuts he was and I was scared to fuckin' death.

5

Lt. Daniels: How fast do you think you were goin'?

Mr. Lilienfeld: Like he had it bent. I mean past a hundred. And I'm like fuckin' "A." I'm like I got my seatbelt on, holdin' on the, the thing and I'm tellin' him, "Stop. Stop." You know? "Don't fuckin' run. We didn't do nothin' wrong." He said, "Oh no. I'm scared. I don't want to go back to jail."

10

So, I get on the phone. I called my daughter. I said, "I'm scared I'll end up goin' to jail. I said, "James[INAUDIBLE 16:23:26] chase. She said, "What the fuck are you doin' with him?" 'Cause she said, "Oh, that's trouble." You know? My nephew; it just follows him. So, now he's, he's really goin'. He's up to at least a hundred. I'm like, "Fuckin' "A." So, we go past SA and all that and then, ah, when he gets off the freeway, we were airborne (whoosh). I said, "You're gonna fuckin' flip the God damn car." He's like, "Hey. No. Just let me be. Just let me be."

15

So, I shut it off. Right? He, he gets it in neutral. He gets it goin' again. It goes again and I'm, "God damn it." You know? My daughter's like, "Dad, what's goin' on?" I said, "He won't fuckin' stop." And so then he gets on the phone and he calls his girlfriend. He starts cryin'. All the more, he's goin' fuckin' just nuts fast. And I'm like, "This fucker's gonna kill me." You know? I'm 54 years old. I don't need this shit. You know? So, we go through all this getting' off and on and then he starts goin' through the neighborhoods and stuff. And I said, "You're gonna roll this fuckin' car."

20

Lt. Daniels: And the police are behind you the whole time?

Mr. Lilienfeld: Oh, by then it's gotta be six or eight squads. I said, "Don't you see this?" I said, "How in the fuck are you gonna get away from the?" Flyin', he's goin' as fast as they're goin' following. So, he's pullin' away from them. I said, "Just let me out." He said, "No. No. Let me think. Let me drive and drive."

25

30

I said, "Man, I fuckin' can't handle this shit." I said, "Man, I don't want to go back to fucking jail because of you." I said, "Let me out. I'll deal with the boys myself." He said, "No. I'm not gonna stop. I'm scared. I don't want to go back to fuckin' prison." 'Cause he just recently got out. You know?

35

Lt. Daniels: For what? Do you know?

Mr. Lilienfeld: I don't know. Some shit my little brother did or somethin'. Which my little brother is back in prison already. You know?

40

Lt. Daniels: Okay.

Mr. Lilienfeld: 'Cause, ah, I kind of been helpin', lookin' out for 'em because my, my sister died. His dad don't give a fuck about 'em, you know, so he doesn't really have nobody.

Lt. Daniels: Okay.

45

Mr. Lilienfeld: You know? So, he, he needs treatment and stuff. That's his party stuff and he needs some counseling bad, which I don't really know what direction to go with him with that. You know?

Lt. Daniels: Yeah. How old is he?

50

Mr. Lilienfeld: Ah, 21.

Lt. Daniels: Okay. Well, that's somethin' I guess to figure out after this, right? 'Cause...

Mr. Lilienfeld: He's, he's fucked up.

Lt. Daniels: But he's got you in here in this situation right now.

Mr. Lilienfeld: Yeah.

Lt. Daniels: So...

5 Mr. Lilienfeld: And, I didn't try to beat 'em up about where we're goin' at a hundred miles an hour. Ain't gonna do 'em no good. So, he loses you guys out here and, um, run, but it's just that he went through downtown and everything. I'm tellin' you, I'm just waiting to get smashed into the side of a building or somethin'.

10 Lt. Daniels: What? He lost everybody and kept goin'?

Mr. Lilienfeld: Yeah. I said, "Just let me out. Let me out." I said, "I don't fuckin' need this shit." You know? 'Cause I've been doin' good since I've been out of prison. I ain't been to jail or gettin' in no trouble or nothin'. You know? I've [INAUDIBLE 16:26:30] on the side and do my stereo hook-ups, you know? Minor job work and I've got non-stop work 'cause I used to have my own shop on  
15 Broadway and Irving.

Lt. Daniels: Okay.

Mr. Lilienfeld: So, I can always get work.

20 Lt. Daniels: A car shop?

Mr. Lilienfeld: Yeah. We did detailing, everything. So, after we get through downtown, then, then he goes...

Lt. Daniels: Oh, he's still just driving around like crazy downtown?

25 Mr. Lilienfeld: Fast. I'm like, "Fucking stop, Man. Stop." And then he, he's in tears and he's trippin'. You know? I don't know. I couldn't see his eyes but it probably was just the way the guy looked. He was fuckin' twisted out of his mind.

Lt. Daniels: What does he use? Do you know?

30 Mr. Lilienfeld: Glass.

Lt. Daniels: Okay.

Mr. Lilienfeld: Yeah. But I didn't smell no weed or nothin'. And I didn't see no pipes or nothin' layin' around so. Of course, he probably would have been like hidin' it from me 'cause he knows I'm like  
35 fuckin' mad about that shit 'cause I caught him shootin' it one time. You know? I've dealt with that with my sisters and fuckin' brother ODin' on this stuff so I'm really against that stuff but...

Lt. Daniels: Black death. [Black death? INAUDIBLE 16:27:34]

40 Mr. Lilienfeld: Oh fuck. You know? It's just one thing after another in my life. My ex-wife she just got out of the hospital. That's who I'm livin' with. You know?

Lt. Daniels: Okay.

Mr. Lilienfeld: So, but, so then we get on Glenwood. We come off that hill and bam and I'm in the car like this so I said, "You're gonna, you're gonna kill us." So, we get to Lyndale and here comes  
45 Minneapolis Police and he goes by those fuckers blind until they chased us again. Then they finally catch us but now we had lost 'em almost a couple times and I probably could have got out but I've got a bad leg and everything. I need a knee cap replacement. So I just can't jump out of no car like I used to. I'm not no fuckin' kid.

50 So, we get on freeway this time, I mean I'm throwin' it in park and I mean the tranny's getting' fucked up. I want to stop this car.

Lt. Daniels: Mmhmm.

Mr. Lilienfeld: And I'm scared so finally the car catches on fire when we get it on the freeway and I

thought he was gonna flip that fucker out there until it's on Penn and the freeway and, ah, that's when they found the car. And then and then, I jumped out with my cane and my bag and stuff and then they fuckin' beat me up and I'm tellin' 'em, "I didn't do nothin'. I didn't do nothin'." You know? I'm givin' myself up. You know?

5

Lt. Daniels: Mmhmm.

Mr. Lilienfeld: And he's steadily tryin' to fuckin' start the car and sees flames. That's how scared he was. He, he was just out of control. He, he didn't know what he was doin'. You know?

10

Lt. Daniels: So, you jumped out...

Mr. Lilienfeld: Right there on the freeway and I laid down.

Lt. Daniels: Okay.

Mr. Lilienfeld: You know? And then they fuckin'...Look at my lip and shit. It's not as bad as it was.

15

The meat was hangin' and everything.

Lt. Daniels: Okay.

Mr. Lilienfeld: This was all fuckin' blood. They broke my arm and everything.

20

Lt. Daniels: Mmhmm.

Mr. Lilienfeld: You know? I didn't deserve that shit.

Lt. Daniels: That's Minneapolis. I can't...

Mr. Lilienfeld: It is. Look at my glasses. I just got these. I don't know. Can you straighten these for me? 'Cause they're awkward. All you gotta do is just go like this right here and then bend this.

25

Lt. Daniels: I'll try.

Mr. Lilienfeld: Yeah, just...you got it. There you go. I just got them. Even the side of my head hurts from gettin' kicked in the head.

30

Lt. Daniels: Yeah, but I don't know. Obviously, I wasn't there at all and that's Minneapolis, so...

Mr. Lilienfeld: They're fucked up, Man.

Lt. Daniels: But, um...

35

Mr. Lilienfeld: If anybody, they should be fuckin' him up. He's the one that...

Lt. Daniels: He was still in the car at the time you're sayin'?

Mr. Lilienfeld: I don't even remember.

40

Lt. Daniels: I guess you were dealin' with...

Mr. Lilienfeld: I'm layin' in the middle of the freeway.

Lt. Daniels: So, you got out and laid down?

Mr. Lilienfeld: Yeah, and there was about six cops kickin' my ass.

45

Lt. Daniels: Okay. And then, um, you don't know what happened? Obviously, he got arrested too.

Mr. Lilienfeld: Yeah. I seen 'em. I seen 'em after that.

Lt. Daniels: Um, have you ever been in this car before?

50

Mr. Lilienfeld: No.

Lt. Daniels: Okay. You said somethin' like you thought it was a friend's car?

Mr. Lilienfeld: That's what he said.

Lt. Daniels: I feel like I'm gonna break those. (helping to straighten eyeglasses)

Mr. Lilienfeld: No. That's okay. You, you helped. It's hard...yeah, to put 'em on.

5 I've never seen this car before. I just figured 'cause it's a little bucket. "Yeah, here, you can use it."  
'Cause he's got friends like that.

Lt. Daniels: Okay. You know he had keys in it and all?

Mr. Lilienfeld: Yeah. I seen the keys. That's the reason why 'cause if it would have been stolen, I  
10 wouldn't have gotten in it 'cause he usually doesn't lie.

Lt. Daniels: Did he say anything, or, I mean...

Mr. Lilienfeld: He never said anything. It never came up but he never said nothin' about the car bein'  
stolen.

15 Lt. Daniels: How did you know or hear about the car bein' stolen?

Mr. Lilienfeld: When the police are jumpin' on me tellin' me this is a stolen car. You stole the car.  
Man, I'm 53 years old. I don't fuckin' play those games. You know? I got a pretty good life. I  
mean, it's not the greatest but I mean I'm not in debt with nobody and I'm not in trouble, I'm not on  
parole. I mean, I have to register with the BCA because of my fuckin' ex-wife, not the one I'm livin'  
20 with, the one I just got divorced from. You know?

25 And that was a bullshit case. I had to take a deal for sixty-six months because I was lookin' at two  
hundred and thirty-eight. You know? And it was...and she testified against...or on my behalf  
sayin' I didn't kidnap her. But the punk ass neighbors downstairs were gonna say that I  
threatened to kill her and all this and that and all I did was push her out in front of her car in front  
of the house and said, "Get the fuck out." She grabbed on me by the throat, "No. No. Don't leave  
me. Don't leave me." You know? So, that's kidnapping? You know? I got fucked because of my  
past. Bank robberies and all that. I mean, I got a violent past and it's caught up with me, finally.

30 Lt. Daniels: When was the last time you've had any of those though? It's been a while?

Mr. Lilienfeld: Oh, Man, I ain't been in no trouble.

Lt. Daniels: When was the last time you've been in?

Mr. Lilienfeld: It's been four.

35

Lt. Daniels: Jail or prison?

Mr. Lilienfeld: It's been four or five years.

Lt. Daniels: Since jail or prison?

40

Mr. Lilienfeld: Mmhmm.

Lt. Daniels: Okay.

Mr. Lilienfeld: I've been doin' real good...stayin' clean.

45 Lt. Daniels: That's good. Was that prison you got out of four or five years ago? Okay.

Mr. Lilienfeld: I think I left from like Rush City.

Lt. Daniels: That was the kidnapping charge?

50

Mr. Lilienfeld: Yeah. It was like a fifth degree domestic. But in order for me to get the deal, I had to  
plead to it. So now I gotta register as a predatory offender.

Lt. Daniels: Mmhmm.

Mr. Lilienfeld: Now that makes me feel about this fuckin' big. You know? Like I'm some kind of sex  
offender 'cause I'm not into that shit.

Lt. Daniels: Yeah.

Mr. Lilienfeld: But I'm, I, I stay in contact with them and do whatever I gotta do.

5 Lt. Daniels: Okay. That's good. Now, you don't have any warrants out for your arrest. You're doin' your part.

Mr. Lilienfeld: Yeah. That's what I'm sayin', I'm doin' good.

Lt. Daniels: Yeah.

10 Mr. Lilienfeld: And I try to keep him on track but him bein' over on the north side don't help.

Lt. Daniels: Okay.

Mr. Lilienfeld: You know? He's in a house full of fuckin' drunks and dope fiend mother fuckers.

15 Lt. Daniels: Where does he live?

Mr. Lilienfeld: Just off of Broadway and Silver, James or somethin'.

Lt. Daniels: Is he in a gang at all?

Mr. Lilienfeld: Yeah.

20

Lt. Daniels: Who does he run with?

Mr. Lilienfeld: I think the GE's.

Lt. Daniels: Okay. All right.

25 Mr. Lilienfeld: But, normally, he's a good kid. You know?

Lt. Daniels: Maybe he was just high on the meth or...

Mr. Lilienfeld: Yeah and I don't know where the car came into the picture. They said that he got...somebody left it runnin' and he jumped in and took it. That's the understanding I got from the police.

30

Lt. Daniels: Mmhmm. Makes sense though, right? If he's runnin' and scared.

Mr. Lilienfeld: I thought he had a warrant maybe 'cause he's been kind of skittish lately. You know? Like he hasn't been talkin' to his PO or somethin'.

35

Lt. Daniels: All right. Um, anything else you'd like to add?

Mr. Lilienfeld: No. That's about it.

Lt. Daniels: All right.

40 Mr. Lilienfeld: I'm, I'm still gonna pursue this thing with Minneapolis though. I think I'm gonna try to press charges against them 'cause they had no right to do that to me. I mean, I gave up. I didn't fight with them or nothin'. I just put my hands there, laid down. You know? This shoulder's been dislocated so I can only move my arm so much. They got it all the way back to my fuckin' head.

45 Lt. Daniels: Okay.

Mr. Lilienfeld: That's how this one happened I think. It kind of just snapped 'cause it's...part of it's all broken up or somethin' they said.

Lt. Daniels: All right. Well, I'm not Minneapolis. I'm Brooklyn Park so...

50 Mr. Lilienfeld: Even, even, even your police officers are like, "Wow."

Lt. Daniels: Yeah.

Mr. Lilienfeld: You know? They stopped chasin' us or somethin' 'cause he was goin' so fast. I mean I've seen some shit like this but this shit some junkies do.

Lt. Daniels: What kind of car was it?

Mr. Lilienfeld: Um, um, Toyota or somethin'. It was a bucket. I mean, it was just a little piece of shit car.

5

Lt. Daniels: Okay. Um, what I'd like to do now is just do a quick taped statement. Just a quick summary of what we went over.

Mr. Lilienfeld: Mmhmm.

10

Lt. Daniels: All right? I have to read your rights and stuff again but...

Mr. Lilienfeld: Yeah, I've dealt with all that. You know?

Lt. Daniels: Anything to add before we start this?

Mr. Lilienfeld: Um, just that I'm innocent right now of this. I don't even know.

15

Lt. Daniels: Okay.

Mr. Lilienfeld: Like I said, I don't deal in no stolen cars or nothin' no more.

Lt. Daniels: That's all in the past, right?

20

Mr. Lilienfeld: Man, I work for a livin' now. I get GA too 'cause I'm, I'm waitin' for my SSI. It's pending.

Lt. Daniels: What's GA? Oh, the government...

25

Mr. Lilienfeld: General Assistance. Yeah. But I used to have my own shop down on Broadway and Irving. You know?

Lt. Daniels: It's not working. (recording equipment)

30

Mr. Lilienfeld: You know, I, I tried to teach this kid some skills and stuff. He's been kinda upset because he had, ah, my daughter just signed him up for college. Things was goin' all right. He's getting' ready to get books and everything.

Lt. Daniels: Where's that?

Mr. Lilienfeld: Down off Hennepin.

35

Lt. Daniels: Metro State? [Metro State? INAUDIBLE 16:36:57]

Mr. Lilienfeld: Yeah. And the next thing you know, his funding wouldn't go through. But there's other programs. Me and my ex-wife we were just tryin' to tell him just calm down. You know? We'll help you get this together. He just lost it after that pretty much. You know, like I said, his fuckin' dad's a piece of shit.

40

Lt. Daniels: And who is he now? How is he related to you?

Mr. Lilienfeld: My sister. She's dead now but...

45

Lt. Daniels: Okay. So you're...

Mr. Lilienfeld: My nephew.

50

Lt. Daniels: All right. Let's start this now. The following is a taped interview done by Detective Daniels of the Brooklyn Park Police Department in regard to case number 14-006457. Today's date is February 11<sup>th</sup> and the approximate starting time of this interview is 16:37 hours. The interview is being conducted at the Brooklyn Park Detention Facility and is transcribed into typewritten form by yourself.

Mr. Lilienfeld: NO AUDIBLE DIALOGUE.

Lt. Daniels: For the record, will you tell me your full name, spelling, and your last name, please?

Mr. Lilienfeld: It's Robert Allen A-L-L-E-N Lilienfeld L-I-L-I-E-N-F-E-L-D.

Lt. Daniels: Okay. And what is your date of birth?

Mr. Lilienfeld: 6-11-59.

5

Lt. Daniels: Okay. And where were you born?

Mr. Lilienfeld: Ah, Minneapolis.

Lt. Daniels: What's your address and phone number?

10 Mr. Lilienfeld: It's 2409 18<sup>th</sup> Avenue South, Minneapolis. Phone number is 612-466-1584.

Lt. Daniels: Are you currently employed?

Mr. Lilienfeld: No.

15 Lt. Daniels: I've already read this but I'll read it again to you. The constitution requires I inform you that you have the right to remain silent. Anything you say can and will be used against you in court. You have the right to talk to a lawyer now or have a lawyer present at any time during questioning. If you cannot afford a lawyer, one will be appointed for you without cost. Do you understand each of these rights I've explained to you?

20 Mr. Lilienfeld: Yes, I do.

Lt. Daniels: Do you wish to talk to me at this time?

Mr. Lilienfeld: Yes, I will.

25 Lt. Daniels: Okay. Now, we already talked. I just want to do a quick summary of what we talked about. Okay?

Mr. Lilienfeld: NO AUDIBLE DIALOGUE (nodded "yes" on video)

30 Lt. Daniels: Um, so what you told me is around 1:30...are we talkin'? This all started where James called and asked if you needed a ride home?

Mr. Lilienfeld: Oh, yeah. He called earlier.

Lt. Daniels: Okay. And so you were installing a radio. Where now?

35 Mr. Lilienfeld: At my son's girlfriend's house.

Lt. Daniels: Okay. And that was somewhere in Brooklyn Park?

Mr. Lilienfeld: It was a amplifier and stuff.

Lt. Daniels: Somewhere in Brooklyn Park?

40 Mr. Lilienfeld: Ah, yeah.

Lt. Daniels: And, um, so James came and picked you up. Correct?

Mr. Lilienfeld: Yes, he did.

45 Lt. Daniels: What kind of car was he in?

Mr. Lilienfeld: Uh, I think it was a Toyota.

Lt. Daniels: Okay. And was anybody with him at this time?

50 Mr. Lilienfeld: Ah, yes. There was a white gentleman with him.

Lt. Daniels: And what do you think his name is?

Mr. Lilienfeld: Roy.

Lt. Daniels: Okay. Um, where was Roy seated when they picked you up?

Mr. Lilienfeld: In the front seat.

Lt. Daniels: Okay. Did you guys...and then what happened after that?

Mr. Lilienfeld: James...ah, we stopped at a gas station and then, ah, the police started followin' us.

5

Lt. Daniels: At the gas station, um...

Mr. Lilienfeld: I got in the front seat.

Lt. Daniels: When everybody got back in, you got in the front seat?

10

Mr. Lilienfeld: Yeah.

Lt. Daniels: Then Roy, the other guy, got in the back seat. Correct?

Mr. Lilienfeld: Yeah.

15

Lt. Daniels: James was the driver. Correct?

Mr. Lilienfeld: He was the driver the whole time.

Lt. Daniels: Okay. So, you guys switched spots and then you left the gas station. What happened after that?

20

Mr. Lilienfeld: Then, ah, the police...or, he kinda got mixed up where he was going I think. But the police started followin' us. And then, ah, then Roy jumps out when we entered the freeway.

Lt. Daniels: Well, let's go back before that. You said the police start followin' you. You turned into some semi-truck area?

25

Mr. Lilienfeld: Yeah.

Lt. Daniels: And then what did he do in there? Just turn around?

Mr. Lilienfeld: Just did a U-turn and then when we pulled out, that's when the police started followin' us through the neighborhood.

30

Lt. Daniels: Okay. So, pulled out of the semi-truck area then went through the neighborhood?

Mr. Lilienfeld: Yeah.

Lt. Daniels: The police were followin' you?

35

Mr. Lilienfeld: That's when I think he was lost.

Lt. Daniels: Okay. And then did the police officer have the lights on at that time?

Mr. Lilienfeld: No. No.

40

Lt. Daniels: Okay. Just followin.

Mr. Lilienfeld: Not until we went through where they were all sittin' (laugh).

Lt. Daniels: There was a lot of 'em there? (laugh)

Mr. Lilienfeld: That's when I said, "Stop." I said, "Just stop. We didn't fuckin' do nothin."

45

Lt. Daniels: Okay. So, then you guys passed a bunch of other police officers.

Mr. Lilienfeld: Yeah. That's when they threw the lights on.

Lt. Daniels: That's when the lights came on. And then what happened from there?

50

Mr. Lilienfeld: Ah, we got...we got and they started chasin' us. He stops when we get to the freeway and his friend jumps out 'cause he said he had warrants or somethin'.

Lt. Daniels: Mmhmm.

Mr. Lilienfeld: And then James hesitated. He was gonna stop or give himself up I think but, ah, then

he takes off.

Lt. Daniels: Were you tellin' him to stop though?

Mr. Lilienfeld: Yes, I was.

5

Lt. Daniels: Okay. What was Roy sayin' before, ah...

Mr. Lilienfeld: He was out of the car.

Lt. Daniels: Before this was goin' on, before he jumped out of the car, was he sayin' anything?

10 Mr. Lilienfeld: He said somethin' about felony warrants or somethin'.

Lt. Daniels: Okay.

Mr. Lilienfeld: Which, which I don't give a damn. I don't know the kid.

15 Lt. Daniels: Okay. I understand.

Mr. Lilienfeld: I don't give a fuck what they're doin' here.

Lt. Daniels: Yeah. So, they pull over and Roy jumps out, um, you're tellin' James to just stop  
and...

20 Mr. Lilienfeld: Yeah.

Lt. Daniels: And he decided otherwise?

Mr. Lilienfeld: Yeah. He says, "I'm scared. I'm scared." "Scared of what? We didn't even do nothin'."

25 Lt. Daniels: Mmhmm.

Mr. Lilienfeld: But then...then I put two and two together.

Lt. Daniels: Okay. And then he...

Mr. Lilienfeld: Just took off.

30

Lt. Daniels: Took off down...

Mr. Lilienfeld: I mean, I shut the car off a couple times. I threw it...I took it out of gear. I did  
everything I could to get the fuckin' car to stop. I mean, we blew the tran...I blew the transmission  
up to fuckin' make him stop.

35

Lt. Daniels: So, but at this point, um, he took off and the cars were chasin' him. Right?

Mr. Lilienfeld: Yeah.

Lt. Daniels: How fast to you think you were goin'?

40 Mr. Lilienfeld: It went as fast as the car could possibly go.

Lt. Daniels: Okay. And you mentioned somethin' like the meter was over a hundred?

Mr. Lilienfeld: Yeah. The car had been airborne. I remember 'cause I hit the fuckin' roof of the car  
and I had a seatbelt on.

45

Lt. Daniels: And it was...it couldn't go any further? The meter? The speedometer?

Mr. Lilienfeld: No.

Lt. Daniels: Okay. You know 'cause you worked on cars. (laugh)

50 Mr. Lilienfeld: I mean, yeah, it was about a four cylinder. (laugh)

Lt. Daniels: Yeah. All right. Um, did he say at all why he was runnin'? Why he wouldn't pull over?

Mr. Lilienfeld: No. He never. I don't think he...I don't remember him mentioning if the car was stolen  
or not.

Lt. Daniels: Okay.

Mr. Lilienfeld: 'Cause I was talkin to my daughter on the phone and I was tellin' her you're gonna have to come get me.

5

Lt. Daniels: So, while goin', you called your daughter, um, just tellin' her that basically you're gonna get arrested...?

Mr. Lilienfeld: Yeah. I mean, you can...you can...you can call her and ask her.

10

Lt. Daniels: No. I believe you. I'm just summarizin' what we were talkin' about.

Mr. Lilienfeld: Yeah.

Lt. Daniels: Um, you were tellin' him to let you out. Is that correct?

Mr. Lilienfeld: Yeah.

15

Lt. Daniels: What was he sayin' to that?

Mr. Lilienfeld: He said, "No. I'm scared, Unc. I'm scared." He says, "You know, I don't want to go to jail." Or I. No. "I don't want to go back to prison."

20

Lt. Daniels: Okay.

Mr. Lilienfeld: I said, "It's too late for that." (laugh)

Lt. Daniels: So, what ended up happening?

Mr. Lilienfeld: The car caught on fire.

25

Lt. Daniels: I, I should say. At that point, you mentioned that you kind of got away from the...?

Mr. Lilienfeld: Brooklyn Park Police.

Lt. Daniels: Okay. So, you guys got away from the Brooklyn Park Police. They weren't chasin' you anymore. Right? It was obvious that...

30

Mr. Lilienfeld: Yeah. 'Cause I mean he was pullin' away from 'em. I mean, not at a high rate of speed, but he was...they, they, they probably figured he's gonna kill somebody. We're goin' through major intersections non-stop. I mean, we weren't touchin' the...the street.

35

Lt. Daniels: And then, um, you guys ended up down in Minneapolis?

Mr. Lilienfeld: Yeah. And then the chase started.

Lt. Daniels: Do you know where you got off?

Mr. Lilienfeld: Not really.

40

Lt. Daniels: You said somethin' about you guys ended up in downtown eventually.

Mr. Lilienfeld: Yeah.

Lt. Daniels: And what happened when you guys were down there?

45

Mr. Lilienfeld: He, he ended up losin' 'em completely.

Lt. Daniels: Okay. Still just speedin' around though?

Mr. Lilienfeld: Yeah.

50

Lt. Daniels: Even when there was nobody behind him?

Mr. Lilienfeld: Yep.

Lt. Daniels: Okay. And you were...you said you were tryin' to stop the car still?

Mr. Lilienfeld: Mmhmm.

Lt. Daniels: What did...um...

Mr. Lilienfeld: 'Cause he was pretty much fightin' with me then.

5 Lt. Daniels: You wanted him to let you out?

Mr. Lilienfeld: Yeah.

Lt. Daniels: And then ended up back in Minneapolis somewhere and where did you say that the police picked you back up?

10 Mr. Lilienfeld: On, ah, Glenwood and Lyndale.

Lt. Daniels: Okay.

Mr. Lilienfeld: Where the freeway was.

15 Lt. Daniels: These were Minneapolis police at the time?

Mr. Lilienfeld: Mmhmm.

Lt. Daniels: Okay. What happened from there?

Mr. Lilienfeld: Then they started their chase.

20

Lt. Daniels: Okay.

Mr. Lilienfeld: And they don't mess around.

Lt. Daniels: He still wasn't...?

25 Mr. Lilienfeld: I figured they'd shoot the car up next.

Lt. Daniels: So, he still was figurin' that...

Mr. Lilienfeld: He was gonna get away.

30 Lt. Daniels: Okay. He did it once.

Mr. Lilienfeld: And they're sittin' there with a big front-end loader and a big, ah, dump truck. They got the street blocked off. A plow in the street. Huh. So, I don't know how he did it. I don't know how...he made it through there somehow and I thought we were just gonna fuckin' mash head-on. I said, "You're gonna fuckin' kill us."

35

Lt. Daniels: All right. And then, um...so you're goin'. He's drivin' tryin' to leave Minneapolis.

Mr. Lilienfeld: I don't even know how we got back over on Penn. That's back...I live on Cedar and 24<sup>th</sup> pretty much. I'm like, "What the fuck?" You know?

40 Lt. Daniels: So, you mentioned the car catches on fire?

Mr. Lilienfeld: Yeah.

Lt. Daniels: And where did this happen?

45 Mr. Lilienfeld: It started right when we got on the freeway and right before that I could see flames shootin' up.

Lt. Daniels: That's 394 and Penn?

Mr. Lilienfeld: Yeah.

50 Lt. Daniels: Okay. And then, um, the car catches on fire, you jumped out, um, laid on the ground. Is that correct?

Mr. Lilienfeld: Mmhmm.

Lt. Daniels: Okay. And that's when Minneapolis...

Mr. Lilienfeld: Jumped me.

Lt. Daniels: Jumped...that's when Minneapolis did what they did and then as far as him, you don't know. You just know he got arrested, right?

5 Mr. Lilienfeld: Mmhmm. Yeah. Yeah. I talked...I mean, he's here. Right there.

Lt. Daniels: He's here right now. Do you know if he ran at all?

Mr. Lilienfeld: No. He didn't run.

10 Lt. Daniels: You mentioned that the car was on fire. Did it look like he was still tryin' to...

Mr. Lilienfeld: Now, where is he gonna fuckin' go? A thousand police, highway patrol, everybody's there.

Lt. Daniels: He was still tryin' to start it or whatever?

15 Mr. Lilienfeld: Yeah.

Lt. Daniels: From what you thought.

Mr. Lilienfeld: Yeah. Flames are shootin' up over the dash! I'm like, "When the..." I'm like, "Stop. Stop. Just give yourself up."

20

Lt. Daniels: Okay. Um, you found out later that the car was stolen?

Mr. Lilienfeld: Mmhmm. Yeah.

Lt. Daniels: From the police?

25 Mr. Lilienfeld: Yeah.

Lt. Daniels: Okay. Had you ever seen this car before?

Mr. Lilienfeld: No.

30 Lt. Daniels: Did you know James to own this car in any way?

Mr. Lilienfeld: No. He said a friend let him use it.

Lt. Daniels: Okay. And, um, you mentioned throughout this whole deal you noticed that there were...he had the keys to the car. Is that correct?

35 Mr. Lilienfeld: Mmhmm. Yeah.

Lt. Daniels: Okay. So they...it wasn't punched or anything like that?

Mr. Lilienfeld: Nuh-uh.

40 Lt. Daniels: All right. That's all I have. Anything else you'd like to add?

Mr. Lilienfeld: No, just that I'm an innocent bystander in this.

Lt. Daniels: Okay.

Mr. Lilienfeld: I mean, he'll tell you.

45

Lt. Daniels: Okay. Well, we haven't talked to him yet but we will. That's what I was gonna ask also...

Mr. Lilienfeld: I'm always the one that ends up with fuckin' wounds.

50 Lt. Daniels: Is he gonna back this and say the same?

Mr. Lilienfeld: Yeah.

Lt. Daniels: Okay. Is the information in this statement true and correct to the best of your knowledge?

Mr. Lilienfeld: Yes, it is.

Lt. Daniels: Have you been promised, threatened or induced in any manner to give a statement to me today?

5 Mr. Lilienfeld: No.

Lt. Daniels: After having an opportunity to read it as it has been typewritten, and you find it true, would you be willing to sign it?

10 Mr. Lilienfeld: Yes, I would.

Lt. Daniels: Should it become necessary, are you willing to go to court to testify to the facts set out in this statement?

Mr. Lilienfeld: Yeah.

15 Lt. Daniels: Okay. The ending time of this statement is approximately 16:47 hours.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

20 jmc

**STATEMENT OF**      **Robert Lilienfeld**  
**PLACE:**            Office of Police Conduct Review, Minneapolis Department of Civil Rights -Room 239  
**DATE:**             March 31, 2014  
**TIME:**             12:50 p.m.  
5    **CASE NO:**        14-04997  
**INVESTIGATOR:**   Robin Lolar  
**ALSO PRESENT:**   Michael B. Padden, Attorney for Complainant

Q. What is your full name?

10    A. Robert Allen Lilienfeld L-I-L-I-E-N-F as in Frank E-L-D as in David.

Q. What is your present address and phone number?

A. 2409 18<sup>th</sup> Avenue South, Minneapolis and my phone number is 612-466-1584.

15    Q. What is your age and date of birth, sir?

A. I'm 54. My birth date is 6/11/59.

Q. And it should also be noted that also present during this interview is Mr. Lilienfeld's attorney, Mr. Michael B. Paden from Paden and McCollister?

20    A. Mr. Padden: Yes, ma'am. It's pronounced Padden.

Q. Padden. I'm sorry.

A. Mr. Padden: That's okay.

25    Q. Thank you. Mr. Lilienfeld, you are being questioned as part of an official investigation into a complaint of police misconduct. The information you provide will be used in a fact-finding process as part of the total evidence to determine if such misconduct occurred and for assessing whether disciplinary action should be taken. The information you supply may also be used in a grievance hearing, arbitration or other appeal procedure. Other parties outside of the Minneapolis Civil Rights Department (OPCR) Office may have  
30    access to the information you provide as part of the internal investigation.

At this time, I would like to ask you some questions concerning an incident that occurred on February 11, 2014 at the location of 394 & 10. Are you willing to tell me what you know about this matter?

35    A. Yes, I am.

Q. Please tell me, sir, in your own words, what you know about this incident.

40    A. Okay. The incident started on 610 and about Zane Avenue when my nephew came to pick me up for a ride home. James Mitchell picked me up in a car that I thought was borrowed and we were riding back towards Minneapolis southbound on 252 and then we get off on 85<sup>th</sup> Street and go to the SA gas station. Then, from  
there, they started to take me home and when they pulled out they made a right turn and was going westbound and then they seen a police cruiser do a U-turn. So, then, my nephew, the one that was drivin', James Mitchell, he did a U-turn.

45    Then, the police started followin' us and we pulled into a truck stop or someplace where they park truck trailers. Well, the police officer sat out there at the exit. My nephew went in there, did a U-turn, came back out. Police consumed or resumed following us. Then, we went through the Brooklyn Center neighborhood which I don't know where we were really at but I know in Brooklyn Center. And the officers just stayed with us with the lights off.

50    Then, we came into a road block. That's when the case started. So, there was probably about I'd say at least six squads then. So we end up back on 85<sup>th</sup> and 252 and then his friend jumps out of the back seat and tries to run. My nephew pulls over to the side and sits there and he's just panicky. This is when I called my daughter on the phone and I told her what was goin' on and she's like, "Well, just jump out." And I couldn't jump out because I got knee, I got knee problems.

55    So then he takes off and we're going southbound on 94. We get off on 53<sup>rd</sup> exit ramp. Ah, by then, we were doin' about a hundred miles an hour. So, all I could do was hold on. Then we get back on the freeway and,

ah, get off on the Dowling I think or Lowry, one of them ramps. And he cleared the whole intersection and we got on Sixth Street. We got down Sixth Street. That's when the Brooklyn Center Police stopped chasin' us because he was just, he was out of control.

5 Q. Who was out of control?

A. My nephew. I mean, he, he's, he's, he's not an experienced driver or anything so I'm surprised he didn't flip the car. So, we're goin' down Sixth Street about a hundred miles an hour fast then and he goes through this maze and we passed Broadway and all that and then we end up downtown. We lose the police again and then he end up on Glenwoo, Glenwood Avenue going westbound, right off that bridge was a, was a, ah, the  
10 junk or not the junk. [INAUDIBLE 6:08] Where workers services.

Okay, the police are comin' down Lyndale. They try to block us off and he goes through that. And I think that's when we got up to Penn Avenue. He goes down Penn Avenue and got on the freeway. That's when I finally. I just blew the transmission on the car, throwin' it in park. I mean 'cause he was gonna kill me or  
15 himself in this chase. That's when the car caught on fire on 394 and Penn and I got out with my cane in my left hand, my backpack in my right hand and my phone because I was talkin' to my daughter during the whole chase. Police said, "Lay down." and I told 'em, "I'm innocent. I didn't do nothin' wrong." I got behind the car, lay down, put my hands out and then they jumped me.

20 Q. What did you do with the items that you had in your hand? They just disappeared?

A. They kicked. They kicked everything out of my hands and everything. The phone. My daw, my daughter was still tryin' to find out what was goin' on. I could hear her screamin'. The phone went one way. They kicked my glasses off. Broke them. And took my cane and my backpack like this here. And that's when they took this arm and they broke it. They touched the back of my head with it. I could hear it pop.

25 Q. Okay. So, and what position did you...?

A. I was on the ground. I was already on the ground. Flat, flat ground.

Q. You were already on the ground when?

30 A. When they said, "Get down." I was down with my hands out because I, I was scared I was gonna get shot.

Q. And, for the record, sir, describe the position you were in on the ground.

A. Um, like a tee. I was layin' face first on the ground, my arms outstretched and, and that's when they just.

35 Q. What happened after you immediately...[INAUDIBLE 8:01]

A. I was punched, kneed...

Q. Let me finish my question, sir, so it's not confusing. What happened after you complied with getting on the ground and as you were laying face down on the ground, what was the next thing that happened?

40 A. That's when the North Minneapolis Police Officers jumped on me.

Q. And how? When you say jumped on me, what exactly...

A. On top of me, on my head. They ground my face into the, to the, to the freeway. Uh, they snapped my arm. I could just hear it break when they put it up to my head. They made. Like, touched the back of my head  
45 with my arm.

Q. Which arm?

A. My left arm. It's like I said. I had my arms out. They had no reason for that type of, to stretch me out like that. You know, I'm goin' on 55 years old. I'm not gonna fight 'em.

50 Q. At any time did you resist them taking control of you?

A. No. No. Not one time.

Q. Okay. And then once your left arm was pulled back behind your back, what happened?

55 A. They were puttin' their knees in my back, smashin' my face into the ground. I got, I got, I had to go to the

chiropractor and everything. And, I mean, they just, they really messed me up bad.

Q. Did you ever tuck your hands underneath your body?

A. No.

Q. Was there ever a time that your hands was underneath your body?

A. No. 'Cause I was scared. I know from experience, if you go to reach for somethin', you're gonna get shot.

Q. Was there a time when your hands, um, due to the way the officers were positioned on your, was there a time when your hands were pinned up under your body?

A. I don't remember that but I'm sure they were clearly out in view because like I said I, I, I've been through situations with the police before so I know not to hide my hands in any kind a way.

Q. So, once your left arm was behind your back, what happened?

A. Then they put the other one together and they put the handcuffs on me so tight that I lost feeling in my hands and my arms.

Q. At any time did you resist them taking control of your right arm?

A. No.

Q. At any time did you attempt to get up from the ground while they were attempting to handcuff you?

A. No.

Q. And then once you were handcuffed, what happened?

A. They pretty much lifted me off the ground and took me to behind the squads and, and I kept tryin' to explain to him what's goin' on. He started chokin' me, the one officer but I couldn't see who it was 'cause I didn't have my glasses then. They broke 'em.

Q. Who started chokin' you?

A. One of, one of the taller officers. He was Minneapolis Police though 'cause I could see his insignia.

Q. And how were you positioned when the occurred?

A. I was handcuffed and thrown over the car and, and "Shut up." Like this.

Q. Which squad car were you on?

A. A Minneapolis Police car. 'Cause Brooklyn Center wasn't even there yet. There was high, the highway patrol and everybody else was there. I mean they had the whole freeway blocked off and the ramp so the news media was there.

Q. And so once you were taken up from the ground you were escorted over to a squad car?

A. And lifted off my feet.

Q. And who took you to the squad car?

A. Min, Minne, Minneapolis Police.

Q. And how many officers assisted in taking you to the squad?

A. That, that was just two, two of 'em then.

Q. That took, lifted you off your feet and escorted you to the squad car?

A. Yeah. Yeah.

Q. And, um...

A. They searched me.

Q. Okay and then you stated that once you were at the squad car an officer choked you?

A. Mmhmm. 'Cause I was tryin' to explain to him, "Look. I didn't do nothin'. I didn't have nothin' to do. I had just got in the car. I mean, my nephew told 'em. That they took him out of the car 'cause he was, the flames were shootin' up on the windshield and they had to get him out of the car.

5 Q. Okay. So, let's just back up a little bit, sir. So, you said that once you were at the squad car, an officer choked you?

A. Mmhmm.

Q. Is that yes?

10 A. Yes.

Q. Okay. And was this, the officer that choked you, was it one of the officers that escorted you over to the squad car?

A. Yes it was. It was the taller of the ones. He was his size.

15

Q. And so, and you're referring to your attorney, Mr. um...?

A. Yeah. My attorney. Michael Padden.

Q. Right. Okay. So, then and after he...how long did he choke you?

20 A. Not long. He just wanted me to stop talkin'.

Q. And then what happened?

A. Then Brooklyn Center came and they, they, they said, "Here. Take him." After they switched the handcuffs then they took me but they were nice to me. I mean they...

25

Q. Were you ever placed inside a squad car before, um, Brooklyn Center came to the scene?

A. [no audible dialogue]

Q. Do you need me to repeat that?

30 A. I kind of lost it.

Q. Were you ever placed inside a squad car before Brooklyn Center came to the scene?

A. I don't think so. They had me bent over the police car I think the whole time 'cause I was watchin' 'em search in my backpack, you know, which had clothes and everything, miscellane hygiene stuff and stuff in it.

35

Q. And so then once you were taken into custody at Brooklyn Center what happened?

A. Then they strip searched me and put me in a cell.

40

Q. So, Brooklyn Center transported you?

A. Yeah.

Q. And you were transported to where, sir?

A. The Brooklyn Center Jail on Zane and 85<sup>th</sup> I think it is.

45

Q. Did you sustain any injuries?

A. Yes.

Q. What kind of injuries, sir?

50 A. Ah, I had all my teeth chipped. I had my lip. My bottom lip cut almost cut completely off from them groundin' me into the pavement.

Q. Was that inside or outside your mouth?

A. It was the inside. And my neck was messed up too. It had rocks and stuff in it.

55

Q. Okay. You're showing for the record your chin area?

A. Yeah. I picked 'em off.

Q. And when you say that you had chipped teeth. Which teeth were chipped?

5 A. All of them.

Q. For the record, sir.

A. My tops and my bottoms.

10 Q. And you're pointing to your front teeth?

A. Mmhmm.

Q. So the top front teeth and the bottom front teeth?

15 A. Mmhmm. 'Cause I kept tryin' to talk.

Q. And that was the result of?

A. Tryin' to talk to the police officer and let 'em know that I didn't do nothin' wrong.

Q. And what, what, what caused those chips to get chipped?

20 A. Him grindin' my face.

Q. I'm sorry. Teeth to get chipped.

25 A. They're like, when they had their knees on my head and then pushin' my face into the ground, into the freeway.

Q. Did you sustain any other injuries?

A. Yeah. My left elbow was fractured and this bone spurs or somethin'. And then I had my, the, my, the middle of my back and my lower back was hurt.

30 Q. Did you seek any medical treatment?

A. Yes, I did.

Q. Where?

35 A. North Memorial and I go to a chiropractor too.

Q. And what was your results or your treatment? What was the diagnosis?

A. They said it was a fractured elbow and somethin'. I don't know. He, he, he's got the medical stuff. I'm not sure.

40 Q. You're referring to your attorney?

A. Yeah.

Q. Okay and your fractured elbow was located where?

45 A. Here.

Q. And you're pointing to your...?

A. See. See how it sticks up now?

Q. Your left arm?

50 A. Yeah and then in here.

Q. You're referring to your left arm, sir?

A. Yes, my left arm. See. It won't. It's fused like this now 'cause they, they didn't do it right or somethin' at North Memorial.

55

Q. At any time did you resist the officers once you exited the vehicle?

A. No, I didn't.

Q. You stated there was another individual with you and your nephew?

5 A. Yeah.

Q. What happened to that passenger?

A. He jumped out on 85<sup>th</sup> and 94.

10 Q. So, he was out of the vehicle prior to you coming to a full stop?

A. Yeah.

Q. So, the only individuals inside the vehicle once you stopped...

15 A. Was me and my nephew.

Q. Okay. Were you ever struck with a closed fist by any of the officers?

A. No. I mean, they, pretty much used their knees and weight to hurt me. I mean, I'm only a hundred and sixty pounds, five-five so it doesn't take much to do what they did to me.

20 Q. Did you ever try to, um, push the officers off of you?

A. No. They had. They had me pinned pretty good.

Q. Um, and you said that your bottom lip was injured. Is that correct?

25 A. Yeah.

Q. Were you bleeding at the time, sir?

A. Mmhmm. Yes, it was. It was almost cut completely through.

Q. Was it bleeding prior to the Brooklyn Center officer coming to the vehicle?

30 A. No. I had no injuries.

Q. No. Was it bleeding before the Brooklyn Center officers took possession of you?

A. Oh, yeah, Yes. Yes.

35 Q. So, while you were still in the custody of Minneapolis or the other officers your mouth was bleeding at that time?

A. Mmhmm. And my lower, my chin.

Q. While you were on the ground, sir, did you struggle with the officers at any time?

40 A. No, I didn't.

Q. Is there anything else that you would like to add to this statement that I have not asked you concerning this incident?

45 A. Ah, no. I think that's fine.

Q. Is this a true and accurate statement?

A. Yes it is.

Q. That concludes this interview. The time is 1:07 p.m.

50 Q. Going back on record. The time is 1:09 p.m. Sir, when you were taken to Brooklyn Center Jail, were you charged, formally charged with anything?

A. No, I wasn't.

55 Q. Are there any charges pending against you regarding this incident?

A. No, there isn't.

Q. So, when you were released from the jail, what were you told?

A. I was told I was a free man and I could come pick up my property at a later date.

5

Q. And, you stated that you sought medical treatment in regards to your injuries that you sustained. Is that correct?

A. Yes, it is. Yes.

10

Q. And, at what time, at what point did you treat, ah, seek the medical treatment?

A. Well, the next day, they took me to the hospital but then I had to do follow-up appointments with my primary doctor, ah, HCMC Orthopedics and my chiropractor.

15

Q. Okay. Who took you to the hospital?

A. Brooklyn Center took me the first time to North Memorial to get my arm fixed 'cause it was broke and then from there they gave me instructions and stuff, what to do.

20

Q. So, were you still incarcerated at Brooklyn Center at the time that you were taken to the hospital by their staff?

A. Yes, I was. Yes, I was.

Q. Okay.

A. Then I was released.

25

Q. Okay. Anything else, sir?

A. No. That's about it.

Q. That concludes this interview. The time is 1:10 p.m.

30

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

jmc

# POLICE CONDUCT COMPLAINT FORM

CITY OF MINNEAPOLIS  
 OFFICE OF POLICE CONDUCT REVIEW  
 350 S. 5TH ST. ROOM 239, MINNEAPOLIS, MN 55415  
 612-673-5500

Monday through Friday, 8:30 a.m. — 4:30 p.m.

The completion of this form is the first step in the complaint process. This form needs to be filled out completely and accurately; attach additional pages if necessary. Sign and date the bottom, and return the form to the address at the top of this form. For more information, visit [www.minneapolismn.gov/civilrights/police-review](http://www.minneapolismn.gov/civilrights/police-review).

**Select Investigator Preference:** You may indicate a preference as to whether a civilian or sworn officer investigates your complaint. This will be taken into consideration by managers but does not guarantee that your preference will be accommodated.

**Civilian Investigator**                       **Police Investigator**                       **No Preference**

Name (Last, First, Middle)	DOB	Phone
Wilkenfeld Robert Allen	6-11-59	612-466-1584
Home Address Street	City/State	Zip
2409 18th Ave So	Mpls	55409
Please indicate your race(s):		

Asian                       African                       White                       Latino                       Other  
 Pacific Islander                       Black                       Native American                       Middle Eastern                       Refused

**TAM ALLEGING:**

Excessive Force                       Inappropriate Language or Attitude                       Discrimination                       Theft  
 Harassment                       Failure to Provide Protection                       Retaliation                       Other

Officer Badge Number(s)	Officer Name(s)	Squad Number
Case Number on Blue Card	Incident Location/Address	Incident Date & Time
Witness Name(s)	Address	Phone Number
James Michael		612-408-4240

**Narrative - Please describe the incident in detail, use back page if necessary.**

I was picked up by my Nephew in Brook Learn Center then I find out ~~stolen~~ I was in a stolen car. I asked him to let me out but he did not then the police started to give chase and I got my daughter on the phone through the whole chase I could not jump out or he would not let me out till the car caught on fire on 394 E Penn Ave North Mpls. when the North side police jumped on me I was told to lay down on the ground I did so right away and thats when they over

Complainant Signature	Date & Time

**This form is available in alternative format -** Please contact ADA staff, Human Resources Department 612-673-2694. Deaf/Hard of Hearing people can call 612-673-2626 TTY for more information or to make an appointment with a certified sign language interpreter to help fill out this form.

Case Number:

Revised 6/2013

# POLICE CONDUCT COMPLAINT FORM

Jumped on me I didnt try to get away  
Or fight them in any kind of way they  
didnt have to do this to me I AM 54 years  
old.

They Broke my Arm and cut my lip and  
Face and messed up my Back when they  
did this at the time of the stop.  
well I dont no I gave up and didnt  
fight them or try to get away.

Case Number:

Revised 6/2013

CUAPB000154

**CITY OF MINNEAPOLIS  
OFFICE OF POLICE CONDUCT REVIEW**

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
14-04997	Multiple	14-044893	2/11/2014	2:16	Civilian
Location of Incident		City/State/Zip		Date of Complaint	
394 & Penn.		Minneapolis, MN		3/19/14	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Lilienfeld, Robert A.			M	W	6/11/59
Home Address		City/State/Zip		Primary Telephone	
2409 18th Ave. So		Minneapolis, MN 55404		612-466-1584	
BADGE/NAME		ALLEGED POLICY VIOLATIONS			
0998; Carlson, Troy		OPCR Ord. § 172.20(1) - Use of Excessive Force MPD P&P § 5 - 301- Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.			
2813; Haugland, John		See above			
4169; Lindquist, Matthew		See above			
ALLEGATION SUMMARY					
Complainant was a passenger in a car being chased by the police. The car started on fire and pulled over. During the chase, Complainant was on the phone with his daughter and could not get out of the car. When the car pulled over at 394 and Penn, Complainant got out of the car and was told to lie down on the ground. Complainant claims that he lay on the ground right away and then Officers jumped on him. Complainant alleges that the Officers' conduct resulted in a broken arm, cut to his lip and face, and "messed up" his back. Complainant claims he did not fight back or try to get away.					
SUPERVISOR ASSESSMENT					
<b>MEDIATION</b> <input type="checkbox"/> Refer to Mediation <b>COACHING</b> <input type="checkbox"/> Refer to Precinct <b>INVESTIGATIONS</b> <input type="checkbox"/> Preliminary Investigation: Investigator <input type="checkbox"/> Admin Investigation: Investigator			<b>DISMISS</b> <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate		
<b>FINAL APPROVED INVESTIGATIVE REPORT</b> <input type="checkbox"/> Refer to Panel					
IAU Commander				Date	
Director - Office of Police Conduct Review				Date	

**CITY OF MINNEAPOLIS  
OFFICE OF POLICE CONDUCT REVIEW**