



November 12, 2012

### **Witness to Police Brutality on November 10, 2012**

I was present in the metro bus shelter located at 3<sup>rd</sup> & Hennepin Ave, when I witness an extreme case of police brutality inflicted by policeman John Chamberlain, who arrived on the scene in car 160 at about 5:15 pm, Saturday evening.

I was sitting in the middle section of the bus shelter when I saw the incident unfold. The shelter has 3 sections, two are enclosed and one is open. I was in the open section. The incident occurred in the east section, the side facing Washington Ave.

There were 7 to 10 young people in this section. It was a mixed group of black & white and male & female. I could smell marijuana coming from this section while I was waiting on my bus. After a while two of the young people left. They were white and one was male and the other was female. A moment or two after they had left a police cruiser pulled up in front of shelter populated by the young people. The cruiser had its headlights and the spot light directed at the youths. A policewoman was driving and a male officer was the passenger. The policewoman, Sherry Appledorn, was the first to enter the shelter and the male officer, John Chamberlain, was behind her. Officer Chamberlain entered with his Taser gun pointed at the youths. He was hostile and aggressive from the moment he entered the shelter. One of the youths stated that the lights were blinding him and if the officers would turn off the lights. Officer Chamberlain told him to shut up. The other youths said they had just arrived in the shelter and they hadn't done anything.

The male youth asked the officers again if they would turn off the lights because he couldn't see. Officer Chamberlain told that youth he was going to jail. The kid responded he hadn't done anything. Officer Chamberlain again told the youth to shut up and get up. The youth kept saying he hadn't done anything. The policeman handcuffed him very roughly and began to take the kid toward the police car. Suddenly the policeman stopped and slammed the kid's face on the right window pane of the shelter. The youth screamed when his face hit the window pane and said he hadn't done anything. I shouted to Chamberlain that I was taking pictures of what he was doing. The policeman pulled the youth off the window and turned him around and proceeded toward the police car. Officer Chamberlain stopped, turned around and forced the young man toward Hennepin Ave. The young man was complaining that the handcuffs were hurting him. The policeman then put the kid in a choke hold and took the young man down to the ground choking him. The kid was gurgling and saying he couldn't breathe. The officer continued to choke him very forcefully. I shouted again that I was taking pictures of what he was doing. The youth could barely speak but he was pleading for help and begged the policeman to stop. I told the officer to stop that he was hurting the young man. I shouted to the other officers present to stop Officer Chamberlain. I told them to stop the brutalization that was occurring but neither one of them did anything but watch. In fact, they looked very sad at what was going on. Another policeman was present, (Officer Baskin), and was watching Chamberlain

*Moody Benford*  
11/28/12

choking the kid on the ground. Then Officer Chamberlain pulled the young man up and took him to the car and put him in the back seat. Then unbelievably, Officer Chamberlain got in the back seat on top of the kid and starting beating him with his fist. The youth was screaming and pleading for help. He kept begging for someone to help and stop Chamberlain. The policeman continued punching the kid in the back seat of the car. I continue to beg the other officers to stop him. I said this was police brutality and was uncalled for. I told them I was going to report this to the NAACP, the newspapers, the TV stations, and the police department. I told them Chamberlain's behavior was uncalled for and he didn't deserve to be a policeman. I shouted that Chamberlain had lost control of himself and was hurting that young man. I continue to plead to the police officers to stop Officer Chamberlain. Officer Appledorn came toward me and said she had called her Supervisor and reported the incident. She said the Supervisor was coming to the scene. I told Officer Appledorn my bus would be arriving soon and I would have to leave. The officer told me if I missed my bus she would give me a ride home.

Again I was astounded by Chamberlain's behavior. He had got off the young man and pulled him out of the car. He stood the young man up and slammed his face on the roof of the police car. The kid was handcuffed and screaming. Chamberlain then took the car door and slammed it against the young man's body several times. Chamberlain had gone berserk! It was unbelievable. If one had not witnessed this incident it would be hard for anyone to believe a policeman would behave this way. Particularly when all these young people were doing was seating on the bench in the bus shelter when the police arrived. None of them were disrespectful to the police officers. There wasn't any bad language, any threatening gestures, no standing and shouting or anything out of line. They all had remained sitting on the bench. All they had said was they had not done anything wrong and they had just arrived at the shelter.

Chamberlain had put the youth back in the car and then got into the front seat of the car. Officer Appledorn was talking to me when Chamberlain shouted to her, "let's go". She continued to talk to me and he shouted, "let's go to the jail". Shortly after he had said this, Sgt. Patricia Nelson arrived on the scene. She spoke with Officer Appledorn and then she approached me. She introduced herself as the Supervisor of the Precinct and asked my name. I told her and then I recounted what had occurred. She said Officer Appledorn had told her I had taken pictures and would I show them to her. I told her I had but the pictures were dark and you couldn't see anything on them but the lights of the police car and the street lights on Hennepin Ave. I told Sgt. Nelson that I had friends who were police officers and I knew that all policemen didn't behave the way Chamberlain had. I told her it was policemen like Chamberlain that gave the police force a bad name. I stated he had been completely unprofessional and didn't deserve to be a policeman. I told her it was situations like this that contributed to why the Black community did not trust and respect white policemen. I said Officer Chamberlain was a danger to society and should be removed from the police department because he was unprofessional and he carried a firearm. He had lost control of himself and went berserk in front of a number of people. She told me the incident would be investigated and thanked me.

*Stacy Benford*  
11/26/12

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*IAU Case #12-250*

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

**COMPLAINT INFORMATION**

INTERNAL AFFAIRS CASE NUMBER: <b>12-250</b>	CCN: <b>12-351609</b>	DATE OF INCIDENT: <b>11/10/2012</b>	TIME OF INCIDENT: <b>1705 Hours</b>
LOCATION OF INCIDENT: <b>Hennepin Avenue/ Third Street</b>	DATE OF COMPLAINT: <b>11/10/2012</b>	REFERRAL METHOD: <b>Internal</b>	
COMPLAINANT'S NAME (LAST, FIRST MIDDLE) [REDACTED]	SEX: M <input type="checkbox"/> F <input type="checkbox"/>	RACE:	DATE OF BIRTH:
HOME ADDRESS: [REDACTED]	CITY / STATE / ZIP:	TELEPHONE:	

**POLICY INFORMATION**

POLICIES ALLEGED TO BE VIOLATED:  
**5-103 Discretion, 5-105 (3) & (14) Professional Code of Conduct, 5-303 Authorized Use of Force**

**ACCUSED EMPLOYEE(S)**

NAME/BADGE:  
**Officer John Chamberlain # 1075**

**COMPLAINT ALLEGATIONS**

It is alleged that Officer Chamberlain arrested a person without cause and used excessive force on the subject prior to handcuffing and after the subject was handcuffed. It is further alleged that Officer Chamberlain used harsh and racist language towards the subject.

**RECOMMENDATION**

(Preliminary Cases Only)

- Reckoning Period Expired Before Complaint was Filed
- No Basis for Complaint
- Closed Pending Further Information
- Refer to Precinct with Coaching Documentation
- Exceptionally Cleared
- Policy Failure
- Other

COMPL [REDACTED]	DATE [REDACTED]
COMM [REDACTED]	DATE



**MINNEAPOLIS POLICE DEPARTMENT**

Internal Affairs Unit  
Administrative Case #12-250  
Sgt. Melissa Chiodo  
December 20<sup>th</sup>, 2012

**CASE BACKGROUND**

On November 10, 2012 at 1710 hours, Sgt. Patty Nelson responded to a call at 3<sup>rd</sup> Street South and Hennepin Avenue to conduct a supervisor's force review. After Sgt. Nelson spoke with Officers and witnesses at the scene she had some concerns regarding the force used by Officer Chamberlain. Sgt. Nelson called Lt. Glampe, Lt. Lund (Car 9) and Inspector Frizell and it was decided that Officer Chamberlain would finish his shift working as the desk Officer at the First Precinct.

Sgt. Nelson later submitted a memo to her Commander, Inspector Frizell regarding the force used by Officer Chamberlain. After a review of CAPRS report CCN 12-351609, and Sgt. Nelson's memo, Lt. Glampe determined that Internal Affairs would conduct an investigation to see if the actions of Officer Chamberlain violated MPD Policy or Procedure.

Lt. Glampe assigned this case investigation to me on November 13, 2012. On November 26, 2012, Mr. Woodrow Benford delivered a completed OPCR Complaint Form to the Internal Affairs Unit. Since I had made significant progress on the case I

continued with my investigation and included his original complaint form in this case file along with his statement. Lt. Glampe hand delivered a copy of the complaint to Michael Browne for review.

### **CASE INVESTIGATION**

Officer Appledorn has been a patrol officer with the Minneapolis Police Department since March of 1993; she currently works in the First Precinct as a Middle Watch Patrol Officer.

Officer Baskin has been a patrol officer with the Minneapolis Police Department since January of 1999; he currently works in the First Precinct as a Middle Watch Patrol Officer.

Sgt. Patty Nelson has been a patrol officer with the Minneapolis Police Department since September 1997; she currently works in the First Precinct as a Middle Watch Sergeant.

Officer Chamberlain has been a patrol officer with the Minneapolis Police Department since November 2006; he currently works in the First Precinct as a Middle Watch Patrol Officer.

### **Sgt. P. Nelson's Memo**

Please refer to the case file tab, (Memo from Sgt. P. Nelson) and read her entire memo that she wrote and submitted to Inspector Frizell on November 13, 2012 regarding her response and the information she gathered regarding the use of force by Officer Chamberlain. Also see the full police report, CCN 12-351609 in the case investigation.

## **VIDEO**

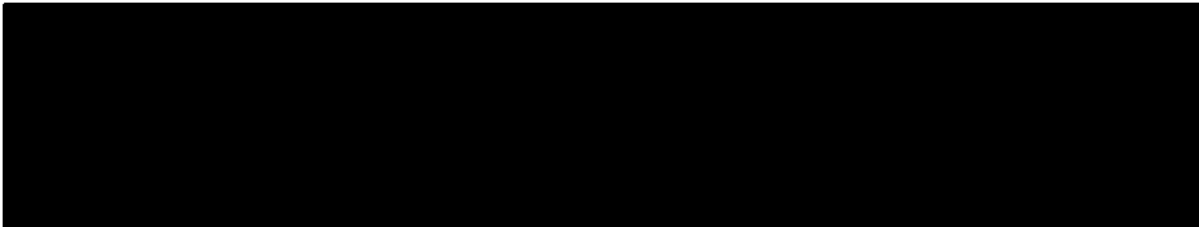
I called SIC on November 13, 2012 and spoke with Officer Melissa Bjorklund and asked her to check all cameras in the area of 3<sup>rd</sup> and Hennepin Avenue South during the one hour time frame regarding the police call on November 10, 2012. Sgt. Nelson also called SIC the night of the incident and asked to preserve any camera footage. Officer Bjorklund said that nothing on the camera footage involving the incident was located. I obtained a copy of the video and have included it in the case file. I also included an e-mail in the case file from Officer Bjorklund regarding her help.

Sgt. Nelson noted in the CAPRS report that she interviewed Trokon Guar in her squad car the night of the incident with her MVR running. I made a request to the crime lab and obtained a copy of the MVR video with that interview. The sound quality makes it difficult to hear the interview. This appears to be an issue with Sgt. Nelson's DVR that recorded the interview. I included the copy of the video in this file.

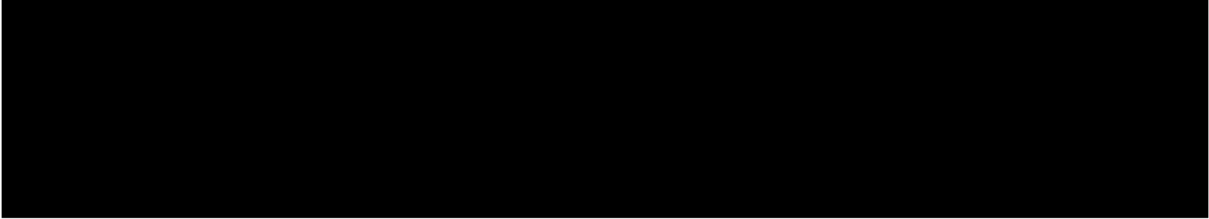
## **PHOTOGRAPHS**

Sgt. Nelson took pictures of the injuries to Trokon Guar and Officer Chamberlain as well as Guar's broken necklace. I had the crime lab make a disc of the pictures as well as a printed set; both are in the case file.

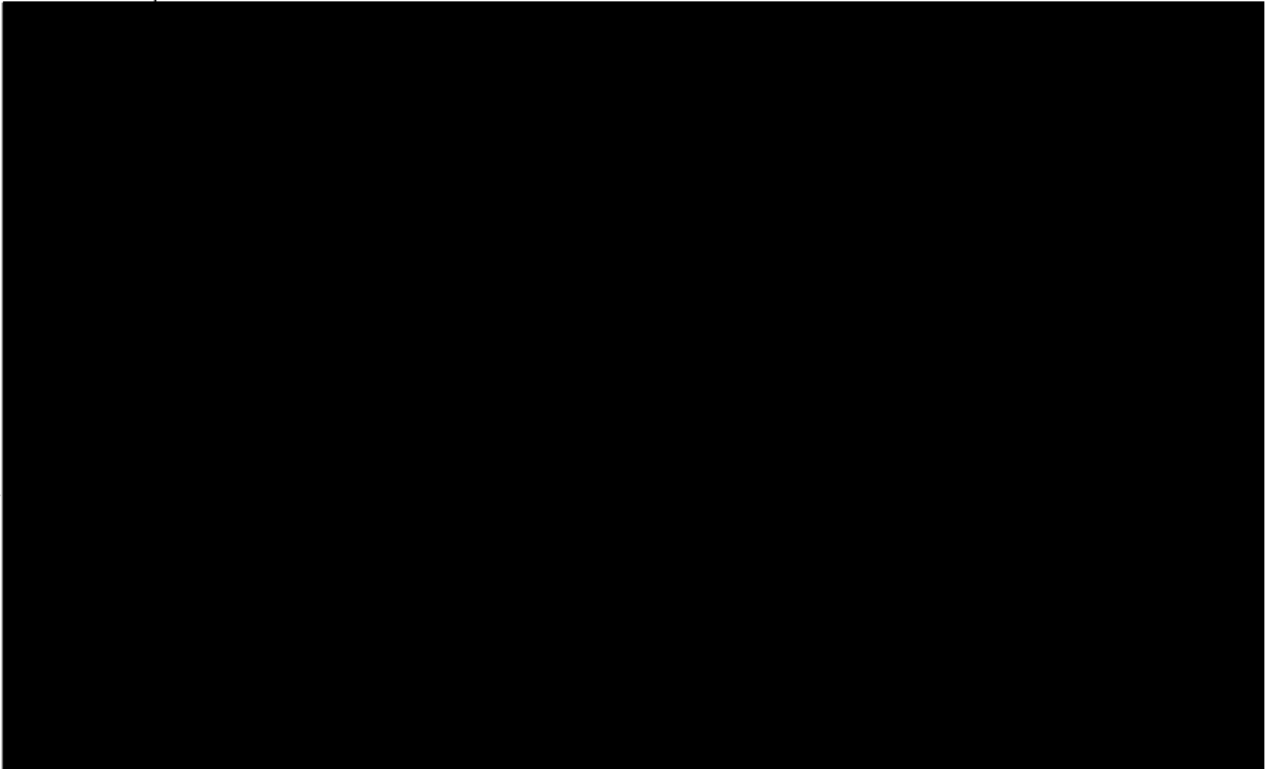
## **PREVIOUS SIMILAR COMPLAINTS FOR OFFICER CHAMBERLAIN**

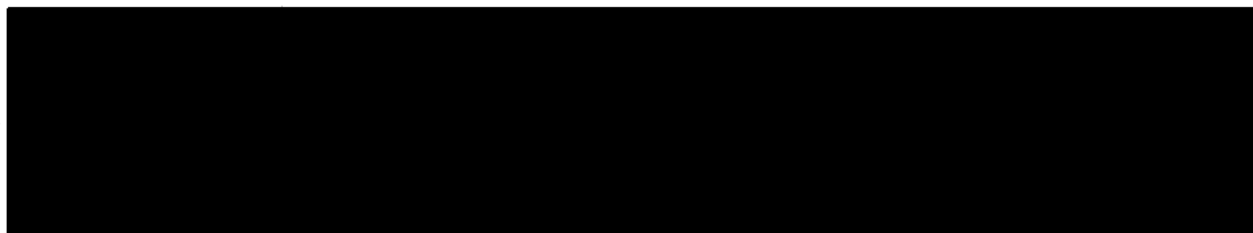
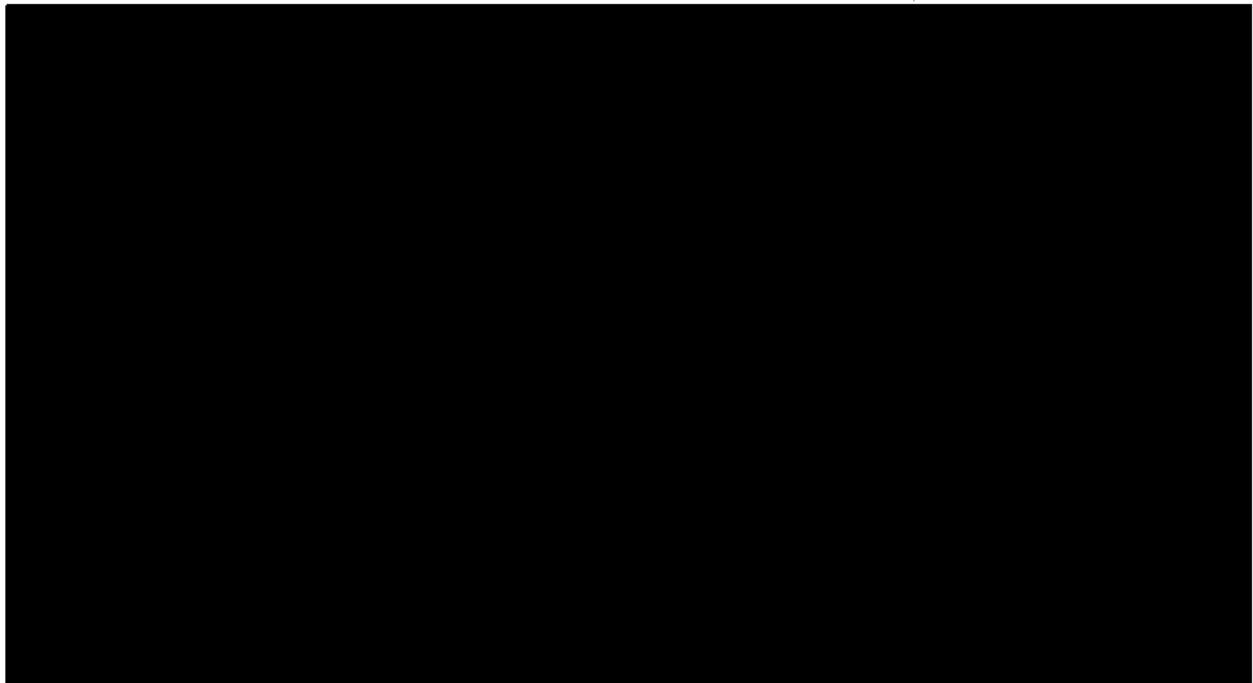


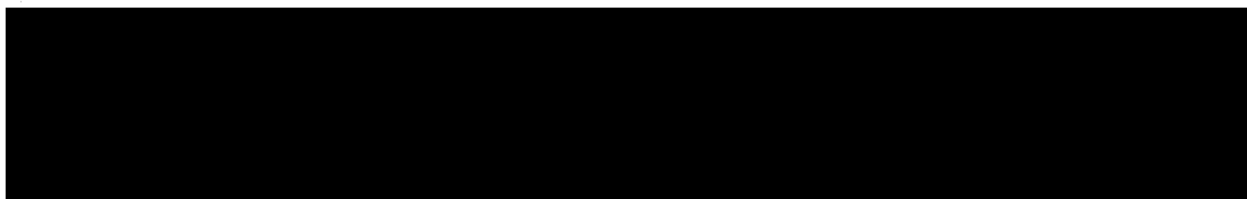
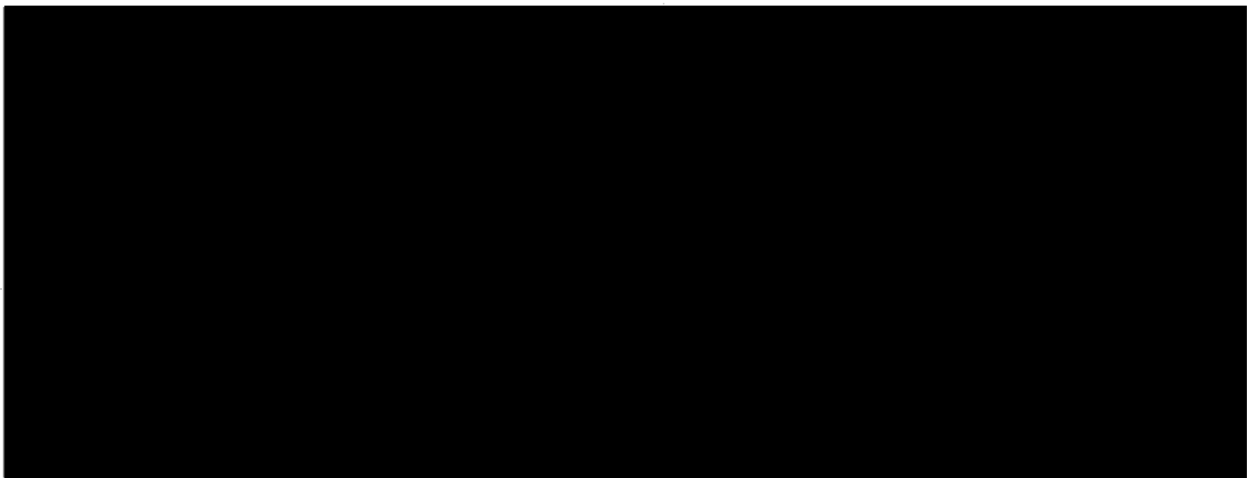
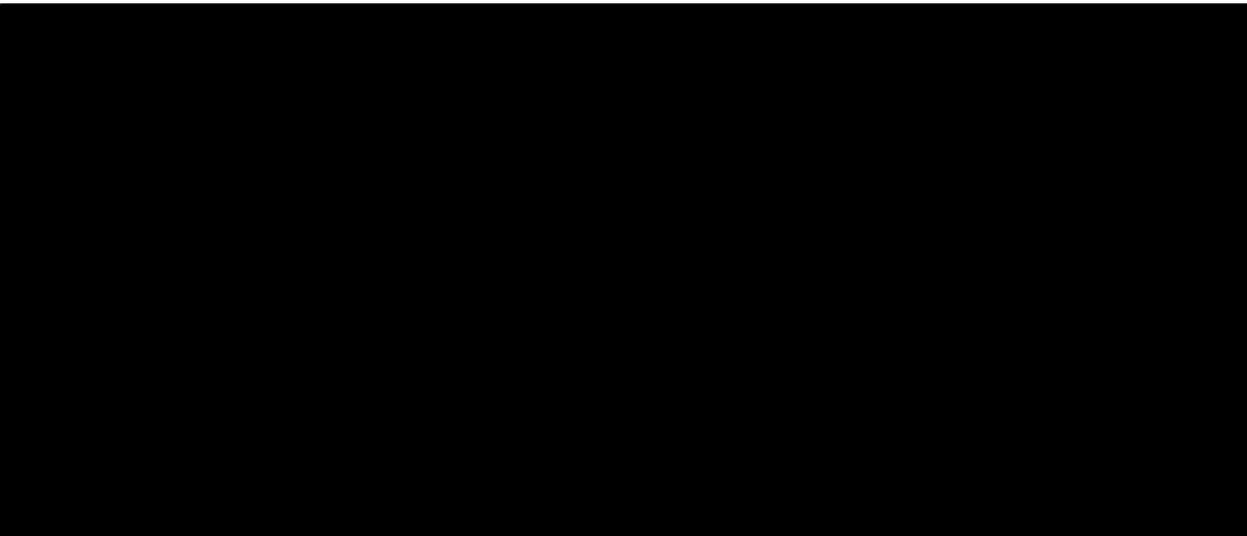




Case 11-199, Sustained as 3 B level violations for Policy's 5-103 Use of Discretion, 5-105(9) Professional Code of Conduct & 5-105 Professional Code of Conduct(10,14&15). On 12/2011 Officer Jones reported that she and Officer Feucht pulled a woman over and placed her in the rear of their squad and had the MVR on and recording. Officer Chamberlain was called by them to administer a PBT. The woman was not cooperative and turned her head refusing the PBT. Officer Chamberlain climbed in the back seat of the squad and tried to physically force the PBT into her mouth. When she asked for Officer Chamberlain's name he said, "I'm not going to give you my f—king name right now because I don't f—king feel like it" there is other foul language used by him on the tape as well.







**Summary of Case Statements**

**Officer John Chamberlain Statement**

For a significant portion of Officer Chamberlain's statement in IAU he referred to his CAPRS report and read directly from his supplement. I have attempted to summarize the 18 page statement for ease of reading without

eliminating the relevant content. The entire statement and CAPRS supplement are included in the case file for full review.

Officer Chamberlain was the passenger Officer and they arrived at the call location. Officers illuminated the bus shelter with the take down lights and side spot lights. He exited the car with his flashlight out as well.

When Officer Chamberlain approached the shelter he smelled marijuana but did not see anyone smoking. Officer Chamberlain saw one individual (later Id'd as Guar) sitting furthest away from him and he said Guar appeared to be "upset and enraged" that they had their spotlights focused on the group in the bus shelter.

When I asked Officer Chamberlain to explain what he meant by enraged he said, "He appeared very angry upon our arrival, that we were there, and that we had used out lighting". He further explained that his concern was that Guar was argumentative and that he began swearing saying, "Get those lights out of my fuckin face". Officer Chamberlain said Guar had watery bloodshot eyes when he shined his flashlight towards him to get a better look. I asked Chamberlain when he shined the flashlight on Guar if he could see him holding any weapon, narcotics or alcohol. Chamberlain he said he couldn't see Guar's hands and he couldn't remember where Guar's hands were.

Officer Chamberlain said Guar, "continued to uhh, to badger us about being there, umm, making comments about uhh, something that he was minding his own business or something along those lines. And it got to the point where uhh, after he was swearing, or I believed that he was, uhh, it would make the most sense to have him removed from that group".

Officer Chamberlain said Guar was "inciting" the group, that they were "disturbed" by Guar's conduct so he asked Guar to stand up but Guar didn't. Officer Chamberlain said, "I uhh, planted my MPD issued taser CED at him, using it in a red dot mode, pointing it towards his torso. I told him to stand up and to keep his hands where I could see them and then I told him to come back uhh, towards me outside of the shelter and to face away from me. He stood up - He seemed hesitant to do so, he was slow and lethargic in doing so. When he did stand up, he walked slowly towards me. Umm...His eyes were very wide, his umm, body language was tense, and I told him to uhh, face away from me a second time. He did not cooperate after I told him a second time to face away. It was my understanding, based on uhh, the fact that we were trying to conduct an official investigation while in response to a 911 call, that he was interfering with our ability to do this; based on his language, based on uhh, the tone and pitch of his voice - which was uhh, boisterous - it was certainly offensive by his use of words, and uhh, it appeared to be disturbing and inciting the other group members around there. Uhh...After that second time I had told him to face away and he didn't cooperate, it was at that point that I told him that he was under arrest and to face away. He didn't cooperate with my instructions to face away, so I pushed him with my free hand".

I asked Officer Chamberlain what happened next and he said, "I still had my uhh, taser in my hand. Umm...He took a step back and his eyes became uhh, wide and uhh, his profanities and boisterous tone continued. He was uhh, yelling indiscernibly - he was very loud, and uhh, I used uhh, verbal orders - which were



professional, but loud, to, "Turn around, face away, you're under arrest." Uhh...I then holstered my taser and I got him handcuffed."

Officer Chamberlain then tried to walk Guar to the squad car where he said Guar "violently" pulled his handcuffed arm away from Officer Chamberlain. Officer Chamberlain said he tried a wrist manipulation, wrist lock but it was ineffective. Officer Chamberlain said Guar was loud and used profane language.

Officer Chamberlain said he thought Guar would escape custody, fight him or kick him so he used a conscious neck restraint to bring his resistance under control and bring him down to the ground. He said that Guar used a "loud verbal tirade" with him so he used his body weight to pin Guar to the ground and check his waistband for weapons. He considered this a custodial arrest at this point to prevent further criminal conduct.

Officer Chamberlain said "Officer Appledorn was still standing with other members of the group. Uhh...I was able to get him up on my own, umm, and with...with his own efforts. I asked him to stand up, not to make matters worse, and I walked him towards the squad car. Umm...He continued to struggle, I just used my strength and uhh, a brisk walk in order to walk him towards the car."

Officer Chamberlain said once he was at the squad he directed Guar to spread his feet and he said that Guar was "indignant" about this. "I uhh, uhh...told him a second time not to make matters worse, spread your feet apart, you're under arrest, and uhh, he didn't cooperate. Uhh...I, uhh, pinned his body between the squad car and my own, partially, just to...to maintain control of him while...while uhh, conducting a search of him".

Officer Chamberlain said that Officer Appledorn was still dealing with the rest of the group, "Then I, uhh, I told him to spread his feet apart in order to conduct a search. He did not uhh, cooperate with spreading his feet apart. I...I uhh, used my thumb directed towards his hypoglossal nerve - It's a pressure point technique directed about an inch underneath the jaw" I asked Officer Chamberlain why he did this and he said, "That was used to uhh, change his aggressive thought process and to get him to uhh, separate his feet for the search". I asked what happened next and he said, "After I had searched him umm, more thoroughly, umm, I then checked his hands and handcuffs for fit prior to uhh, physically pushing him into the car. He was resisting as far as not getting into the car - which I asked him to do".

Officer Chamberlain said it was a struggle to get Guar in the squad car and Guar was using his physical strength to keep from going in the car. Officer Chamberlain said he bumped his own head on the corner of the car. Officer Chamberlain said he believed Guar was trying to get out of the car, "At that point I then used a hypoglossal pressure point, uhh, in order to uhh, move his, uhh, involuntarily move his...his...his head and his body into the car and away from the exit door of the squad car". Officer Chamberlain said he used one of his legs to pin Guar into the vehicle, had one hand supporting the back of Guar's head and used the other hand to apply the pressure point and was finally able to get Guar in the car.

Officer Chamberlain said he then spoke with Guar for a while and was attempting to ID him. Officer Chamberlain then made the decision to remove Guar from the car to retrieve an ID from Guar's pocket. Officer Chamberlain said as soon as he opened the car door Guar used his body weight to try and get out of the car.

Officer Chamberlain tried to use his body weight to keep Guar in the car.

Chamberlain said, "I then uhh, when I saw that those lesser attempts at using my strength were ineffective, I then used uhh, another conscious neck restraint to bring his level of resistance under control and to bring him back down to the ground".

Officer Chamberlain said that Baskin helped him get Guar back in the car and at that point Officer Appledorn walked up to the car. Officer Chamberlain said he was on his own for most of the incident. He said Officer Appledorn got in the back seat with Guar but he doesn't know what she was doing and that was the end of his dealing with Guar.

I asked Officer Chamberlain when he first approached the bus stop if the other people in the bus stop were compliant and he said, "They didn't seem to be a...a threat to officers or our investigation". I asked Officer Chamberlain how Guar was then inciting this group and he said, "My...My word choice of saying "incited" was...What I was trying to describe was, they uhh, were...seemed to be responding to his verbal level of aggression, which was swearing and loud tone. It appeared to be more of a like, "Calm down man," kind of...kind of thing towards the...towards the AP".

I asked Officer Chamberlain to further explain when he decided to arrest Guar for Obstructing the legal process and the following conversation occurred:

Q=Sgt. Chiodo, A=Officer Chamberlain

**Q:** Okay. Umm...So you decided to take this individual away from the group, and eventually you made the decision umm, to place him under arrest, umm, for

obstructing the legal process. Umm...What legal process of yours was he obstructing? I want a little more detail on that because...

A: Sure.

Q: at this point, he is the only one you're dealing with,

A: Mmm hmm (indicating yes).

Q: so is he obstructing you from dealing with him? I'm not clear on what...what...what you were doing. You...You said you didn't see anyone smoking marijuana when you came up,

A: Mmm hmm (indicating yes).

Q: you know, everything seemed to be okay. So what was your legal process he was obstructing?

A: That happened a bit...the...The obstructing the legal process was - My understanding of that was he was interfering with us to do our official duties. But the disorder...

Q: And how...How was he...what...How was he interfering? Because I'm...I'll tell you this - Officer Appledorn didn't have a clue that you were arresting this guy or for what, and he wasn't preventing her from doing anything. So, what was he preventing you, Officer Chamberlain, specifically from doing that would violate that law that he was obstructing the legal process? Your partner didn't even know why you arrested him. So, in your mind you had a reason, and it's not clear in here, so that's what I'm asking - What was that reason?

A: Sure. My reason for arresting him was for the disorderly conduct. It was for him facing his body towards me, his body being tense, him using profane language, the

tone and pitch of his voice, uhh, the uhh, uhh, the fact that we were there to investigate people smoking marijuana where he was located. If he didn't want to be a part of it, there was a shelter right next door which I believe had no persons inside of it - if he didn't want to be part of that group. He had that option, it's not like it was the only shelter. And I believe it was about 60 degrees out, I was wearing short sleeves.

I reminded Officer Chamberlain that he listed himself as a Police Victim of Disorderly Conduct in the CAPRS report and asked him if he was aware that Officers cannot be victims of this and he said, "In...In cases of...I...I believe that we can't be the victim of disorderly conduct as far as language. As far as physical aggression, I believe we...we may be able to be, or even obstruct at that level"

I reminded Officer Chamberlain that he used the words "enraged, verbal tirade and indignant" to describe Guar but also said he could not understand what Guar was saying other than to get the lights out of his "fuckin face". I asked him to describe Guar's actions and specific words that caused his arrest for disorderly conduct. Officer Chamberlain said Guar's words were rude, profane and abusive. I asked again what the "angry" words and "enraged" and "badgering" actions were by Guar and Officer Chamberlain said he couldn't remember the words but Guar did use the word "fuck" and "bullshit" and that delivered the words in an "aggressive" way.

Earlier Officer Chamberlain said he remained professional with Guar during this encounter, I asked Chamberlain if he was raising his voice telling Guar to "Shut



up" or "shut the fuck up". Officer Chamberlain said he believes he said shut up when Guar used profanities. He said he yelled at Guar to match his level of aggression.

I asked Officer Chamberlain if Guar was upset from the onset of the call or was Guar getting upset as the events progressed. He believed that Guar was upset from the beginning of the encounter.

I asked Officer Chamberlain if at any point he shoved Guar face first into the glass bus shelter. He said that he believed he used the bus shelter as a barrier to pin Guar's body against but he did not shove him face first into it.

I asked Officer Chamberlain when he first pulled his taser out and red dotted Guar, what was he attempting to do, was he hoping to gain verbal or physical compliance? Officer Chamberlain said he was hoping to gain voluntary compliance to have Guar step out of the shelter so he wouldn't have to go hands on or pass by the other people in the shelter.

I asked Officer Chamberlain if he ever asked his partner for assistance or got on the air to ask for assistance dealing with Guar since he describes such a struggle and all the force that he had to use. Officer Chamberlain said he did ask his partner for assistance and looked at her for help and that she never assisted him.

I asked Officer Chamberlain if he ever had his hands around Guar's throat when he was in the back of the squad car and he said no. I asked Officer Chamberlain if he ever heard Guar scream, "Help! This officer's trying to kill me! He's killing me!"? Officer Chamberlain said he remembers him saying something like that.

I asked Officer Chamberlain what he was doing when Guar was screaming this and he said he thought he was shutting the squad door or trying to get him in the squad. He did not believe he was using force at that time.

I asked Officer Chamberlain if he ever had a strangulation hold on Guar and he said, "absolutely not. That's not what I used".

I asked Officer Chamberlain why he didn't call a supervisor to the scene immediately to report the force he used. He said that because Guar was so loud and it was attracting people he was going to go to a different location to report the force. He said he always reports force; he understands the policy and follows it.

I said to Officer Chamberlain, "your partner, Officer Appledorn, was standing outside of the squad talking to a witness, Officer Baskin was still there, umm, and you...Is it correct that you got on the PA several times, telling her to get in the car, you're going to jail?" He said he was saying, "Let's get out of this area" to her.

Officer Chamberlain said he remained professional and used appropriate force given the circumstances.

I told Officer Chamberlain that a witness described him as the aggressor that set the tone of the entire encounter and kept ratcheting it up by telling Guar to shut up, putting a taser red dot on him and that the witness actually described him as a berserk out of control cop. Officer Chamberlain said he was professional and used a loud tone of voice to take command presence; he didn't want to lose control.

I told Officer Chamberlain that the other officers at the scene did not get involved with the force, that they thought he didn't need any help yet he describes a pretty good struggle where he had to use his body strength several times along with

a conscious neck restraint several times while other officers did nothing. His response was that Officer Baskin showed up at a later time and he doesn't know why Officer Appledorn did not help.

Officer Chamberlain said, "Umm...Yeah. It was...It was a concern of mine that after this...this incident happened, that uhh, neither Officer Appledorn or Sgt. Nelson asked me for my account of the situation. Uhh...It would have...I believe that I could have clarified my perception, my understanding, my reasons, uhh, for using force or for...for uhh, effectuating an arrest - if they would have asked me. I attempted to uhh, tell Sgt. Nelson my reason for using it, and she uhh, did not take my...did not...declined to take my, uhh, report of the force. Umm...Also, I think it's important, uhh...I've worked with Sherry for probably the better part of a year. Uhh...The night of this incident, uhh, she told me that she had federal court the following week for some force incident. The night before that, uhh, the Friday night before that, the 9th of November, she told me the same thing and indicated that she was under some pressure from this. Uhh...I believe that it's possible that if she's under this level of pressure, if she...she is...was not uhh, acting as she usually does, from what I've seen her".

Officer Chamberlain also mentioned a long list of his training qualifications which are on page 17 of his statement.

I asked Officer Chamberlain if he has had any problems with force or professionalism. [REDACTED]

## **Officer Appledorn Statement**

Officer Appledorn was working with her partner Officer Chamberlain on November 10<sup>th</sup>, 2012. Officer Appledorn was the driver officer when they responded to a disturbance call at 3<sup>rd</sup> Avenue South and Hennepin Avenue. They were responding to a group smoking in the bus shelter.

Officer Appledorn said the parking lot is not lit up very well so she drove into the parking lot and positioned her headlights to light up the bus shelter so she could see the people inside. She said that Officer Chamberlain turned on his spotlight on the passenger side and put the squad take down lights on as well.

Officer Appledorn said she walked into the shelter first followed by Officer Chamberlain who was standing behind her. She said that Trokon Guar started giving them a hard time about the lights, complaining that they didn't need them on. Officer Appledorn said she started joking with Guar because she did not want the other people in the bus shelter to start complaining as well. She said the others started chuckling; she said the next she knew Officer Chamberlain had his taser out and had the red dot on Guar's chest. She said she did not see him take the taser out and this caught her off guard.

When I questioned Officer Appledorn more about the original encounter with Guar she said he remained seated and he was just mad about the lights. She said he was not threatening towards officers. She also did not see him smoking any marijuana.

I asked Officer Appledorn if she carried a taser and she said "yes". I asked her if she pulled hers out and she said "no". I asked her if she felt the need to pull her taser out and she said "I didn't, no".

I asked Officer Appledorn what happened next. She said that Guar got upset and said that he wasn't doing anything wrong. She said Officer Chamberlain then came into her view and told Guar to stand up and that he was under arrest. She said Guar hesitated and again said he wasn't doing anything wrong. Officer Appledorn said she did not know what he was under arrest for and Officer Chamberlain did not communicate why he was arresting Guar.

Officer Appledorn saw Officer Chamberlain handcuff Guar and she thought he was going to walk him to the squad car so she continued dealing with the other people in the bus shelter. Officer Appledorn said that either just prior to Guar being handcuffed or during the process she looked over and saw Officer Chamberlain push Guar up against the glass in the bus stop. She also heard Officer Chamberlain yell at least once to Guar to "Shut up". She did not hear Guar use any type of derogatory language towards Officer Chamberlain.

Officer Appledorn said, "The next thing I know, I kind hear Guar yelling and I hear Chamber...Officer Chamberlain kinda yelling, and I look over to my right and they're kinda...they're kinda past the bus shelter to the...kinda to the right of the squad, but you know, kinda in front of it a little bit, and they're both on the ground and Officer Chamberlain is trying to put a, umm a, uhh, neck restraint hold on Guar." She is not sure what Guar and Officer Chamberlain were yelling at each other, she said their loud voices are what drew her attention.



Officer Appledorn went on to say that Officer Chamberlain had his arm around Guar's neck and used his body weight to pin him into his arm to apply pressure. Guar was still in handcuffs when they were lying on the ground side by side when this was occurring. Officer Appledorn then told the group to just sit there and she went over to Officer Chamberlain. She said he had not yet put him in a level three neck restraint to put Guar out yet. She said "Guar was yelling and you know, screaming and having a hard time over this, so I just told him to relax, you know, just relax, stop fighting with him". She said Guar relaxed and she was able to help get Guar up and walk him to the rear of the squad. Officer Chamberlain was searching Guar so she went back to the rest of the group.

Officer Appledorn said the group was now yelling and screaming about what was going on and they were mad at what Officer Chamberlain did. She said the group was saying, "He is choking him out". She said an older gentleman (later ID'd as Woody Benford) approached her and said he was videotaping the event. She said she was talking to Benford and he was walking up closer to the squad at this time.

Officer Appledorn's attention was drawn back to the squad at this point. She said since it was nice night she had the back windows of the squad down and she heard Guar yelling from the back seat, "He's trying to kill me!" She said the rest of the group began yelling at that point as well. She said, "So I look over, and Officer Chamberlain is like...uh...uh...in the back seat." She went on to say, "he was actually in the back seat on top of Guar, and uhh, he has both his...both his hands around Guar's neck, umm, in a strangulation hold."

I asked Officer Appledorn if he was using his actual hands and she said, "Yes". I asked Officer Appledorn if she could have been mistaken at what she saw, that maybe Officer Chamberlain was doing a hypoglossal pressure point. I wanted to know if she was confident in what she saw. Officer Appledorn responded, "I am positive that he had his hands around his throat".

I asked Officer Appledorn what she did at this point and she said she went over to the squad and before she got there Officer Chamberlain pulled Guar out of the squad and was putting him in another neck restraint. The same as he did earlier when he was on the ground with Guar. She said Officer Chamberlain broke him down and then they went down to the ground. She then went over and told Guar to relax. She said Guar was yelling and screaming. She said Guar and Officer Chamberlain both stopped and she helped Guar get back up.

*Officer Appledorn said she was trying to talk Guar into the squad car but he did not want to go. Guar kept yelling that Officer Chamberlain was going to kill him. Officer Appledorn said, "So I go around to the driver's side, and against my officer's safety, as far as...I actually had to crawl into the squad, into the backseat. Umm...I get his...Guar's attention by tapping him on the shoulder and I basically tell him, I mean, like I said, I don't quote it in the report, something in regards to, Honey, you just...you gotta get in the squad and I'll get this taken care of. And it was enough that Guar drew his attention to me and he sat, umm, he sat back down. But I know before he sat back down, Officer Chamberlain was umm. Trying to close the squad door on him."*

I asked Officer Appledorn why she went against her 20 years of patrol experience and Officer Safety and got in the back seat with Guar. She replied, "I

needed to diffuse the situation. Umm...It...It would have not gotten any better, and so I just...I...I just needed to get in there, diffuse it, and get him in there. And I figured it I was able to do that, hopefully he wouldn't turn on me in there, but I just wanted to avoid anybody else get...anybody getting hurt from the officers at this point".

Officer Appledorn then called for a supervisor over the air to respond to their location and then she went and spoke with the rest of the group.

I asked Officer Appledorn if at any point during the encounter she felt the need to use force on Guar or help Officer Chamber when he was using force and she said, "No I don't think I needed to. No". I asked Officer Appledorn if she should have called for backup or other squads to assist and she said, "Initially, no. I ...I...It was just a group supposedly smoking pot in the bus shelter".

I asked Officer Appledorn why she called Sgt. Nelson to respond to the scene and she said, "Force was used and she needed to be called out to the scene". I asked Officer Appledorn if she was upset when she spoke with Sgt. Nelson and she said, "Yes". I asked her why she was upset and she responded, "In my opinion, umm, I just thought it went a little too far. I, umm, I didn't see from my point, I didn't see why certain things were done. I didn't understand why certain things were done, and umm, I didn't think they needed to be done. And then hence, now it puts me into a situation where I...I'm not happy about."

Officer Appledorn said that when she waiting for the supervisor to respond she was outside of the squad car and was speaking with Mr. Benford. She said Mr. Benford was upset over Officer Chamberlain's actions. She advised him that she

called a supervisor and she asked him to wait until she arrived. She offered to give him a ride home if he missed his bus. While they were standing there Officer Chamberlain said several times that they were going to jail and on the PA system as well. She said she still had no idea what Guar was under arrest for and Officer Chamberlain never did tell her. I asked Officer Appledorn if Officer Chamberlain was aware of the fact that a supervisor was called to the scene and she said, "He should be, I did it over my...my portable radio. The squad radio was on". She said she just ignored his demands that they go to the jail.

Once Sgt. Nelson arrived they got Guar out of the back seat and she unhandcuffed him and she asked him if he was injured or needed an ambulance. She said Guar had a mark on his eye and a red mark on his neck. Guar said that Officer Chamberlain put something against his throat. Officer Appledorn was trying to figure out what Guar was describing and thought it may have been an Asp. She did not see Officer Chamberlain use an Asp as any point.

#### **Officer Baskin Statement**

Officer Baskin was working Squad 110 alone on November 10, 2012. Officer Baskin went to assist squad 160 on the disturbance call at 3<sup>rd</sup> Avenue and Hennepin Avenue. When he arrived he said "I got out on the street and just walked up and, uh, didn't exactly seem like mayhem, but by the time I got there Officer Chamberlain was escorting, uh, Guar to his squad car. I was probably fifteen or twenty feet away from that, uh, I believe Officer Appledorn was over by the bus shelter so I just kind of followed Officer Chamberlain towards the car. I unlocked the door for him, uh,

and he got Guar in the back seat of the squad." He then went over to Officer Appledorn and asked if she needed anything.

At some point he said his attention was drawn towards the squad car. He said, "The whole time throughout this he was screaming, you know, extremely loud. I couldn't tell you what he was saying but just constantly screaming. Uh, and I think I was up by the bus shelter for a pretty good amount of time I might have even made contact with a witness - a Vietnam Vet that was up there and had a couple of words with him.. Uh, nothing negative just I think he, you know, asked why I wasn't stopping Officer Chamberlain. I think he asked that a few times". It was shortly after this that he saw Officer Chamberlain getting Guar out of the squad car and there was a short struggle.

Officer Baskin said, "...it ended up being Officer Chamberlain kind of back peddling with Guar in some kind of neck restraint. They both went to the ground". He went over to them and Officer Chamberlain got Guar back up. He recalls Officer Appledorn go to the other side of the squad.

I asked Officer Baskin if he heard Guar screaming that Officer Chamberlain was trying to kill him and he said, "Yeah I think so, yeah". I asked if he ever saw Officer Chamberlain get in the back seat of the squad car when Guar was in the back seat and he said, "Yeah, I think it was the second time". I asked him if he could see what Officer Chamberlain was doing when he was in the backseat of the squad and he said, "No, I left, I went back towards the bus shelter".

I asked Officer Baskin if he knew what they people in the bus shelter were referencing when they asked him if he was going to do anything or stop Officer

Chamberlain. He said, "Well I think they just thought he was being excessive, you know". I said to Officer Baskin, "Like in the force he was using"? Officer Baskin responded, Yeah, yeah - I mean it's clear that that's what their objection was".

I asked Officer Baskin if at any point he felt like he needed to call for backup or needed to help restrain Guar. He said, "No, I didn't even feel like he needed my help". I asked if he heard Guar use any derogatory language or make any threats towards officers or say he was going to hurt them or kill them and he said, "No". He said Guar was screaming "bloody murder" the entire time and it was really loud.

Officer Baskin did not hear Officer Chamberlain use any racial or derogatory language towards Guar.

While Officer Baskin was at the bus shelter waiting for the supervisor to arrive he said, "I just kind of made sure that the rest of the crowd was cool and they were and, uh, you know hung out with Sherry for a little while, she was upset and I remember Chamberlain got on the PA once or twice and got out of his squad once or twice and just told Sherry let's go, you know, we're leaving".

#### **Sgt. Patty Nelson Statement**

On November 10, 2012 Sgt. Nelson was at the First Precinct and was the only Middle Watch supervisor working. Officer Appledorn asked her over the air to come to their location so she did.

Sgt. Nelson told me, "When I arrived I pulled up, uh, I was almost parallel with 160's car. I saw Officer Appledorn walking away from the squad car. Um, I saw Officer Baskin was out and Officer Chamberlain was in the squad car and then there was a group of people. Um, Officer Appledorn looked really upset so I walked over

to her right away to see if everything was okay cause I didn't know exactly why I got called over there and she just, um, she looked at me and said, 'he went too far. I can't even talk about it right this moment'. And that's when I realized she was mad but not hurt upset".

Sgt. Nelson said she asked Officer Appledorn what she meant and Officer Appledorn told her there were a bunch of witnesses and pointed towards the bus shelter. She let Officer Appledorn walk away and cool off at this point.

Sgt. Nelson said she spoke with several witnesses; there were six or seven in the bus shelter. She said Mr. Benford became the spokesperson for the group because he had the most detail. Sgt. Nelson relayed the following to me, "Uh, he provided quite a bit of details, he said that, uh, the squad had pulled up. They - that there had been a group in the bus shelter, the squad had pulled up and had their lights on, their take down lights and their spot lights and that the female officer, who was Officer Appledorn was talking to the crowd, telling 'em well hold on I'll take care of the lights in just a minute, I'm old, I have to see. Uh, and that the male officer who was Officer Chamberlain, when Guar, I think that's how we pronounced his last name, said something about can you get the lights out of my face. Officer Chamberlain went up to him and had his taser pointed at him and put his flashlight in his face and started yelling at him. When that happened, um, Officer Chamberlain still remained engaged with Guar, pushed him up against the bus shelter. He called it, um, yanking his hands behind his back and handcuffing him and then put a choke hold and took him to the squad car while he was handcuffed and in a choke hold".

After Mr. Benford told her the story he and two other witnesses demonstrated the choke hold that Officer Chamberlain used on Guar. Sgt. Nelson went on to say, "Uh, then they said, uh...Benford said when, um back at the squad car that there was a point when Chamberlain went back to the back seat to get Guar after he had already been into that squad car and had him in a choke hold again and that's when Officer Appledorn and Baskin had to go help". She said the witnesses told her at some point Chamberlain had Guar out of the backseat and in a chokehold again.

Sgt. Nelson then asked Officer Appledorn to give her a short statement of what happened to see if it would match up with the witnesses and it did. She did not ask for too many details but the stories were matching up regarding the force used by Officer Chamberlain. She did not ask Officer Baskin for too much detail because at that point she had determined, "A) I think we have an arrest that was unfounded and B) that I knew Officer Chamberlain was not gonna be going back out on the street that night because he was - for two reasons; because I thought that he, from what I had heard, may have used excessive force and second, because if his temper was this far out of control I didn't know if he'd have a chance to bring it back. I didn't want him to get in any other trouble".

Sgt. Nelson thought this was going to take awhile to straighten out so she had Officer Baskin take Officer Chamberlain to squad 110 and she went to squad 160 to speak with Guar. She said Guar cried for over ten minutes about his religious necklace that broke and she finally got him calmed down. She photographed the broken necklace and gave it back to him. She found out Guar did not have a phone



so she had him sit in the front seat of her squad, turned on the MVR and had him tell his side of the event.

This is what Sgt. Nelson recalled Guar telling her, "He said he had walked up right before the squad had got there. He was not part of the group that was smoking marijuana and when he got there the squad car was shining lights at him. He thought it was at him, so he asked 'em to move the lights because he didn't have anywhere else to stand. He said as soon as I said that the male officer came and had a flashlight in his face and was yelling at him. Um, he didn't really remember the taser. The witnesses did but not Mr. Guar. He said he got pushed up against the bus shelter and he said at that point I put my hands up and that he had each hand wrenched behind his back and handcuffed. Uh, when he asked what he was being arrested for that's when Officer Chamberlain put him in a chokehold and basically drug him back to the squad car."

Sgt. Nelson continued to relay to me what Mr. Guar told her. She said she was a little confused about the sequence of events but back at the squad car Officer Chamberlain was squeezing Guar's throat possibly with an Asp or some other object. Guar also told her that Officer Chamberlain came to get his ID when he pulled Guar out of the squad and had him in a choke hold again.

Sgt. Nelson said that Chamberlain came up to her and said he needed to give her his force review and she said to me, "I knew at this point that A) we were going to be going back to station and talk about things and B) that I didn't want to cross any Garrity lines asking him specific details. I knew I was gonna have to do a force review but I knew I could also do it off of his report instead of asking specific

questions. So I told him to just hold on I had to check some things, we'd talk back at the precinct".

I asked Sgt. Nelson if anyone at the scene told her what Guar was under arrest for. She said, "I knew that Officer Chamberlain wanted him arrested. Uh, I also knew from Officer Appledorn and everyone else's description that there wasn't a disorderly conduct because he wasn't part of the original group nor did he engage in any disorderly behavior and, um, eventually Officer Chamberlain put in his report that he wanted obstructing with force, however, it didn't sound like there was any active part on his part to stop the arrest". From what she heard she did not think there was enough to arrest him so she released him from the scene.

She has not spoken with Officer Chamberlain about this event. Since Sgt. Nelson was not having Chamberlain go back out on the street she did call his Lieutenant. She also called Car 9, Lt. Lund and Lt. Glampe to make sure everything was in the right order. She also spoke to Inspector Frizell and they decided to put Officer Chamberlain on the desk and Officer Appledorn called Lt. Delmonico.

Sgt. Nelson did take photos of scratches that Officer Chamberlain had, she asked him if he was okay but nothing specific about the incident.

Sgt. Nelson said that Guar came into the station later that night yelling about the mistreatment but he was gone before she could get downstairs. Last week she was at Davnni's picking up food when she saw Guar. He saw her, walked in and thanked her, read her a Bible scripture and left. She has not spoken with him since.

Sgt. Nelson concluded her interview by saying, "I think what makes this event so significant was the officers reaction and the fact that the officers, the witness

officers and the witnesses themselves all had pretty much the same story, Uh, and the fact that the arrest part didn't worry me so much because I could have figured out why he thought he was arresting him but it was all the actions afterwards. Especially the second part of the squad car, the back seat of the squad car, um, I just couldn't understand that one completely either and granted I probably should have talked to Officer Chamberlain, but I really didn't, I really felt right away I couldn't cross that line cause it was a serious event".

### **Witness Woodrow Benford Statement**

Mr. Benford was sitting in the bus shelter at 3<sup>rd</sup> Avenue and Hennepin Avenue south on his way home to Fridley from supper at Famous Daves. Mr. Benford said in the other section of the bus shelter there were seven to ten young people. He said they were quiet but he could smell the odor of marijuana. He said a male and female left the shelter and then the police pulled up. He said the squad headlights and spotlights drew his attention.

Mr. Benford said, "Two officers got out of the squad car...car. One was a female, the other was a male. The female was driving the car. Uhh...The female entered the shelter first where the young people were and the other officer entered the shelter with his taser gun pointing towards the young people".

Mr. Benford said the young people spoke first. "When the officers pulled up, uhh, the kids were saying, uhh, well one kid said, "I can't... Well, I can't see, the lights are blinding me. Can you turn off the lights?" "Then Officer Chamberlain, the male one, stated, uhh, he said, "Shut up." And then the other kids said, "Well, we didn't do anything." And they said that sort of in unison. And he said, "Shut up" again - I mean

really hostile. And then this other kid said, "Can you turn out the lights, you...the lights are blinding me" - again. At that point, Officer Chamberlain told him that he...he pointed to him and said, "You're going to jail."

Mr. Benford said when Officer Chamberlain said that, the kid said again, "Well, I didn't do anything." The cop said, "Shut up. I told you to shut up and come here, you're going to jail." And then he had the kid turn around so he could handcuff him, which he forcibly turned him around and put the cuffs on him, which had to be extremely tight because the kid screamed out and said, "These are really tight!"

Mr. Benford said "the cop exited the shelter, then he stopped and turned and slammed the kid's face into the windowpane of the shelter". When he saw that he yelled to the cop, "Hey, that's not right."

Mr. Benford explained what he saw next. *"The kid hadn't done anything. And then the officer just...he took the kid off...pulled him off, away from the window, and then it looked as if he was taking him to the police car, and for some reason he just stopped, turned around and took the kid toward Hennepin Ave. And the kid was saying at the time, "I didn't do anything." And the Officer Chamberlain put the kid in a choke hold and I could hear the kid gurgling, he said, "I can't breathe. I can't breathe. Please stop." The officer then took the kid to the ground.*

*At that time, several other police cars pulled up and when they pulled up the kid was screaming and hollering and said, "I'm choking, I can't breathe!" And I asked the officers, I said, "Stop them. That's police brutality!" And they just observed. They didn't do anything. They watched him as he continued to choke the kid. And the kid was*

just...The kid could hardly get any sound out - it was muffled sounds because he was being choked.

Then the officer quit choking the kid, got up and was taking him to the police car. He got to the police car; he put him and sat in the police car. Then the officer got inside in the back seat with the kid and started punching him. And the kid was screaming and hollering, he said, "Help me! Help me! Someone please help me!" And I could not believe it. I asked the officers again, I said, "Stop it. Please stop what he's doing to that kid. That is brutality, that man is killing that kid!" And it was Officer Appledorn and Officer Baskin who enter...who came in with another police c...car. And they just stood there and...while the cop was in the back seat beating the kid.

And then he stopped, he pulled the kid out of the car and then he stood the kid up and slammed the kid's face on the roof of the police car. And the kid was screaming and hollering and saying, "Help!" And there were uhh, other folks waiting for the bus on 3<sup>rd</sup> Ave. and they were seeing all this transpire. And then after he slammed the kid's head on the police car, the roof of the car, he straightened the kid up and then took the door of the police car and started slamming it against the kid's back - and the kid was handcuffed.

The kid was still screaming and hollering. And I asked Officer Appledorn at that time, I said, "Can you do something? Can you stop this?" She said, "Well, I called our supervisor, she'll be here shortly." I said, "Well, my bus will be coming any moment now, I don't know if I would be here." Officer Appledorn then said, "Well, if you miss your bus I will give you a ride home." A few minutes later, uhh, Chamberlain was in the ve...he got in the squad car, in the front seat and he told Officer Appledorn, "Let's go to...Let's go to the jail." And she was standing there waiting for the Precinct capt...uhh,

*supervisor. And then he said again, "Come on, let's go to the jail." And by that time, Sgt. Nelson appeared.*

I asked Mr., Benford if the officers spoke over their PA system when they first pulled up and he said no. I asked Mr. Benford had his taser out when he approached the bus shelter and he said yes. I asked Mr., Benford if Officer Chamberlain put the kid in a choke hold after he was handcuffed and he said yes.

I asked Mr. Benford if the kid had been physically fighting the officer during the encounter and he said, "Not at all. In fact, the kids were very respectful, they were not loud, they did not use any profanity. They only said, you know, "We didn't do anything." That's all that they said. And the one that...the kid...The kid that he had arrested had not raised his voice to the officer, the only thing he had said, "I have not done anything." He just kept saying, "I didn't do anything. I didn't do anything." That's the extent of it. Then he started screaming and shouting for his life.

I asked Mr. Benford if he actually saw Officer Chamberlain punching the kid in the back of the squad car and he said, "Well no, I could actually see him. He was on top of the kid and I saw his arm going up and down. I just assumed he was punching him."

Mr. Benford said he was about eight feet away during this entire event. At the end he was speaking with Officer Appledorn waiting for the supervisor when Officer Chamberlain yelled several times, "let's go", "let's go to jail", he said that Officer Chamberlain also said this over the PA system

Mr. Benford ended his statement by saying, "Well, I can just say that I uhh, did mention to Officer Appledorn that I felt that Chamberlain should not be on the Police Force, that I was gonna do everything I could to see that he was removed because he was

a danger to society. Uhh, he was very unprofessional, he lost control and that was...and that was one of the reasons...And what we witnessed that day was one of the reasons I...No, I said to Officer Appledorn, that I know that all policemen were not like Chamberlain, I have friends that are policemen and they...I know they don't behave that way, there are good policemen on the Force – and it's the bad ones like this guy, that give the Force a bad name”.

### **Witness Justin Kaler Statement**

Mr. Kaler works for by Block by Block. The Downtown Improvement District contracts through Block by Block for its ambassadors. Mr. Kaler was working the night of November 10, 2012.

At approximately 1700 hours Mr. Kaler was walking in the area of 3<sup>rd</sup> street and Hennepin Avenue when he smelled marijuana coming from the bus stop. He observed a group of eight to ten individuals passing some type of narcotic around in the bus stop for five to ten minutes. He then requested the Fusion Center call 911 and walked to the opposite corner of the block and continued to observe the group until police arrived.

Once the police arrived Mr. Kaler approached within about thirty feet of the bus stop and remained there leaning against a tree. Mr. Kaler said the police arrived and announced their arrival over the loud speaker. He said the police had their headlights and spot lights on the main vestibule of the bus stop.

Mr. Kaler said a few minutes later he saw that an officer had one person in hand cuffs. He was not able to see into the bus shelter or observe what took place prior to the handcuffing. Mr. Kaler said the handcuffed person was being “verbally

abusive" to the officer and was jumping up and kicking his legs. He said the handcuffed person was saying, "what did I do, what did I do, let me go, I didn't do anything wrong". He said that is what he could hear when he was across the street.

Mr. Kaler said the suspect was wiggling back and forth, jumping up and down. He said the suspect wasn't making actions or threats towards the officer but he was not being cooperative either.

Mr. Kaler said that while this was going on the other officers were dealing with the other people in the bus stop. He said one of the guys in the bus stop was very upset asking why the officer treated the suspect the way he did and that it was not right.

Mr. Kaler said that later the officers were trying to get the suspect in the squad car but he was preventing them from closing the door. He could not hear what was being said during this time. He said that they finally got him in the car and that about five minutes later the majority of the people in the bus stop were either cited or disbursed except for two people.

Mr. Kaler said one man that remained was a black male in his mid forties. He described him as "opinionated and voiceful". He said the man was saying, "That's wrong why do you treat him like this"? Mr. Kaler said he then approached the officers and asked if they needed anything from him.

Mr. Kaler said he believed the officers did the best they could and the guy was verbally abusive towards officers. I asked Mr. Kaler to explain how the suspect was being verbally abusive and what he was actually saying. He said the suspect



was asking, what did I do, why am I being detained and was asking what he did wrong repeatedly.

I asked Mr. Kaler if he observed an officer put a choke hold or put his hands around the individual's neck during the encounter. Mr. Kaler replied, "Standing up, no. I mean possibly trying to get him under control when the suspect was, you know, in handcuffs, jumping up and flailing his legs on the sidewalk, trying to be escorted over to the squad car, um, but nothing intentional. You know nothing like, you know, I'm gonna put you in a Full Nelson or you know I'm just standing there and okay there it goes ". Mr. Kaler stated that he was not close enough to see into the squad car. He only knew they were trying to get the suspect in the car. Mr. Kaler said he did not hear the officers use racial or derogatory language.

#### **Witness Johnny Edwards Statement**

I mailed a certified letter to Mr. Edwards on November 19, 2012 asking him to contact me. On December 14, 2012 I spoke with Mr. Edwards on the phone and he said he did not wish to give a statement. He explained that he was given a business card by Sgt. Nelson the night of the incident but after what he saw the male police officer do to the kid that was in the back seat he thought it would be better for him not to give a statement.

After a few minutes he finally consented to me recording the remainder of the phone conversation we had. Mr. Edwards said he did not see the original incident at the bus stop. He was walking with a female from the bus stop towards the library just before the police arrived. He heard a kid yelling that he didn't do

anything wrong. Mr. Edwards said the female he was with and another guy stopped to watch the police officers at the bus stop so he stopped too.

Mr. Edwards said he saw that the kid in the backseat of the squad car. Mr. Edwards some people were talking about how the kid originally was upset over lights being shined in his face. When Mr. Edwards turned to see what people were talking about he saw that the kid was now out of the squad car and the cop was "kicking the shit out of him". When I asked what this meant he said he could see the kid was in handcuffs and was getting choked by the male police officer and possibly stomped on. He could hear the kid yelling that he didn't do anything wrong and the cop was yelling at the kid to shut up.

Mr., Edwards says he did not see how the kid got out of the car or the initial confrontation. Mr. Edwards said the woman he was with realized she left a bag in the stop and he told her they were not going back where that cop was and get the "shit kicked out of us" too.

Mr., Edwards said he did not have his glasses on so he could not give a good description of the police officer other than it was a male. He also said he did not know who the kid was that the officer was dealing with.

Mr. Edwards concluded by saying it was his birthday today and he was 55 and that if I needed to speak to him about this again I could call him.

#### **Witness Erica Arceneaux Statement**

On November 13, 2012 I called Erica at 612-396-6520 and she agreed to come in for an interview on November 15, 2012 at 2:00pm. Erica was also going to

bring her boyfriend Marquel Mitchell with so he could give a statement as well.

Neither of them showed up for the interview or called to re-schedule.

I mailed a certified letter to Ms. Arceneaux on November 19, 2012 asking her to contact me. As of today's date she has yet to contact me for a new interview date. Someone did sign for the certified letter on 12/07/12.

**Witness Shawntrel Vaughn Statement**

On November 19, 2012 I mailed a certified letter to Mr. Vaughn asking him to contact me. On November 21<sup>st</sup> the certified letter was delivered. As of today's date he has yet to contact me for an interview.

**Witness Marquel Mitchell Statement**

I mailed a certified letter to Mr. Mitchell on November 19, 2012 requesting he contact me. His letter was delivered on November 26, 2012 but he has not contacted me to schedule an interview.

**Trokon Guar Statement**

There is no listed phone number for Mr. Guar. I sent him an e-mail on November 30<sup>th</sup>, 2012 asking that he contact me.

## SUMMARY OF ALLEGATIONS

**Allegation # 1:** It is alleged that Officer Chamberlain arrested Trokon Guar for disorderly conduct and for obstructing the legal process when Mr. Guar's actions did not meet the elements of the crimes he was initially arrested for. If this allegation were found to be true it would violate the following:

### 5-103 USE OF DISCRETION

The police profession is one that requires officers to use considerable judgment and discretion in the performance of their daily duties. Officers have a large body of knowledge from Department policies and procedures, training, their own professional police experience and the experiences of their fellow officers to guide them in exercising proper judgment and discretion in situations not specifically addressed by Department rules and regulations. In addition, officers must always adhere to the following principles in the course of their employment with the Minneapolis Police Department:

**POLICE ACTION - LEGALLY JUSTIFIED:** Officers must act within the limits of their authority

### Investigative Facts

- Officer Chamberlain and Officer Appledorn were responding to a disturbance call of a group smoking pot in the bus stop
- Trokon Guar along with approximately 8 other men and women were sitting in the bus stop when officers arrived
- Officers lit up the bus stop with the headlights, spot lights and take down lights, Officer Chamberlain also used his flashlight
- Officers could smell the odor of marijuana when they exited the squad
- Officers stated Guar was seated in the bus stop when they arrived

- Officers said they did not observe Guar smoking any substance in the bus stop
- Officer Appledorn said that Guar was giving Officers a hard time about all the lights they had on complaining how bright they were but he remained seated
- Officer Appledorn said Guar was not threatening towards officers
- Officer Appledorn was attempting to use humor to explain why they lit up the people in the bus shelter
- Officer Appledorn did not hear Guar use any derogatory language towards officers
- Officer Appledorn said that Officer Chamberlain was standing behind her when she was in the bus stop talking to the group
- Officer Appledorn said "the next thing I know, Officer Chamberlain had taken out his taser. I didn't see him take out the taser, but the laser light, the red dot, was umm...Guar, it was on his chest. And so I was like, okay, I kinda was caught...taken off guard a little bit"
- Officer Appledorn said she did not pull her taser out or feel the need to
- Officer Appledorn said Guar got upset and said he wasn't doing anything
- Officers Appledorn said that Officer Chamberlain then told Guar he was under arrest and ordered him to stand up and walk towards him
- Officer Appledorn stated that she had no idea what Officer Chamberlain was arresting Guar for

- Officer Appledorn said that Officer Chamberlain never communicated to her during the entire process what he was arresting Guar for and she never did know what it was for
- Officer Appledorn said that up to the point where Officer Chamberlain told Guar he was under arrest and hand cuffed him, she had been watching Guar the entire time
- Officer Appledorn said that Officer Chamberlain turned Guar around and pushed him face first into the glass wall of the bus shelter, she was not sure but she thought it was before Guar was handcuffed
- Officer Appledorn said the rest of the group started becoming upset about what was taking place between Officer Chamberlain and Guar
- Officer Appledorn said that later when she was waiting for the supervisor to arrive on scene, Officer Chamberlain repeatedly got on the PA and told her they were leaving and going to jail with Guar
- Witness Benford said when Officers first arrived Guar asked several times for them to turn their lights out and said that they were blinding him
- Witness Benford said that he then saw Officer Chamberlain point his taser at Guar, tell him to "Shut up" several times and then Officer Chamberlain told Guar he was going to jail
- Witness Benford said that Guar responded by saying "I didn't do anything" and Officer Chamberlain told him to "shut up" and forcibly turned him around and put the cuffs on him which he believed were extremely tight because he heard Guar scream out and say "these are really tight"

- Witness Benford said Officer Chamberlain exited the shelter with Guar and stopped, turned and slammed Guar's face into the windowpane of the bus shelter
- Witness Benford said he yelled at Officer Chamberlain, "Hey, that's not right"
- Witness Benford said he had not witnessed Guar do anything wrong other than repeatedly asking officers to get the light out of his eyes and after he was handcuffed Guar was yelling "I didn't do anything"
- Witness Benford said that later he heard Officer Chamberlain yell over the PA and in person to Officer Appledorn, "Let's go to the jail", "Come on, let's go to the jail"
- When Officer Baskin arrived Guar was already handcuffed and was being escorted to the squad car
- Officer Chamberlain said Guar was sitting in the bus shelter when he arrived and appeared "upset" and "enraged" and Guar "addressed some concern" about why the lights were on
- When I asked Officer Chamberlain to describe further how Guar was upset and enraged he said that he was "argumentative" saying "Get those light's out of my fuckin face"
- Officer Chamberlain said that Guar continued to "badger" officers by making comments about how he as minding his own business
- Officer Chamberlain said at that point his intention was to remove Guar from the rest of the group to further investigate where the marijuana came from
- Officer Chamberlain said that Guar was not smoking marijuana

- Officer Chamberlain said the group was getting incited by Guar's conduct so he asked Guar to stand up and when Guar didn't cooperate Officer Chamberlain said he pulled out his taser and used it in red dot mode
- Officer Chamberlain said that Guar was slow to respond to his commands and wouldn't face away, Officer Chamberlain said these actions along with the fact that he was trying to investigate a 911 call and Guar was interfering with his ability to do this led him to tell Guar he was under arrest
- I asked Officer Chamberlain what he was arresting Guar for and he said "My reason for arresting him was for the disorderly conduct."
- Officer Chamberlain listed himself as a Police Victim of DISCON in the CAPRS report
- I asked Officer Chamberlain if he was aware that Police Officers cannot be the victim of a Disorderly Conduct and he said, "In cases of...I...I believe that we can't be the victim of disorderly conduct as far as language." He went on to say, "As far as physical aggression, I believe we...we may be able to be, or even obstruct at that level."
- Police Officers cannot be the victim of Disorderly Conduct, even if someone swears at the Officer
- I asked Officer Chamberlain to explain what physical actions Guar was doing to be disorderly or obstructing and he said, "His actions were loud...his tone of voice"



- I asked Officer Chamberlain to specifically talk about Guar's actions prior to the arrest. Officer Chamberlain described Guar as using words that were abusive, profane and rude. He specifically said that Guar used the words "fuck" and "bullshit"
- Witness Kaler was on the opposite side of the block when Officers first approached the bus shelter and he said due to the glare of all the lights on the bus shelter he could not see what was going on in the shelter.
- Sgt. Nelson wrote in her CAPRS report "It was my decision to release Guar at the scene without a citation or being booked because I did not believe that the criminal standards for disorderly conduct or obstruction had been met when I spoke to Officer Appledorn and the witnesses.
- Sgt. Nelson said from what she heard at the scene she didn't feel like there was enough to arrest Guar so she released him from the scene.

**Allegation # 2:** It is alleged that Officer Chamberlain acted unprofessional with Trokon Guar during his interactions with him. If this allegation were found to be true it would violate the following:

5-105 PROFESSIONAL CODE OF CONDUCT

3. Officers shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

Investigative Facts

- Officer Chamberlain said that he did not use profanities and he said “I believe that I remained professional and I used appropriate force given the circumstances”
- During all the interviews nobody could recall hearing Officer Chamberlain using racial or derogatory language during the incident
- Officer Baskin said that Guar was screaming extremely loud
- Witness Benford said that after Officer Chamberlain started dealing with Guar, Guar yelled loudly asking what he did wrong and eventually for help
- Officer Appledorn was caught off guard that Officer Chamberlain pulled out his taser and red dotted Guar, she did not feel the need to pull out her taser
- Officer Appledorn said the people in the bus stop were getting upset with how Officer Chamberlain was interacting with Guar
- Officer Appledorn heard Officer Chamberlain yelling at Guar to “shut up”
- Witness Benford said Guar asked the officers to turn the lights off and he heard Officer Chamberlain tell Guar to “shut up” several times in a really hostile voice and then he heard Officer Chamberlain say, “You’re going to jail”

- Witness Benford said Guar responded by saying "well, I didn't do anything" to which Officer Chamberlain said, "Shut up, I told you to shut up and come here, you're going to jail"
- Witness Benford said that Officer Chamberlain then forcibly turned Guar around and put the cuffs on extremely tight he assumed because Guar yelled, "These are tight"
- Witness Benford said that Officer Chamberlain exited the shelter and stopped, turned and slammed Guar's face into the windowpane of the shelter
- Officer Appledorn said that Officer Chamberlain turned Guar around and pushed him face first into the glass wall of the bus shelter as he was telling him to get his hands behind his back
- When I asked Officer Chamberlain if he shoved Guar face first into the glass of the bus shelter he said, "I believe that I pushed, I used the bus shelter as a uhh, as a barrier to pin his body up against. As far as shoving him face first, I don't believe that happened"
- Witness Benford said Officer Chamberlain put Guar in a choke hold several times after he was handcuffed and Guar was yelling "Help me, help me, someone please help me", "I'm choking and can't breathe"
- Witness Benford said the following at the end of the interview "I think that that officer was unprofessional, to say the least. Uhh...He seemed to be out of control, totally out of control. Also, it appeared he didn't really care who saw what he was doing because there were people watching him and he just continued to be...to take it to brutalize that kid. And then I couldn't believe it

myself that I had...could see this officer do this and not stop it and that there was witnesses watching what he was doing. It seemed as he had just really lost...like he was cr...went crazy, was berserk"

- Witness Kaler described Guar as loud and verbally upset, repeatedly saying "what did I do wrong"
- Witness Kaler said the group in the bus shelter was verbally upset with Officer Chamberlain and they were asking why he treated Guar that way and saying it wasn't right
- Officer Appledorn said that Officer Chamberlain and Guar were yelling back and forth at each other when she was speaking with the group in the bus shelter
- Officer Appledorn said the group was mad at Officer Chamberlain and they were saying things like, "He is choking him out"
- Officer Appledorn said, "Well, what drew my attention was I heard Guar yelling and screaming, umm, that, "He's trying to kill me!" Umm...He uhh...I had...It was a nice night, so I had...the back windows of the squad were down. And umm, so I could hear him and then...then the group also started yelling and...and umm...So I look over, and Officer Chamberlain is like...uh...uh...in the back seat, umm, actually kinda...I don't know if he had both feet on the ground, but at least one foot was on the ground, so he was actually in the back seat on top of Guar, and uhh, he has both his...both his hands around Guar's neck, umm, in a strangulation hold"

- I asked Officer Appledorn if she could be mistaken and she said, "I am positive that he had his hands around his throat"
- Officer Appledorn was upset and called a supervisor because of the force used
- I asked Officer Appledorn why she was upset and she said, "In my opinion, umm, I just thought it went a little too far. I, umm, I didn't see, from my point, I didn't see why certain things were done. I didn't understand why certain things were done, and umm, I didn't think they needed to be done. And then hence, now it puts me into a situation where I...I'm not happy about."
- Sgt. Nelson said when she arrived at the scene Officer Appledorn looked upset and said to her, "he went too far, I can't even talk about it right this moment"
- Sgt. Nelson did not allow Officer Chamberlain to return to the street after the call for two reasons, she said, "I thought that he, from what I had heard, may have used excessive force and second, because if his temper was this far out of control I didn't know if he'd have a chance to bring it back it. I didn't want him to get in any other trouble"
- Sgt. Nelson concluded her interview with me by saying, "I think what makes this event so significant was the officers reaction and the fact that the officers, the witness officers and the witnesses themselves all had pretty much the same exact story"

**Allegation # 3:** It is alleged that Officer Chamberlain used excessive force when dealing with Trokon Guar. If this allegation were found to be true it would violate the following:

**5-303 AUTHORIZED USE OF FORCE**

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

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

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

In addition to Minn. Stat. §609.06 sub. 1, MPD policies shall utilize the United States Supreme Court decision in *Graham vs Connor* as a guideline for reasonable force.

The *Graham vs Connor* case references that:

Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, its proper application requires careful attention to the facts and circumstances of each particular case, including:

- The severity of the crime at issue,
- Whether the suspect poses an immediate threat to the safety of the officers or others, and;
- Whether he is actively resisting arrest or attempting to evade arrest by flight.

The "reasonableness" of a particular use of force must be judged from the perspective of the reasonable officer

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation."

Authorized use of force requires careful attention to the facts and circumstances of each case. Sworn MPD employees shall write a detailed, comprehensive report for each instance in which force was used.

## Investigative Facts

### **Officer Chamberlain wrote these points in his CAPRS supplement:**

- Officer Chamberlain handcuffed AP1 and tried to walk him to the squad car when AP1 “violently pulled away from me” since AP1 had not been searched he tried a wrist lock and then put AP1 in a conscious neck restraint to gain control
- Officer Chamberlain lowered AP1 to the ground with the neck restraint where he violently struggled, he then checked his waistband
- Officer Chamberlain walked AP1 to the squad and pinned AP1’s body to the squad car to search him
- Officer Chamberlain wrote it seemed like AP1 was trying to distract him so he used a hypoglossal pressure point to bring his resistance under control
- Officer Chamberlain checked AP1’s handcuffs for fit “prior to pushing him in the squad car” Guar then tried to get out of the squad car so Officer Chamberlain used a hypoglossal pressure point to get him in the squad and secure the door
- Officer Appledorn was still speaking with others in the group when this occurred
- Officer Chamberlain opened the squad door when AP1 forced his body out and Officer Chamberlain used a conscious neck restraint to lower AP1 to the ground
- Officer Appledorn and Officer Baskin assisted him getting AP1 back into the squad

**Officer Appledorn wrote the following points in her CAPRS supplement**

- Officer Appledorn was watching the rest of the group when she saw Officer Chamberlain shove Guar up against the glass of the shelter face first at the same time telling him to get his hands behind his back
- Officer Appledorn heard Guar yelling he wasn't doing anything wrong when she observed Officer Chamberlain take Guar to the ground and apply a neck restraint on him (Guar was handcuffed)
- Officer Appledorn said she walked over to Guar and told him to relax and stop struggling at which point Officer Chamberlain got control and walked Guar to the squad where he put Guar up against the trunk of the squad and his face on the back windshield and Guar started to yell about Officer Chamberlain
- Officer Appledorn noticed Baskin arrive on scene at this point and he asked her if she needed any help
- Officer Appledorn said the group she was with was yelling about Officer Chamberlain's behavior at this point
- Officer Appledorn heard Guar yell and she looked over at the squad and saw Guar in the backseat. She saw Officer Chamberlain in the backseat leaning over Guar partially on top of him with his hands around Guar's neck
- Officer Appledorn saw Officer Chamberlain take Guar out of the backseat and put on the ground by Officer Chamberlain who was administering a neck restraint



- Officer Appledorn walked to the squad and saw that Officer Chamberlain was trying to get Guar in the backseat but Guar wouldn't get in and was saying "he is trying to kill me"
- Officer Appledorn walked over to the passenger side and against her officer safety she got in the back seat and talked to Guar to calm him down so he got in the backseat
- Officer Appledorn then called a supervisor to the scene over her radio
- Officer Appledorn said that Officer Chamberlain got on the loud speaker and yelled "we are leaving get in the squad, he's going to jail"

**Sgt. Nelson documented the following points in her CAPRS report**

- Sgt. Nelson was told the following by witnesses at the scene, when Guar told the officers that their lights were bright, Officer Chamberlain walked up to Guar with his taser out and started yelling at him that he was under arrest, then pushed him up against the walls of the bus shelter. Officer Chamberlain continued to yell at Guar and wrenched his right arm behind his back, while still pushing him against the shelter. Officer Chamberlain then put Guar in a choke hold and they went down to the ground where he finally handcuffed Guar. Witnesses Benford, Arceneaux and Vaugh all demonstrated the choke hold to Sgt. Nelson and described Officer Chamberlain's actions
- Sgt. Nelson said the witnesses told her that once Guar was up and walking back to the squad they saw Officer Chamberlain put Guar in a choke hold again and try to slam Guar into the car door and then shove him in the back seat

- Sgt. Nelson spoke with Guar and he told her he made comments to the police about the lights being in his face and at that point Officer Chamberlain walked up to him with his taser out, yelled at him and slammed him up against the glass of the shelter stating he was under arrest.
- Sgt. Nelson wrote that Guar stated he put his arms up and Officer Chamberlain wrenched them behind his back, put him in a chokehold and then handcuffed him. Once back at the squad Officer Chamberlain again put him in a choke hold and at some point ripped the necklace off of Guar
- Sgt. Nelson wrote that Guar told her that at some point Officer Chamberlain grabbed him by the front of the throat
- Sgt. Nelson wrote that she spoke with Officer Appledorn and was told that Officer Chamberlain was out of control and had been choking Guar

**Officer Chamberlain said the following points in his IAU interview**

- Officer Chamberlain asked Guar to stand up so he could remove him from the group. When Guar did not cooperate he red dotted him with his taser
- Officer Chamberlain said Guar was not cooperating his instructions to face away so he pushed him with his free hand to spin him around, he reholstered his taser and hand cuffed Guar
- Officer Chamberlain said he was trying to maneuver Guar around the wood fence to the squad when Guar "violently" pulled his arm and he thought Guar might want to escape custody or kick or fight him so he tried a wrist manipulation, wrist lock and when those didn't work he used a conscious neck restraint

- Officer Chamberlain used the neck restraint to bring Guar to the ground then got him up and walked him to the squad car, he said Officer Appledorn was still with the rest of the group during this
- Officer Chamberlain said he told Guar twice not to make matters worse, to spread his feet and that he was under arrest and Guar would not cooperate so he pinned Guar's body between his and the squad car to maintain control and search him
- Officer Chamberlain said Officer Appledorn was still with the group when he was doing this
- Officer Chamberlain said Guar would not spread his feet so he applied a hypoglossal pressure point to change his aggressive thought process
- Officer Chamberlain said after the search he pushed Guar into the squad car, he said Guar used his physical strength to resist, he thought Guar was trying to get out of the squad so he used another hypoglossal pressure point to move his head and body into the car
- Officer Chamberlain said he was convinced by Guar that he settled down so he opened the Squad door to get an ID out of Guar's pocket and Guar kicked his legs out and got out of the car
- Officer Chamberlain said he his lesser attempts at using strength to get Guar in the car were not working so he used another conscious neck restraint to bring Guar to the ground
- Officer Chamberlain said Officer Baskin and Appledorn walked up and secured Guar in the car

- I asked Officer Chamberlain if he shoved Guar face first into the glass of the bus shelter and he said, "I believe that I pushed, I used the bus shelter as a uhh, as a barrier to pin his body up against. As far as shoving him face first, I don't believe that happened"
- I asked Officer Chamberlain if he asked his partner for assistance or got on the air and asked for assistance in dealing with Guar and he said, "I believe I asked my partner for assistance, uhh, while she was standing there. Umm...I...I looked up at her a couple times and umm, I said that I'd be bringing him to the sq...to the squad car."
- I restated this to Officer Chamberlain that he asked his partner for assistance and she never helped him and he said, "I believe that is correct"
- I asked Officer Chamberlain if he had his hands around Guar's throat when he was in the back of the squad and he said, "No"
- I asked Officer Chamberlain if he ever heard Guar yelling, "Help, This officer is trying to kill me! He's killing me" and Officer Chamberlain said "I remember him saying something like that"
- I asked if Officer Chamberlain ever had Guar in a strangulation hold and he said, "Absolutely not, that's not what I used"

**Officer Appledorn said the following points in her IAU interview**

- She was taken off guard by Officer Chamberlain pulling out his taser and pointing it at Guar, she did not feel the need to pull her taser out
- Officer Appledorn saw Officer Chamberlain push Guar face first against the glass of the bus shelter

- Officer Appledorn observed Officer chamberlain use a conscious neck restraint on a handcuffed Guar two times during the call and she did not feel that Officer Chamberlain needed any assistance from her or backup
- Officer Appledorn said she is confident and knows what she saw and that it was Officer Chamberlain get part way in the back seat of the squad and put his hands around his neck, she reiterated "I am positive he had his hands around his throat"

[REDACTED]

- Officer Appledorn got in the back seat of the squad with a suspect when I asked her why she went against her 20 years of officer safety to do this she said, "I just needed to get in there, diffuse to, and get him in there. And I figured if I was able to do that, hopefully he wouldn't turn on me in there, but I just wanted to avoid anybody else get...anybody getting hurt from the officers"

- **Sgt. Nelson said the following in her IAU statement**

- Sgt. Nelson said "I think what makes this event so significant was the officers reaction and the fact that the officers, the witness officers and the witnesses themselves all had pretty much the same exact story"

- **Officer Baskin said the following in his IAU statement**

- The people in the bus stop told him he they believed Officer Chamberlain was being excessive with his force

- Officer Baskin didn't feel that he needed to call for backup and he didn't think Officer Chamberlain even needed his help dealing with Guar

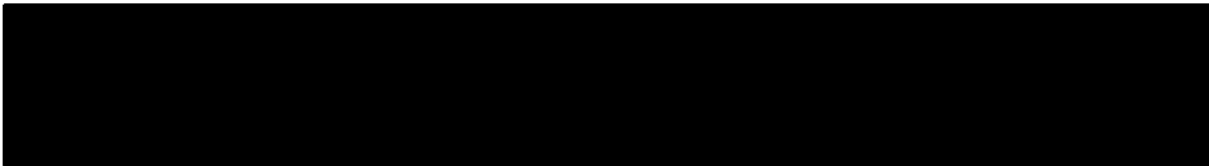
**Civilian Witnesses said the following points in their IAU Interview**

- Witness Benford said Officer Chamberlain put Guar in a choke hold several times after he was handcuffed and Guar was yelling "Help me, help me, someone please help me", "I'm choking and can't breathe"
- Witness Benford said that Officer Chamberlain then forcibly turned Guar around and put the cuffs on extremely tight he assumed because Guar yelled, "These are tight"
- Witness Benford said that Officer Chamberlain exited the shelter and stopped, turned and slammed Guar's face into the windowpane of the shelter
- Witness Benford said Officer Chamberlain put Guar in a choke hold several times after he was handcuffed and Guar was yelling "Help me, help me, someone please help me", "I'm choking and can't breathe"
- Witness Benford said that the only thing Guar was doing during all of this was to yell that he didn't do anything wrong repeatedly
- Witness Edwards said that he could see the officer had Guar on the ground and was choking him while he was in handcuffs two different times
- Witness Edwards would not let his female friend return to the bus stop to get her back the reason he gave was, "I don't think you're gonna get that bag, the way he is whoopin that dud right now"
- Witness Edwards told me he did not want to give a statement to Sgt. Nelson that night or me out of fear after what he saw Officer Chamberlain do to Guar

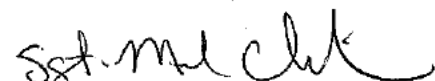
- Witness Kaler said he wasn't that close to see things but he thought the officer was doing the best he could to control the suspect (Guar)

It should also be noted that Officer Chamberlain did not call a supervisor to the scene for the force he used. Officer Appledorn called for a supervisor to their location over the air. While waiting for the supervisor to arrive Officer Chamberlain got on the PA and several times he told Officer Appledorn, "Let's go, we are going to jail" Officer Appledorn reported hearing this as well as Officer Baskin and Witness Benford.

When I questioned Officer Chamberlain about this he said that is not what happened, he said, "I think that there was two different things that were happening. One - I was saying, "Let's get out of this area," to her. And I believed that this male, Mr. Benford, had some relationship with...with the arrested party. So my response to him was that this male's going to jail, so if he wanted to make arrangements or whatever the situation was to pick him up, or whatever their...their relationship was, that he understood." Officer Chamberlain also said that he always reports force.




Respectfully Submitted,


  
Sgt. Melissa Chiodo

Internal Affairs Unit

**Chiodo, Melissa**

---

 **From:** Nelson, Patricia  
**Sent:** Saturday, November 10, 2012 7:46 PM  
**To:** Police - IAU  
**Cc:** Frizell, Eddie  
**Subject:** CCN: 12-351609

Sgt. Pat Nelson  
Minneapolis Police Department  
1st Precinct  
19 N. 4th St  
Minneapolis, MN 55401  


This electronic message may contain investigative data which is non-public pursuant to Minnesota Statutes section 13.82 subdivision 7, or personnel data which is non-public pursuant to Minnesota Statutes section 13.43 subdivision 4.

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**Chiodo, Melissa**

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**From:** Nelson, Patricia  
**Sent:** Saturday, November 10, 2012 7:47 PM  
**To:** Police - IAU  
**Cc:** Frizell, Eddie  
**Subject:** RE: CCN: 12-351609  
**Attachments:** Confidential\_Chamberlain\_11102012.docx

I apologize, I hit the wrong button. Here is the memo for CCN: 12-351609 on 11/10/2012.

Sgt. Pat Nelson  
Minneapolis Police Department  
1st Precinct  
19 N. 4th St  
Minneapolis, MN 55401  
[REDACTED]

This electronic message may contain investigative data which is non-public pursuant to Minnesota Statutes section 13.82 subdivision 7, or personnel data which is non-public pursuant to Minnesota Statutes section 13.43 subdivision 4.  
If you are not the intended recipient of this e-mail: (1) do not read the content of the message; (2) immediately notify the sender that you incorrectly received the message; and (3) do not disseminate, distribute, or copy this e-mail."

---

**From:** Nelson, Patricia  
**Sent:** Saturday, November 10, 2012 7:46 PM  
**To:** Police - IAU  
**Cc:** Frizell, Eddie  
**Subject:** CCN: 12-351609

Sgt. Pat Nelson  
Minneapolis Police Department  
1st Precinct  
19 N. 4th St  
Minneapolis, MN 55401  
[REDACTED]

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If you are not the intended recipient of this e-mail: (1) do not read the content of the message; (2) immediately notify the sender that you incorrectly received the message; and (3) do not disseminate, distribute, or copy this e-mail."

# Memo

**To:** Lt. Glampe  
**From:** Sgt. Pat Nelson, #5040  
**CC:** Inspector Frizell  
**Date:** 11/13/2012  
**Re:** CCN: 12-351609

---

**Involved Officer:** John Chamberlain, Badge 1075

**Witness Officers:** Sherry Appledorn (Badge 0214), Timothy Baskin (Badge 0332).

On 11/10/2012 at 1710 hours, I was called to 3<sup>rd</sup> St S/Hennepin Avenue S by Officer Appledorn. She was assigned Squad 160 with her partner, Officer John Chamberlain, and they were out on a disturbance call (CCN: 12-351609). When I arrived, I was met by Officer Appledorn, who informed me that Officer Chamberlain had used force against the male (TROKON GUAR) in their back seat. She then directed me to several witnesses that were in the bus stop on the Northeast corner of the intersection.

The following is a summary of what the witnesses told me:

When officers pulled up facing the bus shelter (in the parking lot, facing southwest), they had their spotlights and takedown lights on. Officer Appledorn was initially making contact with the group when GUAR told her the lights were bright. At that point, Officer Chamberlain walked up to GUAR with his taser out, started yelling at him that he was under arrest, then pushed him up against the walls in the bus shelter. Officer Chamberlain continued to yell at GUAR and wrenched his right arm behind his back, while still pushing him up against the bus shelter. Officer Chamberlain then put GUAR in a choke hold and they went down to the ground. Officer Chamberlain maintained the choke hold and finally handcuffed GUAR.

Once GUAR was up, and walked back to the squad car, once back at the squad car, the witnesses saw Officer Chamberlain put GUAR in a choke hold again, and try to slam him into the car door. Officer Chamberlain finally shoved GUAR into the back seat of the squad car. One of the witnesses (BENFORD) stated that Officer Chamberlain was using racially derogatory language, but did not want to repeat the exact phrases for me. BENFORD also has some of the incident captured on the video on his phone; however, he was having problems playing it back for me at the scene. He stated he would be preserving the video on his Blackberry Phone.

**Witnesses:**

Woodrow Benford, Phone 952-406-1129  
Johnny Edwards: Phone 612-910-4071  
Erica Arceneaux: Phone 612-396-6520  
Shawntrel Vaughn: Phone 612-578-7648

Marquel Mitchell: Phone 612-396-6520 (He can be reached through Erica Arceneaux)  
Justin Kaler (DID): Phone 612-718-7271

I spoke with the subject of the force, TROKON GUAR, who gave me an accounting of the incident that I recorded on my MVR in P#76371. The tape the statement was recorded on, P1-1323, was property inventoried at the precinct. I reviewed just a short portion of the video, and it appears that the entire statement was recorded. I did this because GUAR does not have a contact phone number, only a contact email: T\_Man1son@yahoo.com/

Guar stated that he was standing in the bus shelter, but he was not affiliated with the original group that was smoking marijuana. When the officers pulled up, the lights on the squad were shining right at him and he made a comment about the lights being in his face. At that point, Officer Chamberlain walked up to him and put his flashlight in Guar's face. Guar also saw that Chamberlain had his taser out. Chamberlain yelled at him, and used racial slurs according to the victim, then slammed Guar up against the glass, stating that Guar was under arrest. Guar stated that he put his hands up and Officer Chamberlain wrenched his arms behind his back, pushing his right arm up into the middle of his back. Officer Chamberlain put him in a chokehold and then handcuffed Guar. Once back at the squad car, Officer Chamberlain again put Guar in a chokehold, and at some point, ripped Guar's necklace from his neck. Officer Chamberlain also grabbed Guar by the front of the throat with his hand and pinched, as well as using his ASP to push on Guar's neck. Guar stated that both techniques were extremely painful. Officer Chamberlain shoved Guar in the back of the squad car, continuing to yell at him and using racial slurs.

Guar had a small cut over his left eye, but refused medical treatment when it was offered to him several times. I took photographs of the small cut, the broken necklace, and Guar's neck area. Guar was released from the scene.

I spoke to Officer Appledorn, who was Chamberlain's partner, and she was so upset that she had to walk away from the squad car and could not even be in it with Chamberlain. She told me that he had been out of control, that he had been choking Guar. I did not have her elaborate further since I needed to make some phone calls to find out further steps. Officer Baskin was also on scene, but I did not get a chance to interview him in depth.

Officer Chamberlain offered to brief me on his use of force, but I purposely did discuss it with him. I had all three officers complete their CAPRS reports.

Squad 160 and Squad 110 did not have their MVR's recording. Squad 160 was pointed at the incident; however, Squad 110 was out on Hennepin Avenue, not pointing at the incident.

I contact SIC to determine if there was any camera footage, there are no cameras at 3/Hennepin, however Melissa Bjorklund was checking the other cameras to see if any were pointed in that direction. I requested that any possible footage be preserved.

Witness Benford stated he will be preserving his footage since he wants to make a formal complaint.

I attempted to contact security at the Minneapolis Central Library to check on possible footage from their cameras, but I have not had any success yet.

Officer Chamberlain has been currently assigned to desk duty at the 1<sup>st</sup> Precinct.

Officers Appledorn and Baskin, along with Officer Chamberlain, were directed to complete their reports as required by policy.

Lt. Glampe, Lt. Lund, and Inspector Frizell were notified via phone.

1 THIS IS A TAPE-RECORDED STATEMENT OF OFFICER JOHN  
2 CHAMBERLAIN, ON DECEMBER 11TH, 2012, AT APPROXIMATELY 1815  
3 HOURS, IN THE MPD IAU OFFICE. YOU ARE BEING INTERVIEWED BY  
4 SGT. MELISSA CHIODO; AND ALSO PRESENT AS YOUR UNION  
5 REPRESENTATION, IS LT. JOHN DELMONICO. TRANSCRIBED BY T.  
6 ROSAS.

7  
8 RE: IAU Case Number #12-250

9  
10 Q: What is your full name please?

11 A: John Paul Chamberlain.

12  
13 Q: And what is your present rank and work assignment?

14 A: 1<sup>st</sup> Precinct, Mid-Watch.

15  
16 Q: And what is your employee number and approximate date of appointment?

17 A: 001075; November 26<sup>th</sup>, 2006.

18  
19 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL  
20 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR  
21 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO  
22 MPD POLICY AND PROCEDURE.

23  
24 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS  
25 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST  
26 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE  
27 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO  
28 EMPLOYMENT ALLEGATIONS.

29  
30 Q: Do you understand this warning?

31 A: I do.

32  
33 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR  
34 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT  
35 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL  
36 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING  
37 SUSPENSION OR DISCHARGE.

38  
39 Q: Do you understand this warning?

40 A: I do.

41  
42 Q: Is it correct that you have read, understood, and signed the Data Practices  
43 Advisory otherwise known as the Tennessen Warning?

44 A: I have Sergeant.

45  
INT \_\_\_\_\_

1 Q: Have I informed you that the purpose of this statement relates to an internal  
2 investigation, and specifically an administrative review that is being conducted,  
3 and that you have been accused of the following:  
4

5 On November 10<sup>th</sup>, 2012, it is alleged that Officer Chamberlain arrested a person  
6 without cause and used...used excessive force on the subject prior to  
7 handcuffing and after the subject was handcuffed. It is further alleged that  
8 Officer Chamberlain used harsh and racist language towards the subject.  
9

10 And you are being called to explain the circumstances regarding this event today.  
11 Were you notified ahead of time of this?

12 A: I was.  
13

14 Q: Okay. All right. Umm...Is it correct that you were working, umm, as an Able  
15 squad on November 10<sup>th</sup>, 2012?

16 A: No. I was...  
17

18 Q: Or I mean as a two person squad?

19 A: Correct.  
20

21 Q: And who was your partner that day?

22 A: Officer Sherry Appledorn.  
23

24 Q: And what was your squad number?

25 A: Our squad number was 160.  
26

27 Q: Okay. At some point in the evening were you called umm, to a Disturbance  
28 Call in the area of 3<sup>rd</sup> and Hennepin?

29 A: Yes. We were dispatched to a call in the area of uhh, 3<sup>rd</sup> and Hennepin – it  
30 was a Disturbance Call.  
31

32 Q: Okay. And why don't you tell me, umm, what you knew about the call when  
33 you were going to it.

34 A: Sure. Uhh...While we were responding to the call, the remarks of the call  
35 stated that at the NE corner of this intersection there was a group of ten smoking  
36 pot.  
37

38 Q: Okay. Okay. And umm...So you got this call and I'm assuming you  
39 responded to this area. Why don't you tell me umm, what happened when you  
40 responded there – walk me through the call.

41 A: Sure. Uhh...I was riding as the passenger officer, Officer Appledorn  
42 was...was driving the squad car. Uhh...She said that uhh, she had located the  
43 group and I looked and I could see that we had both located the group, which  
44 was uhh, at the uhh, NE corner of 3<sup>rd</sup> and Hennepin.  
45

1 There's uhh, two bus shelters that were side-by-side or within close proximity to  
2 each other there. Uhh... We pulled into uhh, a surface parking lot from the uhh,  
3 kinda from the north. Uhh... As we pulled our squad car up there, both Officer  
4 Appledorn and I uhh, looked – we could see that there was a group. Uhh... They  
5 appeared to be a larger group, like it could have been around or close to ten  
6 people, that was sitting inside the uhh, uhh, bus shelter that was closest towards  
7 Washington. Uhh... There was another bus shelter that was adjacent to it,  
8 but... but closer towards 3<sup>rd</sup> St.

9  
10 Uhh... We illuminated the group with our... our squad lighting, the take-down  
11 lights, and the... and the uhh, uhh, side spotlights.

12  
13 Q: Okay. Okay. And then once you arrived and you illuminated the group, what  
14 did you do next?

15 A: Uhh... We got out of our squad car. Uhh... I got out on the... on the  
16 passenger's side obviously, she got out on the driver's side, and we walked  
17 towards the shelter. Uhh... There is a wooden fence that's located uhh, between  
18 the surface parking lot and the two shelters, bus shelters.

19  
20 Uhh... We walked up there. Uhh... As soon as we got close to the group, I could  
21 smell the odor of uhh, marijuana – smelled like it had been burn... burning  
22 marijuana. Uhh... That led me to believe that there was some uhh, uhh,  
23 consistency with the remarks of the call that had come from, what I read, was a  
24 DID employee.

25  
26 Q: Okay. So you umm, pull up, umm, and you walk to the shelter and you smell  
27 the marijuana. Did you see anybody smoking it at this point?

28 A: At this point I had not seen anybody smoking it.

29  
30 Q: Okay. And did you... I mean, you had your take-down lights, your spotlights  
31 on – Did you uhh, have your flashlight out... out at this time?

32 A: I did uhh, take it out at some point. I... I believe I did have that out, uhh, as I  
33 was walking up to the... to the uhh, the group.

34  
35 Q: Okay. So then tell me what happens once you walk up to the shelter.

36 A: I uhh, keyed up my portable microphone and notified dispatchers that officers  
37 would be out with this group, uhh, at that location – that we would be out with a  
38 group of people.

39  
40 Uhh... ~~One of the individuals~~ that was sitting in the bus shelter furthest away from  
41 me and furthest away from Appledorn, uhh, facing us, uhh, ~~appeared to be very~~  
42 ~~upset and enraged that we had uhh, uhh, spotlights and lighting that was focused~~  
43 ~~on... on the group.~~ Uhh... He addressed some concern about why there were  
44 lights and Officer Appledorn uhh, said that she had turned the lights on because  
45 she was old and couldn't see very well.

46

1 Q: And when... You said he was upset and enraged, umm, in my mind I have an  
2 idea of what enraged is – What... Describe what you mean by he was “enraged.”

3 A: He appeared... Uhh... ~~He appeared very angry upon our arrival, that we were~~  
4 there, and that we had used our lighting. Uhh... The other individuals in there,  
5 uhh, didn't seem to respond much to us being there, they didn't have much to  
6 say.

7  
8 Uhh... My concern at this point was that... that ~~he was argumentative, uhh, in~~  
9 response to what Officer Appledorn had said. Umm... ~~He then began swearing,~~  
10 saying, uhh, and “~~Get those lights out of my fuckin' face.~~” Uhh... I noticed that ~~his~~  
11 ~~eyes were watery and bloodshot in appearance and umm, I had shined my~~  
12 flashlight towards him to uhh, get a better look at him and... and to kind of figure  
13 out what was going on with the situation.

14  
15 Q: And when you had your uhh, flashlight shined at him, did you see him uhh, if  
16 he was holding any type of weapon or if he was holding any umm, narcotics or  
17 alcohol or anything like that at that point?

18 A: I couldn't see his hands and I did ask him, uhh, at some point to see his  
19 hands.

20  
21 Q: Okay. Where... Where were his hands that you didn't see them?

22 A: I don't remember the incident.

23  
24 Q: Okay.

25 A: I don't know.

26  
27 Q: Okay. All right. So, umm, he was argumentative and you... you uhh, shined  
28 your flashlight on him. Tell me what happened next.

29 A: Uhh... ~~He continued to uhh, to badger us about being there, umm, making~~  
30 ~~comments about uhh, something that he was minding his own business or~~  
31 something along those lines. And it got to the point where uhh, after he was  
32 swearing, or ~~I believed that he was, uhh, it would make the most sense to have~~  
33 ~~him removed from that group.~~

34  
35 Umm... At that particular point, it was my... not my intent to arrest. ~~At that point it~~  
36 ~~was my intent to remove him from that group so we could investigate further and~~  
37 ~~see where that marijuana was coming from.~~

38  
39 Q: Okay. So what happened when you attempted to remove him from the group  
40 and how did you attempt to re... First, how did you attempt to remove him and  
41 what happened when you did this?

42 A: Okay. When I noticed that the other group members, uhh, ~~they appeared to~~  
43 ~~be getting somewhat incited and disturbed by his conduct, I asked him uhh, to~~  
44 stand up. He did not cooperate with what I told him to do. He was furthest away  
45 from the other group members and ~~I uhh, planted my MPD issued taser CED at~~  
46 ~~him, using it in a red dot mode, pointing it towards his torso. I told him to stand~~

1 up and to keep his hands where I could see them and then I told him to come  
2 back uhh, towards me outside of the shelter and to face away from me.

3

4 Q: Okay. And what happened then?

5 A: ~~He stood up~~ – He seemed hesitant to do so, he was slow and lethargic in  
6 doing so. When he did stand up, ~~he walked slowly towards me~~. Umm... His eyes  
7 were very wide, his umm, ~~body language was tense~~, and I told him to uhh, face  
8 away from me a second time. He did not cooperate after I told him a second  
9 time to face away.

10

11 Q: Okay. What happened then?

12 A: ~~It was my understanding, based on uhh, the fact that we were trying to~~  
13 ~~conduct an official investigation while in response to a 911 call, that he was~~  
14 ~~interfering with our ability to do this, based on his language, based on uhh, the~~  
15 ~~tone and pitch of his voice - which was uhh, boisterous - it was certainly offensive~~  
16 ~~by his use of words, and uhh, it appeared to be disturbing and inciting the other~~  
17 ~~group members around there. Uhh... After that second time I had told him to face~~  
18 ~~away and he didn't cooperate, it was at that point that I told him that he was~~  
19 ~~under arrest and to face away.~~

20

21 Q: Okay. And then what happened?

22 A: ~~He didn't cooperate with my instructions to face away, so I pushed him with~~  
23 ~~my free hand.~~

24

25 Q: And how did you push him?

26 A: Uhh... Towards... I... It was an open-hand push towards his torso.

27

28 Q: Okay.

29 A: Uhh... It was on his shoulder to try to get his body spun uhh, in an opposite  
30 direction from mine.

31

32 Q: Okay. And what happened after that?

33 A: I still had my uhh, taser in my hand. Umm... He took a step back and his eyes  
34 became uhh, wide and uhh, his profanities and boisterous tone continued. He  
35 was uhh, yelling indiscernibly – he was very loud, and uhh, I used uhh, verbal  
36 orders – which were professional, but loud, to, "Turn around, face away, you're  
37 under arrest." Uhh... I then holstered my taser and I got him handcuffed.

38

39 Q: And where was he standing when you handcuffed him, was he in the bus  
40 shelter - Where was he?

41 A: No, he was standing outside of the bus shelter at that point.

42

43 Q: Okay. So after you handcuffed him, what...you...you...What happened after  
44 you handcuffed him?

45 A: After...

46



1 Q: Or you said you attempted to – What happened?

2 A: Okay. Uhh...I did get him handcuffed at that point.

3

4 Q: Okay,

5 A: Umm...I tried to walk him away from the bus shelter and towards the squad  
6 car parked in the surface lot. ~~I was trying to maneuver around the wooden fence~~  
7 ~~and while I was doing so, he violently pulled his arm, while handcuffed,~~ away  
8 from me. ~~I attempted a wrist manipulation a wrist lock, in order to gain control of~~  
9 him and walk him towards the squad car - ~~That was ineffective. He was very~~  
10 ~~loud, profane language, he was being, he was using,~~ and that didn't work.

11

12 Umm...He...When he was pulling away from me, I thought that he would either  
13 ~~escape custody or want to fight or kick at me or cause further problems; uhh,~~  
14 ~~therefore, I used a conscious neck restraint in order to bring his level of~~  
15 ~~resistance under control. Uhh...I...I took into consideration that Hennepin Ave.~~  
16 was not too far away and he was moving his body in the direction of that.

17

18 ~~Uhh, I used a neck restraint to bring him down to the ground. He continued to~~  
19 use a loud, verbal tirade with me while I was bringing him down to the ground,  
20 and by using my body weight to keep him pinned to the ground while I checked  
21 his waistband for weapons, to make sure that there was nothing that he had. I  
22 was...~~Certainly at this point that, uhh, I believed that this was gonna be a~~  
23 ~~custodial arrest to prevent further criminal conduct.~~

24

25 Q: Okay. And so you used a conscious neck restraint and took him to the  
26 ground. What happened next?

27 A: Uhh...Officer Appledorn was still standing with other members of the group.  
28 ~~Uhh, I was able to get him up on my own, umm, and with...with his own efforts.~~  
29 ~~I asked him to stand up, not to make matters worse, and I walked him towards~~  
30 ~~the squad car. Umm...He continued to struggle, I just used my strength and uhh,~~  
31 ~~a brisk walk in order to walk him towards the car.~~

32

33 Q: And then uhh, what happened after you were walking him towards the car?

34 A: I walked him up, uhh, up to the car, instructed him to spread his feet apart,  
35 uhh, in order to search him. It was my understanding this was a custodial search  
36 at this point. ~~Uhh...When I told him to...to spread his feet apart, uhh he...he was~~  
37 ~~indignant about his...his actions, his behavior, and everything that had~~  
38 ~~transpired.~~

39

40 I uhh, uhh...~~told him a second time not to make matters worse, spread your feet~~  
41 ~~apart, you're under arrest, and uhh, he didn't cooperate. Uhh...I, uhh, pinned his~~  
42 ~~body between the squad car and my own, partially, just to...to maintain control of~~  
43 ~~him while...while uhh, conducting a search of him.~~

44

45 Uhh...Officer Appledorn uhh, was still...seemed to be dealing with the other  
46 group members, though I was dealing with him all along.

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Q: Okay. And what happened next?

A: Then I, uhh, I told him to spread his feet apart in order to conduct a search. He did not uhh, cooperate with spreading his feet apart. I... I uhh, used my thumb directed towards his hypoglossal nerve - It's a pressure point technique directed about an inch underneath the jaw.

Q: And where... Where was... You had... Your... Would you have used your left hand or your right hand?

A: I believe it was my right hand. I believe my left hand was controlling his left arm.

Q: Okay. So you applied this hypoglossal pressure point, umm, and that was to get him in the car, or what was the point of that?

A: That was... That was used to uhh, change his aggressive thought process and to get him to uhh, separate his feet for the search.

Q: Okay. All right. What happened after that?

A: Umm... After I had searched him umm, more thoroughly, umm, I then checked his hands and handcuffs for fit prior to uhh, physically pushing him into the car. He was resisting as far as not getting into the car - which I asked him to do.

Q: Okay. So then you get him... Did you get him in the car?

A: Uhh... Not without a struggle. Umm... I tried to get uhh... I tried to get him into the car. Umm... I had difficulty getting him in there, he was physically using his body and his strength to not go inside the squad car.

Umm... While I was trying to secure him in there by using my physical strength, he ended up moving his... moving his body towards me, and he wasn't all the way in the car. I ended up bumping my head on the corner of the... of the squad car. Uhh... It was my understanding he was trying to get out.

At that point I then used a hypoglossal pressure point, uhh, in order to uhh, move his, uhh, involuntarily move his... his... his head and his body into the car and away from the exit door of the squad car.

Q: And that would have been the same before, you used your thumb up underneath...?

A: No. That was... It was simil... It was the same concept, but in that, I used the... the digital tips of my uhh, middle finger and index finger directed towards about an inch below the jawbone.

Q: Okay.

A: Umm... There's two ways of doing the... the hypoglossal - One is with a... with a fist to support the thumb, the other one is with the middle and index finger, and that was what I used in this case.

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Q: Okay. And so you're using your...Uhh...Which hand would you have been using to do that, do you recall?

A: I believe that was my right hand that I was using on his...it would have been on his left side.

Q: Okay. And what were you doing with your other hand?

A: I was supporting his...his head with my other hand, with my thumb, and pushing...Uhh...Supporting his head, and pushing his head back away and into the squad car.

Q: Okay. And what uhh, happened next?

A: Then uhh...After I was able to get him uhh, into the...into the squad car...

I should back up. At a point I did use my uhh, my knee to pin his leg while...while struggling with him to get him in there. And I did use that hypoglossal pressure point that I described long enough to get him all the way into the car, so I could get the, uhh, the door secure.

Q: Okay. So after you had the door secure, what happened?

A: I then got into the front passenger's seat of the squad car and I asked AP1, the...Mr. Guar, for his name and he initially told me he wasn't gonna give it to me because he didn't think he did anything wrong.

Uhh...I then explained to him why we were there. I showed him the squad computer. Uhh...I...I, uhh, pulled up the call, I showed him that it said that there were ten people smoking pot. I showed him that we were at Hennepin and 3<sup>rd</sup> St. I explained to him that he was at the particular corner that we were investigating, uhh, and that is why we were even there, even having any contact with him at all.

He seemed, after I tried to talk to him and explain this, he seemed to calm down, he seemed to be uhh, more calm than he was before and to have relaxed his...his efforts to...to be aggressive.

Q: Okay. So what happened next?

A: He told me that he had...that his ID was...Uhh...That his name was on his ID, which was on his person.

Q: Okay. So then what did you do?

A: I then uhh, got out and opened his squad car door and as soon as I did that, he kicked his legs out and got out of the car.

Q: Okay. So what did you do?

A: I told him that I didn't want him out of the car and to stay in there. And he used his strength, which was able to...I tried to use my strength to keep him in

1 the car. He... He used his strength against me and uhh, I wasn't able to by my  
2 own strength, keep him secured inside of the car.

3  
4 I then uhh, when I saw that those lesser attempts at using my strength were  
5 ineffective, I then used uhh, another conscious neck restraint to bring his level of  
6 resistance under control and to bring him back down to the ground.

7  
8 Q: Okay. And what happened after that?  
9 A: Uhh... It took myself and Officer Baskin, and I believe Appledorn walked up at  
10 that point, to secure uhh, Mr. Guar in the car.

11  
12 Q: Okay. Was that the first time that uhh, Officer Appledorn had walked up to  
13 then assist you with this... with this person?  
14 A: I... I don't know for sure. I was uhh, on my own for most of the incident as far  
15 as being able to control him. Uhh... That's because she appeared to be talking to  
16 uhh, a male that was uhh, I believe later identified as Benford.

17  
18 Q: Yep.  
19 A: So.

20  
21 Q: Okay. So you were able to get umm, the AP back in the squad car. What  
22 happened after that?  
23 A: Uhh... Officer Appledorn got into the squad car and sat next to the arrested  
24 party.

25  
26 Q: Okay. And then what happened?  
27 A: Uhh... She was talking to him about something. I don't know what she was  
28 discussing with him.

29  
30 Q: Okay. Okay. And was that your... the end of your dealing with the... the AP?  
31 A: Yes.

32  
33 Q: Okay. All right. I'm gonna go back to the beginning just to go over a few  
34 things. Umm... Umm... You talked about ... Umm... So you decided that you were  
35 going to place this person under arrest, umm, and you said that... that... Well, first  
36 you were getting him, you were getting him out of the shelter. Umm... You said  
37 that he was causing a disturbance.

38  
39 Umm... And in your report you describe the other people, you said that, "AP was  
40 causing a disturbance while the other males were sitting in the bus stop."  
41 Umm... "They were not being boisterous or directing profanities at police and they  
42 were communicating with one another as if acquainted." That's what you said  
43 about the other males. So, they seemed to be compliant or... ?

44 A: They didn't seem to be a... a threat to officers or our investigation.  
45

1 Q: Okay. And in the next sentence you stated, "The others in the group  
2 appeared to be getting incited by AP1's conduct."  
3 A: Mmm hmm (indicating yes).  
4  
5 Q: ~~How were they incited if they...~~ I mean, in one sentence they're  
6 A: Mmm hmm (indicating yes).  
7  
8 Q: hanging out talking with their friends, yet at the same time they're incited.  
9 And in my mind, I have "incited" - that they're getting upset, that they're verbally  
10 aggressive towards you. What...What was going on there?  
11 A: ~~My... My word choice of saying "incited" was...~~ What I was trying to describe  
12 ~~was, they uhh, were... seemed to be responding to his verbal level of aggression,~~  
13 ~~which was swearing and loud tone. It appeared to be more of a like, "Calm down~~  
14 ~~man," kind of...kind of thing towards the... towards the AP.~~  
15  
16 Q: Okay. Umm...So you decided to take this individual away from the group,  
17 and eventually you made the decision umm, to place him under arrest, umm, for  
18 obstructing the legal process. Umm...~~What legal process of yours was he~~  
19 ~~obstructing?~~ I want a little more detail on that because...  
20 A: Sure.  
21  
22 Q: at this point, he is the only one you're dealing with,  
23 A: Mmm hmm (indicating yes).  
24  
25 Q: so is he obstructing you from dealing with him? I'm not clear on  
26 what...what...what you were doing. You...You said you didn't see anyone  
27 smoking marijuana when you came up,  
28 A: Mmm hmm (indicating yes).  
29  
30 Q: you know, everything seemed to be okay. So what was your legal process  
31 he was obstructing?  
32 A: ~~That happened a bit... the... The obstructing the legal process was - My~~  
33 ~~understanding of that was he was interfering with us to do our official duties. But~~  
34 ~~the disorder...~~  
35  
36 Q: And how...How was he...what...How was he interfering? Because I'm...I'll  
37 tell you this - ~~Officer Appledorn didn't have a clue that you were arresting this~~  
38 ~~guy or for what, and he wasn't preventing her from doing anything. So, what was~~  
39 ~~he preventing you, Officer Chamberlain, specifically from doing that would violate~~  
40 ~~that law that he was obstructing the legal process? Your partner didn't even~~  
41 ~~know why you arrested him. So, in your mind you had a reason, and it's not~~  
42 ~~clear in here, so that's what I'm asking - What was that reason?~~  
43 A: ~~Sure. My reason for arresting him was for the disorderly conduct. It was for~~  
44 ~~him facing his body towards me, his body being tense, him using profane~~  
45 ~~language, the tone and pitch of his voice, uhh, the uhh, uhh, the fact that we~~  
46 ~~were there to investigate people smoking marijuana where he was located.~~

1  
2 If he didn't want to be a part of it, there was a shelter right next door which I  
3 believe had no persons inside of it - if he didn't want to be part of that group. He  
4 had that option, it's not like it was the only shelter. And I believe it was about 60  
5 degrees out, I was wearing short sleeves.

6  
7 Q: Okay. You put that you're the police victim, there has to be someone  
8 that...and you say your intent was to arrest him for disorderly conduct.

9 A: Okay.

10  
11 Q: ~~And you're aware that we can't, as police officers, we can't be the victim of a~~  
12 ~~disorderly conduct, correct?~~

13 A: ~~In...In cases of...I...I believe that we can't be the victim of disorderly conduct~~  
14 ~~as far as language.~~

15  
16 Q: Okay.

17 A: ~~Umm...As far as physical aggression, I believe we...we may be able to be, or~~  
18 ~~even obstruct at that level.~~

19  
20 Q: Okay. Umm...And you say that he was upset. Umm...You describe him as  
21 "enraged," umm, "a verbal tirade," umm, "indignant." But you don't have  
22 anything specific to say why he was enraged, why he was a verbal tirade, why he  
23 was indignant. You...You said that umm, you couldn't even understand what he  
24 was saying, umm, other than to get the lights out of his "fuckin' face."

25  
26 So what...I need you to paint a picture for me, other than using the word, "tirade,"  
27 "angry," or "indignant." You know, what...what made him...~~What...What were his~~  
28 ~~actions?~~

29 A: Okay. ~~His actions were his loud...his loud tone of voice that he was using.~~  
30 Umm...Let me ask here, are you asking about before or after the arrest?

31  
32 Q: Umm...Let's cover bef...before the...Before the arrest, umm, you describe  
33 him as umm, "enraged."

34 A: Okay. Okay. And you're asking why he

35  
36 Q: You...Well, I'm ask...

37 A: ~~appeared to me to be enraged?~~

38  
39 Q: Yeah. You say he's enraged, you said he had a verbal tirade,

40 A: Mmm hmm (indicating yes).

41  
42 Q: Umm...And the only thing that you said he was saying is, you know, "Get the  
43 fuckin' lights out of my face," or "the lights the fuck out of my face," and you said  
44 you couldn't understand anything else he said. So, umm, I guess what was  
45 this...What was he saying and doing before you arrested him to make this  
46 disorderly?

1 A: His...His behavior, uhh, before the arrest was...I mean, there was other  
2 words that he...that he used were...that were profane and that were rude, uhh,  
3 and abusive and...

4  
5 Q: Like what? That's what I'm looking for, because you don't...you don't say it in  
6 your report, so. If you don't recall, you don't recall, but you didn't put it in your  
7 report.

8 A: Sure.

9  
10 Q: You only used kind of word...uhh, you know, those couple words – “angry”  
11 and “enraged” to say it, and he badgered you, but how? I need you to paint a  
12 picture of this person's actions.

13 A: Okay. Okay. Umm...

14  
15 Q: And if you don't...If you don't remember the specific words, I don't want you  
16 to, you know...If you don't remember, you don't remember, but...

17 A: I remember they were words that included the word, “fuck,”

18  
19 Q: Okay.

20 A: and the word, “bullshit.”

21  
22 Q: Okay

23 A: And the way that these were...were delivered were what I observed to be,  
24 very aggressive.

25  
26 Q: Okay. Umm...You also said that you remained professional with him.  
27 Umm...Did you at any point when he was raising his voice, did you at all, umm,  
28 start yelling at him, telling him to, “Shut up!” or “Shut the fuck up!”?

29 A: I believe I said, “Shut up” when he used profanities.

30  
31 Q: Okay.

32 A: And that was...But I did not...I was not using profanities back at him.

33  
34 Q: But you were yelling at him to shut up?

35 A: I did yell for him to shut up in a louder tone, uhh, or...or matching his...his  
36 level of aggression. I didn't think anything else would work. Umm...Officer  
37 Appledorn had...had from what I had seen, had appeared to try to calm him  
38 down, umm, she called him “honey” at one point. It appeared to make him more  
39 upset from what I saw.

40  
41 Q: Okay. Umm...And was he...Was he upset the minute you got there or was  
42 he getting upset as these events progressed – his inter...interactions with you?

43 A: He was up...He was upset, from what I saw, as soon as we got there? Officer  
44 Appledorn was first to...to, from what I saw, to try to calm him down.

45

1 Q: Okay. Umm...At any point when you were dealing with him, umm, ~~did you~~  
2 ~~shove him face first into the glass of the bus shelter?~~

3 A: ~~I believe that I pushed, I used the bus shelter as a uhh, as a barrier to pin his~~  
4 ~~body up against. As far as shoving him face first, I don't believe that happened.~~

5  
6 Q: Okay. Umm...And you used it as a barrier – Was this umm...Did you attempt  
7 to get him handcuffed earlier, because you said you handcuffed him outside the  
8 shelter and it seemed to go without any difficulty. Umm...What was the  
9 interaction that led you having to push him into the...or, you know, push his body  
10 or in...into the bus shelter, the glass partition? Because you said you had him  
11 come out of the shelter and that you handcuffed him.

12 A: That there's...Uhh...When I had him come of the...out of the shelter and I  
13 had given him orders to face away and he didn't cooperated with my efforts, all  
14 my efforts to get him out of and away from the situation,

15  
16 Q: Mmm hmm (indicating yes).

17 A: ~~it was at that point that uhh, after he didn't comply with me, that I physically~~  
18 ~~pushed him, after telling him to face away from me. Uhh...From that point, while~~  
19 ~~I was trying to get him handcuffed, at that point – that would be the only time that~~  
20 ~~he would have made contact with...with the bus shelter.~~

21  
22 Q: Okay.

23 A: ~~He was not handcuffed.~~

24  
25 Q: So...

26 A: while...while I was uhh, while he made any contact with that bus shelter.  
27 Does that make sense?

28  
29 Q: Yep, that does.

30 A: Okay.

31  
32 Q: That clarifies it. Umm...Another thing you mentioned – You had your taser  
33 out and you had red dotted him. Umm...Did you have your taser out when you  
34 got out of the squad car or did you pull your taser out while you were umm, in the  
35 process of dealing with this group at the bus shelter?

36 A: I didn't take my taser out until after I observed uhh, the arrested party's  
37 actions, his behavior, his tone; and after he did not cooperate with my  
38 instructions to step out of there.

39  
40 Q: Okay. ~~And by pulling your taser out and red dotting him, what was umm,~~  
41 ~~what were you attempting to do with that?~~

42 A: I believe that from his behavior, I mean, he did appear to me to be enraged –  
43 that was his app...his appearance when I showed up there.

44  
45 Q: Okay.



1 A: Uhh...When I saw that...that I was dealing with that level of what...of  
2 aggression, I thought that I didn't know what direction this would go. It was, uhh,  
3 a tense, uncertain, and rapidly evolving situation, where I didn't know what to  
4 expect from his actions. We were also outnumbered, uhh...That's...  
5

6 Q: So...~~So what were you hoping by using the taser, were you...were you~~  
7 hoping to gain verbal compliance from him? You didn't answer what you were  
8 actually hoping to gain by...by red dotting that I understand.

9 A: Okay. Uhh...My...~~I was attempting to gain voluntary compliance to have him~~  
10 ~~step out of the...out of the bus shelter.~~  
11

12 Q: Okay.

13 A: ~~Without having to go hands-on and without passing by other people who were~~  
14 ~~sitting in there.~~  
15

16 Q: Okay. When you uhh, were dealing with Guar, umm, you described first  
17 when he was handcuffed, that he was umm, not compliant and you had to take  
18 him, you had to use a conscious neck restraint on him. Umm...And then you  
19 describe later at the car, again you had to use...you had to use a hypoglossal on  
20 him several times.  
21

22 Umm...~~At any point did you either ask your partner for assistance or get on the~~  
23 ~~air and ask for assistance dealing with this individual?~~

24 A: ~~I believe I asked my partner for assistance, uhh, while she was standing~~  
25 ~~there. Umm...I...I looked up at her a couple times and umm, I said that I'd be~~  
26 ~~bringing him to the sq...to the squad car.~~  
27

28 Q: Okay. And you believe you asked her for assistance, but she never assisted  
29 you?  
30

31 A: ~~I believe that's correct.~~  
32

33 Q: Okay. When you had uhh, Mr. Guar in the back seat of the squad, did you  
34 ever physically have your hands around his throat?  
35

36 A: No.  
37

38 Q: When Mr. Guar was in the back seat of the squad, was he ever screaming,  
39 umm, "Help! This officer's trying to kill me! He's killing me!"?  
40

41 A: ~~I remember him saying something like that.~~  
42

43 Q: What...What were you doing at the time that he was saying that, that he was  
44 screaming that?  
45

46 A: I don't think that I was...I think I was getting his door shut at that point.  
47

48 Q: Okay.

49 A: Or trying to get him inside the squad car. But I don't believe that I was using  
50 force at that point.

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Q: Okay. So at no point you had...you did not have in a strangulation hold

A: Ab...

Q: in the back seat?

A: Absolutely not. That's not what I used.

Q: Okay. When you had...Umm...You described Guar as umm, "enraged," "indignant," that you had quite the struggle with him multiple times, from the time you handcuffed him to the time you finally got him in the squad car. Umm...Why did you, and you'd already decided to book him, you said that it was gonna be a custodial arrest - Why didn't you just drive him to jail and get him ID'd there instead of pulling someone that you described was a physical struggle - Why did you get him out of the back of the car to get an ID out of his pocket, when you could take him to the jail and get him ID'd there?

A: Because he had convinced me that he had changed his to...his...his attitude and his behavior.

Q: Okay.

A: And if I... If we could have issued a citation under the circumstances, I would not have a problem issuing a citation. This appeared to me to be a custodial arrest though, and I didn't know how long Officer Appledorn was gonna be talking to this uhh, Mr. Benford.

Q: Okay. After you had Guar in the back seat and you knew you were making the custodial arrest and you described all the force you used, why didn't you call, immediately call a supervisor to the scene because of the force you used?

A: Because we had...Uhh...There were a number of people around there and I...Mr. Guar was making, he was extremely loud and it appeared to be attracting more people to the area.

Uhh...Working as a Defensive Tactics instructor, I always report my force - always. And I always report it, if necessary, as the policy requires, to a supervisor. My intent was to have us go to a different location or away from that area in order to report that force. I had every intention of reporting the force that I used. I've used neck restraints before - I always report it - every time. I understand how the policy is and I follow it.

Q: Okay. Umm...And your partner, Officer Appledorn, was standing outside of the squad talking to a witness, Officer Baskin was still there, umm, and you. Is it correct that you got on the PA several times, telling her to get in the car, you're going to jail?

A: I think that there was two different things that were happening. One - I was saying, "Let's get out of this area," to her.

1 And I believed that this male, Mr. Benford, had some relationship with...with the  
2 arrested party. So my response to him was that this male's going to jail, so if he  
3 wanted to make arrangements or whatever the situation was to pick him up, or  
4 whatever their...their relationship was, that he understood.

5  
6 Q: What made...What led you to believe that this Mr. Benford, who you could  
7 see was con...you know, one was a young man, one was an old man, they were  
8 both in separate sides of the bus stop – Other than both being black males, what  
9 made you think they were together?

10 A: He was...He took a par...This Mr. Benford took a particular interest in uhh,  
11 the situation. He was...appeared to be video cameraing, taping, with his cell  
12 phone, uhh, from the moment that I first placed my hands on the arrested party.

13  
14 Q: Okay. Umm...And it's your statement that you, during all this you remained  
15 professional, you remained calm, you used appropriate force?

16 A: ~~I believe that I remained professional and I used appropriate force given the~~  
17 ~~circumstances.~~

18  
19 Q: Okay. Umm...It con...Umm...What's your response to umm, a witness  
20 describing you as, umm, the aggressor, umm, kind of...This is what they say –  
21 that you were the aggressor, that it was you who set the tone of this encounter  
22 and you kept ratcheting it up with your telling this person to shut up -Guar -  
23 putting the taser on him. And they actually describe you as an, "out of control,  
24 berserk cop." What's...What is your response to that?

25 A: ~~My response is that I don't believe that I was out of control. I don't believe~~  
26 ~~that I was berserk. I believe that I was acting professionally, but I was using a~~  
27 ~~loud tone of voice in order...and uhh, and commands in order to take command~~  
28 ~~presence of the situation. I didn't want to lose that level of control.~~

29  
30 Q: Okay. And umm, one last thing. Umm...There was two other officers there  
31 with you, umm, and other than at the end helping you get him in the squad car,  
32 umm, they did not get involved with the force you were using. Umm...What is  
33 your response to that?

34 A: (No audible answer.)

35  
36 Q: They actually...They actually stated they didn't feel that the force rose to the  
37 level that...that you needed any help with this. Umm...And you have described  
38 what...what appears to be a pretty good struggle. You say you had to use your  
39 strength, your body force.

40 A: Mmm hmm (indicating yes).

41  
42 Q: You used a conscious neck restraint several times, umm, yet other officers  
43 did nothing. Umm...What...What's your response to that?

44 A: ~~I believe Officer Baskin showed up at a later time and Officer Appledorn, I~~  
45 ~~don't know why she didn't help me.~~

46

1 Q: Okay. All right. Umm...Is there anything else I haven't asked you  
2 about...about this situation that you think I should know about today, Officer  
3 Chamberlain?

4 A: Umm...Yeah. It was...It was a concern of mine that after this...this incident  
5 happened, that uhh, neither Officer Appledorn or Sgt. Nelson asked me for my  
6 account of the situation. Uhh...It would have...I believe that I could have clarified  
7 my perception, my understanding, my reasons, uhh, for using force or for...for  
8 uhh, effectuating an arrest – if they would have asked me. I attempted to uhh,  
9 tell Sgt. Nelson my reason for using it, and she uhh, did not take my...did  
10 not...declined to take my, uhh, report of the force.

11  
12 Umm...Also, I think it's important, uhh...I've worked with Sherry for probably the  
13 better part of a year. Uhh...The night of this incident, uhh, she told me that she  
14 had federal court the following week for some force incident. The night before  
15 that, uhh, the Friday night before that, the 9<sup>th</sup> of November, she told me the same  
16 thing and indicated that she was under some pressure from this. Uhh...I believe,  
17 that it's possible that if she's under this level of pressure, if she...she is...was not  
18 uhh, acting as she usually does, from what I've seen her.

19  
20 Umm...And as far as my...my qualifications and training that are specific to using  
21 force...Uhh...My...My training in using uhh, pressure points are from uhh, PBCT.  
22 Umm...I have worked on the Department for six years. I have worked as a  
23 Defensive Tactics instructor for two years. Uhh...In my...From my training in  
24 doing that, I've worked, I've had training from the MPD Training Unit in PBCT,  
25 which is Pressure Point Control Techniques, asp baton, handcuffing, how to use  
26 the baton (inaudible) asp, NLETC, the National Law Enforcement Training  
27 Center, which teaches uhh, they don't specifically teach, uhh, the neck restraint,  
28 they call it, they refer to it as the LVNR. Uhh...I have training as a...as a uhh,  
29 Taser Instructor, and I also have training as a Crisis Intervention Team Officer,  
30 and as a CIT Coach also, helping to train other officers in evaluating situations.

31  
32 Umm...That's my qualifications that, you know, as far as uhh, Officer Appledorn  
33 and I having a...a...not being on the same page as far as what happened, I  
34 can't...I don't know what her reasons were for that.

35  
36 Q: Okay. You did, umm, mention all your qualifications. You also mentioned  
37 you felt that maybe Sherry wasn't acting the same because she had federal  
38 court, umm, for a use of force.

39  
40 Umm...I guess I think it's only fair then to ask you, umm – Have you recently had  
41 any other uhh, problems with force on calls, any umm, allegations against you,  
42 about force or umm, uhh, maybe umm, your professionalism umm, with other  
43 people that you've arrested or dealt with?

44  
45  
46

1 Q: Okay. Okay. Umm...Anything else that you think I should know about?

2 A: No.

3

4 Q. Has this been a true and accurate statement today?

5 A: Yes.

6

7 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO

8 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE

9 OTHER THAN YOUR UNION REPRESENTATIVE OR AN ATTORNEY.

10

11 Q. Do you understand this?

12 A: I do.

13

14

15 STATEMENT CONCLUDED AT APPROXIMATELY 1906 HOURS

16

17

18

19 \_\_\_\_\_  
Officer John Chamberlain

\_\_\_\_\_ Date

20

21

22

23 \_\_\_\_\_  
Witness

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## DATA PRACTICES ADVISORY

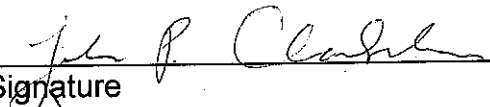
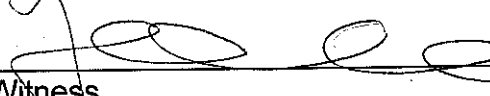
### Internal Investigation Warning for Employees under Investigation (Tennessen Warning)

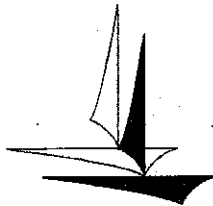
You are being questioned as part of an official internal investigation into a complaint of misconduct. The information you provide will be used in a fact-finding process, as part of the total evidence, to determine if misconduct occurred and for assessing whether disciplinary action should be taken. 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 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 reasonably requiring access to the information.
- 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.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- 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.

Signature		12/16/2012	1810
Witness		12/11/2012	1800



**Minneapolis**  
City of Lakes

**Police Department**

Timothy J. Dolan  
Chief of Police

December 3, 2012

350 South 5th Street – Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853  
TTY 612 673-2157  
Officer John Chamberlain  
First Precinct  
Minneapolis Police Department

RE: IAU Case Number 12-250  
**NOTIFICATION LETTER**

Officer Chamberlain,

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

- MPD P/P 5-103 Discretion**
- MPD P/P 5-303 Authorized Use of Force**
- MPD P/P 5-105 (3) Professional Code of Conduct**

*Summary of allegations: It is alleged that: On November 10, 2012 at approximately 1710 hours at the bus shelter on 3<sup>rd</sup> Avenue and Hennepin Avenue, Officer Chamberlain arrested a person without cause, used excessive force on the subject prior to handcuffing and after the subject was handcuffed. It is further alleged that Officer Chamberlain used harsh language towards the subject.*

Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for Tuesday December 11, 2012 at 1800 hours. If you have a conflict you must contact me by December 7<sup>th</sup>, 2012 to discuss an alternate date. It is your responsibility to arrange for a Federation representative prior to contacting IAU with your selected interview date. I can be contacted by e-mail or phone at 673-2748 between the hours of 16:00 and 02:00, Monday through Friday. Failure to show for your scheduled interview or to request an alternate date by the time directed will result in additional charges.

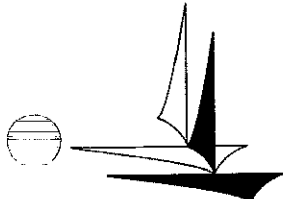
This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/federation representative. You are entitled to be represented at this interview by a union/federation representative or an attorney.

Sincerely,

Sgt. Melissa Chiodo  
Internal Affairs Unit  
Minneapolis Police Department

CC: Inspector Frizell  
IAU Case File





**Minneapolis**  
City of Lakes

**Police Department**

Timothy J. Dolan  
Chief of Police

350 South 5th Street – Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853  
TTY 612 673-2157

November 13, 2012

Officer John Chamberlain  
First Precinct  
Minneapolis Police Department

Officer Chamberlain,

I am placing you on "Relieved of Enforcement Duty" status effective today. This status will remain in effect pending a decision on your employment status with the Minneapolis Police Department.

Effective November 13, 2012 your work assignment will be determined by Inspector Frizell.

As you are on the City of Minneapolis payroll, the following conditions are effective immediately, pending a decision on your employment status.

1. All department approved off-duty employment is suspended. No new contracts for off-duty employment will be agreed upon or initiated from this date forward.
2. Your duty hours will remain 16:30 to 02:00 hours. You work days and off days will be determined by shift supervisors as posted in Workforce Director.

During this period you are expected to comply with the Rules and Regulations of the Minneapolis Police Department as they relate to your employment.

Sincerely,

Kristine Arneson  
Deputy Chief  
Minneapolis Police Department

Jane Harteau  
Chief of Police  
Minneapolis Police Department





1 THIS IS A TAPE-RECORDED STATEMENT OF OFFICER JOHN  
2 CHAMBERLAIN, ON DECEMBER 11TH, 2012, AT APPROXIMATELY 1815  
3 HOURS, IN THE MPD IAU OFFICE. YOU ARE BEING INTERVIEWED BY  
4 SGT. MELISSA CHIDO; AND ALSO PRESENT AS YOUR UNION  
5 REPRESENTATION, IS LT. JOHN DELMONICO. TRANSCRIBED BY T.  
6 ROSAS.

7  
8 RE: IAU Case Number #12-250

9  
10 Q: What is your full name please?

11 A: John Paul Chamberlain.

12  
13 Q: And what is your present rank and work assignment?

14 A: 1<sup>st</sup> Precinct, Mid-Watch.

15  
16 Q: And what is your employee number and approximate date of appointment?

17 A: 001075; November 26<sup>th</sup>, 2006.

18  
19 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL  
20 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR  
21 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO  
22 MPD POLICY AND PROCEDURE.

23  
24 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS  
25 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST  
26 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE  
27 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO  
28 EMPLOYMENT ALLEGATIONS.

29  
30 Q: Do you understand this warning?

31 A: I do.

32  
33 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR  
34 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT  
35 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL  
36 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING  
37 SUSPENSION OR DISCHARGE.

38  
39 Q: Do you understand this warning?

40 A: I do.

41  
42 Q: Is it correct that you have read, understood, and signed the Data Practices  
43 Advisory otherwise known as the Tennessen Warning?

44 A: I have Sergeant.

45

INT jc

1 Q: Have I informed you that the purpose of this statement relates to an internal  
2 investigation, and specifically an administrative review that is being conducted,  
3 and that you have been accused of the following:  
4  
5 On November 10<sup>th</sup>, 2012, it is alleged that Officer Chamberlain arrested a person  
6 without cause and used...used excessive force on the subject prior to  
7 handcuffing and after the subject was handcuffed. It is further alleged that  
8 Officer Chamberlain used harsh and racist language towards the subject.  
9  
10 And you are being called to explain the circumstances regarding this event today.  
11 Were you notified ahead of time of this?  
12 A: I was.  
13  
14 Q: Okay. All right. Umm...Is it correct that you were working, umm, as an Able  
15 squad on November 10<sup>th</sup>, 2012?  
16 A: No. I was...  
17  
18 Q: Or I mean as a two person squad?  
19 A: Correct.  
20  
21 Q: And who was your partner that day?  
22 A: Officer Sherry Appledorn.  
23  
24 Q: And what was your squad number?  
25 A: Our squad number was 160.  
26  
27 Q: Okay. At some point in the evening were you called umm, to a Disturbance  
28 Call in the area of 3<sup>rd</sup> and Hennepin?  
29 A: Yes. We were dispatched to a call in the area of ~~uhh~~, 3<sup>rd</sup> and Hennepin – it  
30 was a Disturbance Call.  
31  
32 Q: Okay. And why don't you tell me, umm, what you knew about the call when  
33 you were going to it.  
34 A: Sure. ~~Uhh~~ While we were responding to the call, the remarks of the call  
35 stated that at the NE corner of this intersection there was a group of ten smoking  
36 pot.  
37  
38 Q: Okay. Okay. And umm...So you got this call and I'm assuming you  
39 responded to this area. Why don't you tell me umm, what happened when you  
40 responded there – walk me through the call.  
41 A: Sure. ~~Uhh~~ I was riding as the passenger officer, Officer Appledorn  
42 ~~was~~ was driving the squad car. ~~Uhh~~. She said that ~~she~~ she had located the  
43 group and I looked and I could see that we had both located the group, which  
44 was ~~uhh~~, at the ~~uhh~~, NE corner of 3<sup>rd</sup> and Hennepin.  
45

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7c ✓45  
46

<sup>were</sup>  
There ~~was~~; two bus shelters that were side-by-side or within close proximity to each other there. ~~Uhh~~. We pulled into ~~the~~, a surface parking lot ~~from the~~ ~~uhh~~, kinda from the north. ~~Uhh~~. As we pulled our squad car up there, both Officer Appledorn and I ~~uhh~~, looked – we could see that there was a group. ~~Uhh~~. They appeared to be a larger group, like it could have been around or close to ten people, that ~~was~~ <sup>were</sup> sitting inside the ~~uhh~~, ~~uhh~~, bus shelter that was closest towards Washington. ~~Uhh~~. There was another bus shelter that was adjacent to it, ~~uhh~~ but closer towards 3<sup>rd</sup> St.

~~Uhh~~. We illuminated the group with ~~our~~ our squad lighting, the take-down lights, and the ~~and the~~ ~~uhh~~, ~~uhh~~, side spotlights.

Q: Okay. Okay. And then once you arrived and you illuminated the group, what did you do next?

A: ~~Uhh~~. We got out of our squad car. ~~Uhh~~. I got out ~~uhh~~ on the passenger's side obviously, she got out on the driver's side, and we walked towards the shelter. ~~Uhh~~. There ~~is~~ a wooden fence that's located ~~uhh~~ between the surface parking lot and the two ~~uhh~~ bus shelters.

~~Uhh~~. We walked up there. ~~Uhh~~. As soon as we got close to the group, I could smell the odor of ~~uhh~~ marijuana – smelled like it had been ~~uhh~~ burning marijuana. ~~Uhh~~. That led me to believe that there was some ~~uhh~~, ~~uhh~~, consistency with the remarks of the call that had come from, what I read, was a DID employee.

Q: Okay. So you umm, pull up, umm, and you walk to the shelter and you smell the marijuana. Did you see anybody smoking it at this point?

A: At ~~that~~ <sup>that</sup> point I had not seen anybody smoking it.

Q: Okay. And did you... I mean, you had your take-down lights, your spotlights on – Did you uhh, have your flashlight out... out at this time?

A: I did ~~uhh~~, take it out at some point. ~~Uhh~~ I believe I did have that out, ~~uhh~~, as I was walking up to the ~~uhh~~ ~~uhh~~ group.

Q: Okay. So then tell me what happens once you walk up to the shelter.

A: I ~~uhh~~ keyed up my portable microphone and notified dispatchers that officers would be out with this group, ~~uhh~~, at that location – that we would be out with a group of people.

~~Uhh~~. One of the individuals that was sitting in the bus shelter furthest away from me and furthest away from Appledorn, ~~uhh~~, facing us, ~~uhh~~, appeared to be very upset and enraged that we had ~~uhh~~, spotlights and lighting that was focused ~~uhh~~ on the group. ~~Uhh~~. He addressed some concern about why there were lights and Officer Appledorn ~~uhh~~ said that she had turned the lights on because she was old and couldn't see very well.

1 Q: And when... You said he was upset and enraged, umm, in my mind I have an  
2 idea of what enraged is - What... Describe what you mean by he was "enraged."

7c ✓ 3 A: He appeared. ~~He appeared~~ very angry upon our arrival, that we were  
7c ✓ 4 there, and that we had used our lighting. ~~He~~. The other individuals in there,  
7c ✓ 5 ~~she~~, didn't seem to respond much to us being there, they didn't have much to  
6 say.

7c ✓ 8 ~~She~~. My concern at this point was ~~that~~ that he was argumentative, ~~she~~, in  
9 response to what Officer Appledorn had said. Umm... He then began swearing,  
7c ✓ 10 saying, ~~she~~, ~~and~~ "Get those lights out of my fuckin' face." ~~She~~. I noticed that his  
7c ✓ 11 eyes were watery and bloodshot in appearance and ~~she~~, I had shined my  
7c ✓ 12 flashlight towards him to ~~she~~, get a better look at him ~~and~~ and to kind of figure  
13 out what was going on with the situation.  
14

15 Q: And when you had your uhh, flashlight shined at him, did you see him uhh, if  
16 he was holding any type of weapon or if he was holding any umm, narcotics or  
17 alcohol or anything like that at that point?

7c ✓ 18 A: I couldn't see his hands and I did ask him, ~~she~~, at some point to see his  
19 hands.  
20

21 Q: Okay. Where... Where were his hands that you didn't see them?

7c ✓ 22 A: I don't remember ~~the incident~~. ~~that~~.

23  
24 Q: Okay.

25 A: I don't know.  
26

27 Q: Okay. All right. So, umm, he was argumentative and you... you uhh, shined  
28 your flashlight on him. Tell me what happened next.

7c ✓ 29 A: ~~She~~. He continued to ~~she~~ badger us about being there, ~~she~~, making  
30 comments about ~~she~~, something that he was minding his own business or  
31 something along those lines. And it got to the point where ~~she~~, after he was  
7c ✓ 32 swearing, ~~or I believed that he was, uhh~~, it would make the most sense to have  
33 him removed from that group.  
34

7c ✓ 35 ~~She~~. At that particular point, it was my... not my intent to arrest. At that point it  
36 was my intent to remove him from that group so we could investigate further and  
37 see where that marijuana was coming from.  
38

39 Q: Okay. So what happened when you attempted to remove him from the group  
40 and how did you attempt to re... First, how did you attempt to remove him and  
41 what happened when you did this?

42 A: Okay. When I noticed that the other group members, uhh, they appeared to  
43 be getting somewhat incited and disturbed by his conduct, I asked him uhh, to  
44 stand up. He did not cooperate with what I told him to do. He was furthest away  
7c ✓ 45 from the other group members and I ~~she~~ <sup>pointed</sup> my MPD issued taser CED at  
7c ✓ 46 him, using it in ~~she~~ red dot mode, pointing it towards his torso. I told him to stand

1 up and to keep his hands where I could see them and then I told him to come  
2 back uhh, towards me outside of the shelter and to face away from me.  
3  
4 Q: Okay. And what happened then?  
5 A: He stood up – He seemed hesitant to do so, he was slow and lethargic in  
6 doing so. When he did stand up, he walked slowly towards me. ~~uhh~~. His eyes  
7 were very wide, his ~~uhh~~, body language was tense, and I told him to ~~uhh~~, face  
8 away from me a second time. He did not cooperate after I told him a second  
9 time to face away.  
10  
11 Q: Okay. What happened then?  
12 A: It was my understanding, based on ~~uhh~~, the fact that we were trying to  
13 conduct an official investigation while in response to a 911 call, that he was  
14 interfering with our ability to do this; based on his language, based on uhh, the  
15 tone and pitch of his voice - which was ~~uhh~~, boisterous - it was certainly offensive  
16 by his use of words, and ~~uhh~~, it appeared to be disturbing and inciting the other  
17 group members around there. ~~uhh~~. After that second time I had told him to face  
18 away and he didn't cooperate, it was at that point that I told him that he was  
19 under arrest and to face away.  
20  
21 Q: Okay. And then what happened?  
22 A: He didn't cooperate with my instructions to face away, so I pushed him with  
23 my free hand.  
24  
25 Q: And how did you push him?  
26 A: ~~uhh~~ Towards ~~uhh~~. It was an open-hand push towards his torso.  
27  
28 Q: Okay.  
29 A: ~~uhh~~. It was on his shoulder to try to get his body spun uhh, in an opposite  
30 direction from mine.  
31  
32 Q: Okay. And what happened after that?  
33 A: I still had my ~~uhh~~ taser in my hand. ~~uhh~~. He took a step back and his eyes  
34 became ~~uhh~~, wide and ~~uhh~~, his profanities and boisterous tone continued. He  
35 was ~~uhh~~, yelling indiscernibly – he was very loud, ~~uhh~~, I used ~~uhh~~, verbal  
36 orders – which were professional, but loud, to, "Turn around, face away, you're  
37 under arrest." ~~uhh~~ I then holstered my taser and I got him handcuffed.  
38  
39 Q: And where was he standing when you handcuffed him, was he in the bus  
40 shelter - Where was he?  
41 A: No, he was standing outside of the bus shelter at that point.  
42  
43 Q: Okay. So after you handcuffed him, what...you...you...What happened after  
44 you handcuffed him?  
45 A: After...  
46

INT Jc

1 Q: Or you said you attempted to - What happened?

2 A: Okay. ~~He~~ I did get him handcuffed at that point.

4 Q: Okay,

5 A: Umm... I tried to walk him away from the bus shelter and towards the squad  
6 car parked in the surface lot. I was trying to maneuver around the wooden fence  
7 and while I was doing so, he violently pulled his arm, while handcuffed, away  
8 from me. I attempted a wrist manipulation; a wrist lock, in order to gain control of  
9 him and walk him towards the squad car - That was ineffective. He was very  
10 loud, profane language, ~~he was being... he was using,~~ and that didn't work.

11  
12 ~~Umm... He~~. When he was pulling away from me, I thought that he would either  
13 escape custody or want to fight or kick at me or cause further problems; ~~he~~  
14 therefore, I used a conscious neck restraint in order to bring his level of  
15 resistance under control. ~~Umm...~~ I took into consideration that Hennepin Ave.  
16 was not too far away and he was moving his body in the direction of that.

17  
18 ~~Umm...~~ I used a neck restraint to bring him down to the ground. He continued to  
19 use a loud, verbal tirade with me while I was bringing him down to the ground,  
20 and by using my body weight to keep him pinned to the ground while I checked  
21 his waistband for weapons, to make sure that there was nothing that he had. ~~Umm...~~  
22 ~~was...~~ Certainly at this point ~~that, um,~~ I believed that this was ~~gonna be a~~  
23 custodial arrest to prevent further criminal conduct. ~~going to be a~~

24  
25 Q: Okay. And so you used a conscious neck restraint and took him to the  
26 ground. What happened next?

27 A: ~~Umm...~~ Officer Appledorn was still standing with other members of the group.  
28 ~~Umm...~~ I was able to get him up on my own, ~~ummm,~~ and ~~with~~ with his own efforts.  
29 I asked him to stand up, not to "make matters worse," and I walked him towards  
30 the squad car. ~~Umm...~~ He continued to struggle, I just used my strength and ~~ummm,~~  
31 a brisk walk in order to walk him towards the car.

32  
33 Q: And then uhh, what happened after you were walking him towards the car?

34 A: I walked him up, ~~ummm,~~ to the car, instructed him to spread his feet apart,  
35 ~~ummm,~~ in order to search him. It was my understanding this was a custodial search  
36 at this point. ~~Umm...~~ When I told him ~~ummm,~~ to spread his feet apart, ~~ummm,~~ he was  
37 indignant about ~~ummm,~~ his actions, his behavior, and everything that had  
38 transpired.

39  
40 I ~~ummm,~~ told him a second time not to make matters worse, "spread your feet  
41 apart, you're under arrest," and uhh, he didn't cooperate. ~~ummm,~~ pinned his  
42 body between the squad car and my own, partially, just ~~ummm,~~ to maintain control of  
43 him ~~ummm,~~ while ~~ummm,~~ conducting a search of him.

44  
45 ~~Umm...~~ Officer Appledorn ~~ummm,~~ seemed to be dealing with the other  
46 group members, though I was dealing with him all along.

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Q: Okay. And what happened next?

A: Then I, ~~\_\_\_\_\_~~ I told him to spread his feet apart in order to conduct a search. He did not ~~\_\_\_\_\_~~, cooperate with spreading his feet apart. I, ~~\_\_\_\_\_~~, used my thumb directed towards his hypoglossal nerve - It's a pressure point technique directed about an inch underneath the jaw.

Q: And where...Where was...You had...Your...Would you have used your left hand or your right hand?

A: I believe it was my right hand. I believe my left hand was controlling his left arm.

Q: Okay. So you applied this hypoglossal pressure point, umm, and that was to get him in the car, or what was the point of that?

A: ~~\_\_\_\_\_~~ That was used to ~~\_\_\_\_\_~~, change his aggressive thought process and to get him to ~~\_\_\_\_\_~~, separate his feet for the search.

Q: Okay. All right. What happened after that?

A: ~~\_\_\_\_\_~~. After I had searched him ~~\_\_\_\_\_~~, more thoroughly, ~~\_\_\_\_\_~~, I then checked his hands and handcuffs for fit prior to ~~\_\_\_\_\_~~, physically pushing him into the car. He was resisting as far as not getting into the car - which I asked him to do.

Q: Okay. So then you get him...Did you get him in the car?

A: Uhh...Not without a struggle. Umm...I tried to get uhh...I tried to get him into the car. Umm...I had difficulty getting him in there, he was physically using his body and his strength to not go inside the squad car.

~~\_\_\_\_\_~~. While I was trying to secure him in there by using my physical strength, he ended up ~~\_\_\_\_\_~~ moving his body towards me, and he wasn't all the way in the car. I ended up bumping my head on the corner ~~\_\_\_\_\_~~ of the squad car. ~~\_\_\_\_\_~~ It was my understanding he was trying to get out.

At that point I then used a hypoglossal pressure point, ~~\_\_\_\_\_~~, in order to ~~\_\_\_\_\_~~ move ~~\_\_\_\_\_~~ involuntarily move ~~\_\_\_\_\_~~ his head and his body into the car and away from the exit door of the squad car.

Q: And that would have been the same before, you used your thumb up underneath...?

A: No. ~~\_\_\_\_\_~~ It was the same concept, but in that, I used ~~\_\_\_\_\_~~ the digital tips of my uhh, middle finger and index finger directed towards about an inch below the jawbone.

Q: Okay.

A: ~~\_\_\_\_\_~~. There ~~\_\_\_\_\_~~ are two ways of doing ~~\_\_\_\_\_~~ the hypoglossal - One is ~~\_\_\_\_\_~~ with a fist to support the thumb, the other one is with the middle and index finger, and that was what I used in this case.

1

2 Q: Okay. And so you're using your... Uhh... Which hand would you have been  
3 using to do that, do you recall?

7c ✓ 4 A: I believe that was my right hand that I was using on his ~~it would have been~~  
7c ✓ 5 ~~side~~ left side.

6

7

Q: Okay. And what were you doing with your other hand?

7c ✓ 8 A: I was supporting ~~his~~ his head with my other hand, with my thumb, ~~and~~  
7c ✓ 9 ~~pushing~~.. Supporting his head, and pushing his head back away and into  
10 the squad car.

11

12 Q: Okay. And what uhh, happened next?

7c ✓ 13 A: Then ~~uhh~~. After I was able to get him ~~out, into the~~ into the squad car...

14

15 I should back up. At a point I did use my ~~arm~~ my knee to pin his leg  
7c ✓ 16 ~~while~~ while struggling with him to get him in there. And I did use that  
17 hypoglossal pressure point that I described long enough to get him all the way  
7c ✓ 18 into the car, so I could get the ~~door~~ door secure.

19

20 Q: Okay. So after you had the door secure, what happened?

21 A: I then got into the front passenger's seat of the squad car and I asked AP1,  
22 the... Mr. Guar, for his name and he initially told me he wasn't gonna give it to me  
23 because he didn't think he did anything wrong.

24

7c ✓ 25 ~~Uhh~~ I then explained to him why we were there. I showed him the squad  
7c ✓ 26 computer. ~~Uhh~~ ~~I~~ ~~uhh~~ pulled up the call, I showed him that it said that there  
27 were ten people smoking pot. I showed him that we were at Hennepin and 3<sup>rd</sup>  
28 St. I explained to him that he was at the particular corner that we were  
7c ✓ 29 investigating, ~~uhh~~, and that is why we were even there, ~~uhh~~ having any contact  
30 with him at all.

31

7c ✓ 32 He seemed, after I ~~tried to talk to~~ <sup>spoke with</sup> him and ~~explain~~ <sup>explained</sup> this, he seemed to calm down,  
7c ✓ 33 he seemed to be ~~uhh~~ more calm than he was before and to have relaxed  
7c ✓ 34 ~~his~~ his efforts ~~to~~ to be aggressive.

35

36 Q: Okay. So what happened next?

7c ✓ 37 A: He told me that he ~~had~~ that his ID was... Uhh... That his name was on his ID,  
38 which was on his person.

39

40 Q: Okay. So then what did you do?

7c ✓ 41 A: I then ~~uhh~~ got out and opened his squad car door and as soon as I did that,  
42 he kicked his legs out and got out of the car.

43

44 Q: Okay. So what did you do?

7c ✓ 45 A: I told him that I didn't want him out of the car and to stay in there. And he  
7c ✓ 46 used his strength, ~~which was able to~~. I tried to use my strength to keep him in



1 the car. ~~he~~. He used his strength against me and ~~she~~ I wasn't able to by my  
2 own strength, keep him secured inside of the car.  
3

4 ~~uhh~~, when I saw that those lesser attempts at using my strength were  
5 ineffective, I then used ~~um~~, another conscious neck restraint to bring his level of  
6 resistance under control and to bring him back down to the ground.  
7

8 Q: Okay. And what happened after that?

9 A: ~~um~~. It took myself and Officer Baskin, and I believe Appledorn walked up at  
10 that point, to secure ~~um~~, Mr. Guar in the car.  
11

12 Q: Okay. Was that the first time that uhh, Officer Appledorn had walked up to  
13 then assist you with this...with this person?

14 A: ~~I~~ I don't know for sure. I was ~~um~~, on my own for most of the incident as far  
15 as being able to control him. ~~um~~. That's because she appeared to be talking to  
16 ~~um~~, a male that was ~~um~~, I believe later identified as Benford.  
17

18 Q: Yep.

19 A: So.  
20

21 Q: Okay. So you were able to get umm, the AP back in the squad car. What  
22 happened after that?

23 A: ~~um~~. Officer Appledorn got into the squad car and sat next to the arrested  
24 party.  
25

26 Q: Okay. And then what happened?

27 A: ~~um~~. She was talking to him about something. I don't know what she was  
28 discussing with him.  
29

30 Q: Okay. Okay. And was that your...the end of your dealing with the...the AP?

31 A: Yes.  
32

33 Q: Okay. All right. I'm gonna go back to the beginning just to go over a few  
34 things. Umm...Umm...You talked about ...Umm...So you decided that you were  
35 going to place this person under arrest, umm, and you said that...that... Well, first  
36 you were getting him, you were getting him out of the shelter. Umm...You said  
37 that he was causing a disturbance.  
38

39 Umm...And in your report you describe the other people, you said that, "AP was  
40 causing a disturbance while the other males were sitting in the bus stop."  
41

42 Umm... "They were not being boisterous or directing profanities at police and they  
43 were communicating with one another as if acquainted." That's what you said  
44 about the other males. So, they seemed to be compliant or...?  
45

A: They didn't seem to be ~~um~~ a threat to officers or our investigation.

1 Q: Okay. And in the next sentence you stated, "The others in the group  
2 appeared to be getting incited by AP1's conduct."

3 A: Mmm hmm (indicating yes).  
4

5 Q: How were they incited if they...I mean, in one sentence they're

6 A: Mmm hmm (indicating yes).  
7

8 Q: hanging out talking with their friends, yet at the same time they're incited.  
9 And in my mind, I have "incited" - that they're getting upset, that they're verbally  
10 aggressive towards you. What...What was going on there?

11 A: ~~was~~ My word choice of saying "incited" was...~~that~~ I was trying to describe  
12 ~~was~~, they ~~that~~ seemed to be responding to his verbal level of aggression,  
13 which was swearing and loud tone. It appeared to be more of a like, "Calm down  
14 man," ~~kind of~~ kind of thing ~~was~~ towards the AP.  
15

16 Q: Okay. Umm...So you decided to take this individual away from the group,  
17 and eventually you made the decision umm, to place him under arrest, umm, for  
18 obstructing the legal process. Umm...What legal process of yours was he  
19 obstructing? I want a little more detail on that because...

20 A: Sure.  
21

22 Q: at this point, he is the only one you're dealing with,

23 A: Mmm hmm (indicating yes).  
24

25 Q: so is he obstructing you from dealing with him? I'm not clear on  
26 what...what...what you were doing. You...You said you didn't see anyone  
27 smoking marijuana when you came up,

28 A: Mmm hmm (indicating yes).  
29

30 Q: you know, everything seemed to be okay. So what was your legal process  
31 he was obstructing?

32 A: ~~That happened a bit...the...~~ The obstructing the legal process was - My  
33 understanding of that was he was interfering with us to do our official duties. But  
34 the disorder...  
35

36 Q: And how...How was he...what...How was he interfering? Because I'm...I'll  
37 tell you this - Officer Appiedorn didn't have a clue that you were arresting this  
38 guy or for what, and he wasn't preventing her from doing anything. So, what was  
39 he preventing you, Officer Chamberlain, specifically from doing that would violate  
40 that law that he was obstructing the legal process? Your partner didn't even  
41 know why you arrested him. So, in your mind you had a reason, and it's not  
42 clear in here, so that's what I'm asking - What was that reason?

43 A: Sure. My reason for arresting him was for the disorderly conduct. It was for  
44 him facing his body towards me, his body being tense, him using profane  
45 language, the tone and pitch of his voice, ~~was the umm, umm,~~ the fact that we  
46 were there to investigate people smoking marijuana where he was located.

1  
2 If he didn't want to be a part of it, there was a shelter right next door which I  
3 believe had no persons inside of it - if he didn't want to be part of that group. He  
4 had that option, it's not like it was the only shelter. And I believe it was about 60  
5 degrees out, I was wearing short sleeves.  
6

7 Q: Okay. You put that you're the police victim, there has to be someone  
8 that...and you say your intent was to arrest him for disorderly conduct.

9 A: Okay.

10  
11 Q: And you're aware that we can't, as police officers, we can't be the victim of a  
12 disorderly conduct, correct?

13 *jc ✓* A: ~~In cases of...~~ I believe that we can't be the victim of disorderly conduct  
14 as far as language.  
15

16 Q: Okay.

17 A: Umm...As far as physical aggression, I believe we...we may be able to be, or  
18 even obstruct at that level.  
19

20 Q: Okay. Umm...And you say that he was upset. Umm...You describe him as  
21 "enraged," umm, "a verbal tirade," umm, "indignant." But you don't have  
22 anything specific to say why he was enraged, why he was a verbal tirade, why he  
23 was indignant. You...You said that umm, you couldn't even understand what he  
24 was saying, umm, other than to get the lights out of his "fuckin' face."  
25

26 So what...I need you to paint a picture for me, other than using the word, "tirade,"  
27 "angry," or "indignant." You know, what...what made him...What...What were his  
28 actions?

29 A: Okay. His actions were his loud...his loud tone of voice that he was using.

30 *jc ✓* ~~Umm~~ Let me ask here, are you asking about before or after the arrest?  
31

32 Q: Umm...Let's cover bef...before the...Before the arrest, umm, you describe  
33 him as umm, "enraged."  
34

35 A: Okay. Okay. And you're asking why he...  
36

37 Q: You...Well, I'm ask...

38 A: appeared to me to be enraged?  
39

40 Q: Yeah. You say he's enraged, you said he had a verbal tirade,

41 A: Mmm hmm (indicating yes).  
42

43 Q: Umm...And the only thing that you said he was saying is, you know, "Get the  
44 fuckin' lights out of my face," or "the lights the fuck out of my face," and you said  
45 you couldn't understand anything else he said. So, umm, I guess what was  
46 this...What was he saying and doing before you arrested him to make this  
disorderly?

1 A: ~~His~~ His behavior, ~~was~~, before the arrest was. ~~I mean~~, there <sup>were</sup> was other  
2 words ~~that~~ that he used ~~that~~... that were profane and that were rude, ~~and~~  
3 and abusive and...

4  
5 Q: Like what? That's what I'm looking for, because you don't...you don't say it in  
6 your report, so. If you don't recall, you don't recall, but you didn't put it in your  
7 report.

8 A: Sure.

9  
10 Q: You only used kind of word...uhh, you know, those couple words – “angry”  
11 and “enraged” to say it, and he badgered you, but how? I need you to paint a  
12 picture of this person's actions.

13 A: Okay. Okay. Umm...

14  
15 Q: And if you don't...If you don't remember the specific words, I don't want you  
16 to, you know...If you don't remember, you don't remember, but...

17 A: I remember they were words that included the word, “fuck,”

18  
19 Q: Okay.

20 A: and the word, “bullshit.”

21  
22 Q: Okay

23 A: And the way that these ~~words~~ were delivered were what I observed to be  
24 very aggressive.

25  
26 Q: Okay. Umm...You also said that you remained professional with him.  
27 Umm...Did you at any point when he was raising his voice, did you at all, umm,  
28 start yelling at him, telling him to, “Shut up!” or “Shut the fuck up!”?

29 A: I believe I said, “Shut up” when he used profanities.

30  
31 Q: Okay.

32 A: ~~And that was~~ But I did not...I <sup>use</sup> was not using profanities back at him.

33  
34 Q: But you were yelling at him to shut up?

35 A: I did yell for him to shut up in a louder tone, ~~uhh, or~~...or matching his...his  
36 level of aggression. I didn't think anything else would work. ~~Umm~~ Officer  
37 Appledorn ~~had~~ had from what I had seen, had appeared to try to calm him  
38 down, ~~she~~, she called him “honey” at one point. It appeared to make him more  
39 upset from what I saw.

40  
41 Q: Okay. Umm...And was he...Was he upset the minute you got there or was  
42 he getting upset as these events progressed – his inter...interactions with you?

43 A: ~~He was up~~. He was upset, from what I saw, as soon as we got there. Officer  
44 Appledorn was first ~~to~~ to, from what I saw, to try to calm him down.

1 Q: Okay. ~~Umm~~. At any point when you were dealing with him, umm, did you  
2 shove him face first into the glass of the bus shelter?

3 A: I believe that I pushed, I used the bus shelter as a ~~barrier~~ barrier to pin his  
4 body up against. As far as shoving him face first, I don't believe that happened.  
5

6 Q: Okay. Umm...And you used it as a barrier – Was this umm...Did you attempt  
7 to get him handcuffed earlier, because you said you handcuffed him outside the  
8 shelter and it seemed to go without any difficulty. Umm...What was the  
9 interaction that led you having to push him into the...or, you know, push his body  
10 or in...into the bus shelter, the glass partition? Because you said you had him  
11 come out of the shelter and that you handcuffed him.

12 A: ~~That there's~~...Umm...When I had him come ~~of the~~ out of the shelter and I  
13 had given him orders to face away and he didn't cooperated with my efforts, all  
14 my efforts to get him out of and away from the situation,  
15

16 Q: Mmm hmm (indicating yes).

17 A: it was at that point that ~~uhh~~, after he didn't comply with me, that I physically  
18 pushed him, after telling him to face away from me. ~~Uhh~~. From that point, while  
19 I was trying to get him handcuffed, at that point – that would be the only time that  
20 he would have made contact ~~with~~ with the bus shelter.  
21

22 Q: Okay.

23 A: He was not handcuffed  
24

25 Q: So...

26 A: while...while I was uhh, while he made any contact with that bus shelter.  
27 Does that make sense?  
28

29 Q: Yep, that does.

30 A: Okay.  
31

32 Q: That clarifies it. Umm...Another thing you mentioned – You had your taser  
33 out and you had red dotted him. Umm...Did you have your taser out when you  
34 got out of the squad car or did you pull your taser out while you were umm, in the  
35 process of dealing with this group at the bus shelter?

36 A: I didn't take my taser out until after I observed ~~uhh~~ the arrested party's  
37 actions, his behavior, his tone; and after he did not cooperate with my  
38 instructions to step out of there.  
39

40 Q: Okay. And by pulling your taser out and red dotting him, what was umm,  
41 what were you attempting to do with that?

42 A: I believe that from his behavior; ~~uhh~~, he did appear to me to be enraged –  
43 that was ~~his app~~ his appearance when I showed up there.  
44

45 Q: Okay.

7c ✓ 1 A: Uhh...When I saw that...that I was dealing with that level of ~~what of~~  
7c ✓ 2 aggression, I thought that I didn't know what direction this would go. It was, ~~uhh,~~  
3 a tense, uncertain, and rapidly evolving situation, where I didn't know what to  
4 expect from his actions. We were also outnumbered, uhh...That's...  
5

6 Q: So...So what were you hoping by using the taser, were you...were you  
7 hoping to gain verbal compliance from him? You didn't answer what you were  
8 actually hoping to gain by...by red dotting that I understand.

7c ✓ 9 A: Okay. ~~uhh, my~~ I was attempting to gain voluntary compliance to have him  
7c ✓ 10 step out of the...~~out of the~~ bus shelter.  
11

12 Q: Okay.

13 A: Without having to go hands-on and without passing by other people who were  
14 sitting in there.  
15

16 Q: Okay. When you uhh, were dealing with Guar, umm, you described first  
17 when he was handcuffed, that he was umm, not compliant and you had to take  
18 him, you had to use a conscious neck restraint on him. Umm...And then you  
19 describe later at the car, again you had to use...you had to use a hypoglossal on  
20 him several times.  
21

22 Umm...At any point did you either ask your partner for assistance or get on the  
23 air and ask for assistance dealing with this individual?

7c ✓ 24 A: I believe I asked my partner for assistance, uhh, while she was standing  
7c ✓ 25 there. ~~uhh, my~~ I looked up at her a couple times and ~~uhh,~~ I said that I'd be  
26 bringing him to ~~the squad car~~ the squad car.  
27

28 Q: Okay. And you believe you asked her for assistance, but she never assisted  
29 you?

30 A: I believe that's correct.  
31

32 Q: Okay. When you had uhh, Mr. Guar in the back seat of the squad, did you  
33 ever physically have your hands around his throat?

34 A: No.  
35

36 Q: When Mr. Guar was in the back seat of the squad, was he ever screaming,  
37 umm, "Help! This officer's trying to kill me! He's killing me!"?

38 A: I remember him saying something like that.  
39

40 Q: What...What were you doing at the time that he was saying that, that he was  
41 screaming that?

42 A: I don't think that I was...I think I was getting his door shut at that point.  
43

44 Q: Okay.

45 A: Or trying to get him inside the squad car. But I don't believe that I was using  
46 force at that point.

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Q: Okay. So at no point you had...you did not have in a strangulation hold

A: Ab...

Q: in the back seat?

A: Absolutely not. That's not what I used.

Q: Okay. When you had...Umm...You described Guar as umm, "enraged," "indignant," that you had quite the struggle with him multiple times, from the time you handcuffed him to the time you finally got him in the squad car. Umm...Why did you, and you'd already decided to book him, you said that it was gonna be a custodial arrest - Why didn't you just drive him to jail and get him ID'd there instead of pulling someone that you described was a physical struggle - Why did you get him out of the back of the car to get an ID out of his pocket, when you could take him to the jail and get him ID'd there?

7c ✓ A: Because he had convinced me that he had changed his ~~to...his...his~~ attitude and his behavior.

Q: Okay. <sup>if</sup>

9c ✓ A: And ~~if~~ we could have issued a citation under the circumstances, I would not have a problem issuing a citation. This appeared to me to be a custodial arrest though, and I didn't know how long Officer Appledorn was gonna be talking to ~~this~~, Mr. Benford.

Q: Okay. After you had Guar in the back seat and you knew you were making the custodial arrest and you described all the force you used, why didn't you call, immediately call a supervisor to the scene because of the force you used?

7c ✓ A: Because ~~we had~~ ~~that~~ There were a number of people around there and ~~Mr. Guar was making, he was~~ extremely loud and it appeared to be attracting more people to the area.

9c ✓ ~~Umm...~~ Working as a Defensive Tactics instructor, I always report my force - always. And I always report it, if necessary, as the policy requires, to a supervisor. My intent was to have us go to a different location or away from that area in order to report that force. I had every intention of reporting the force that I used. I've used neck restraints before - I always report it - every time. I understand how the policy is and I follow it.

Q: Okay. Umm...And your partner, Officer Appledorn, was standing outside of the squad talking to a witness, Officer Baskin was still there, umm, and you...Is it correct that you got on the PA several times, telling her to get in the car, you're going to jail?

A: I think that there was two different things that were happening. One - I was saying, "Let's get out of this area," to her.

1 And I believed that this male, Mr. Benford, had some relationship ~~with~~ with the  
2 arrested party. So my response to him was that this male's going to jail, so if he  
3 wanted to make arrangements or whatever the situation was to pick him up, or  
4 whatever their...their relationship was, that he understood.  
5

6 Q: What made...What led you to believe that this Mr. Benford, who you could  
7 see was con...you know, one was a young man, one was an old man, they were  
8 both in separate sides of the bus stop - Other than both being black males, what  
9 made you think they were together?

10 A: ~~He was...He took a part...This~~ Mr. Benford took a particular interest in ~~the~~  
11 the situation. He ~~was~~ appeared to be video cameraing, taping, with his cell  
12 phone, ~~the~~ from the moment that I first placed my hands on the arrested party.  
13

14 Q: Okay. Umm...And it's your statement that you, during all this you remained  
15 professional, you remained calm, you used appropriate force?

16 A: I believe that I remained professional and I used appropriate force given the  
17 circumstances.  
18

19 Q: Okay. Umm...It con...Umm...What's your response to umm, a witness  
20 describing you as, umm, the aggressor, umm, kind of...This is what they say -  
21 that you were the aggressor, that it was you who set the tone of this encounter  
22 and you kept ratcheting it up with your telling this person to shut up -Guar -  
23 putting the taser on him. And they actually describe you as an, "out of control,  
24 berserk cop." What's...What is your response to that?

25 A: My response is that I don't believe that I was out of control. I don't believe  
26 that I was berserk. I believe that I was acting professionally, but I was using a  
27 loud tone of voice ~~in order to take command~~ and umm, and commands in order to take command  
28 presence of the situation. I didn't want to lose that level of control.  
29

30 Q: Okay. And umm, one last thing. Umm...There was two other officers there  
31 with you, umm, and other than at the end helping you get him in the squad car,  
32 umm, they did not get involved with the force you were using. Umm...What is  
33 your response to that?

34 A: (No audible answer.)  
35

36 Q: They actually...They actually stated they didn't feel that the force rose to the  
37 level that...that you needed any help with this. Umm...And you have described  
38 what...what appears to be a pretty good struggle. You say you had to use your  
39 strength, your body force.

40 A: Mmm hmm (indicating yes).  
41

42 Q: You used a conscious neck restraint several times, umm, yet other officers  
43 did nothing. Umm...What...What's your response to that?

44 A: I believe Officer Baskin showed up at a later time and Officer Appledorn; I  
45 don't know why she didn't help me.  
46



1 Q: Okay. All right. Umm...Is there anything else I haven't asked you  
2 about...about this situation that you think I should know about today, Officer  
3 Chamberlain?

4 A: <sup>Yes</sup> Umm... Yeah... ~~it was~~... It was a concern of mine that after ~~this~~ this incident  
5 happened; that ~~she~~ neither Officer Appledorn ~~or~~ Sgt. Nelson asked me for my  
6 account of the situation. ~~Uhh...it would have...~~ I believe that I could have clarified  
7 my perception, my understanding, my reasons, ~~uhh~~, for using force or for ~~for~~  
8 ~~uhh~~, effectuating an arrest – if they would have asked me. I attempted to ~~uhh~~  
9 tell Sgt. Nelson my reason for using it, and she ~~uhh, did not take my... did~~  
10 ~~not~~... declined to take my ~~uhh~~, report of the force.

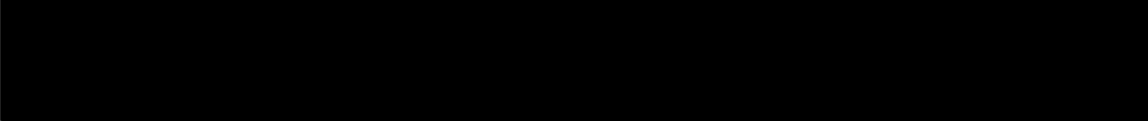
11  
12 Umm... Also, I think it's important, ~~uhh~~. I've worked with Sherry for probably the  
13 better part of a year. ~~Uhh~~ The night of this incident, ~~uhh~~ she told me that she  
14 had federal court the following week for some force incident. The night before  
15 that, ~~uhh~~, the Friday night before that, the 9<sup>th</sup> of November, she told me the same  
16 thing and indicated that she was under some pressure from this. Uhh... I believe  
17 that it's possible that if ~~uhh~~ under this level of pressure, ~~uhh~~... she ~~is~~... was not  
18 ~~uhh~~, acting as she usually does, from what I've seen her.

19  
20 Umm... And as far as ~~uhh~~ my qualifications and training that are specific to using  
21 force... ~~uhh~~ My... My training in using ~~uhh~~, pressure points are from ~~uhh~~ ~~PPCT~~ ~~PPCT~~  
22 Umm... I have worked on the Department for six years. I have worked as a  
23 Defensive Tactics instructor for two years. ~~Uhh... in my~~ From my training in  
24 doing that, ~~uhh~~ I've had training from the MPD Training Unit in ~~uhh~~ ~~PPCT~~ ~~PPCT~~,  
25 which is Pressure Point Control Techniques, asp baton, handcuffing, how to use  
26 the baton (inaudible) asp, NLETC, the National Law Enforcement Training  
27 Center, which teaches ~~uhh~~, they ~~don't~~ specifically teach, ~~uhh~~, the neck restraint,  
28 ~~uhh~~ they call it, they refer to it as the LVNR. ~~Uhh~~ I have training as a ~~uhh~~,  
29 Taser Instructor, and I also have training as a Crisis Intervention Team Officer,  
30 and as a CIT Coach also, helping to train other officers in evaluating situations.

31 ~~Those are~~ <sup>As</sup>  
32 Umm... ~~That's~~ my qualifications, ~~that, you know, as far as~~ ~~uhh~~ Officer Appledorn  
33 and I ~~having a...~~ not being on the same page as far as what happened, ~~uhh~~  
34 ~~uhh~~... I don't know what her reasons were for that.

35  
36 Q: Okay. You did, umm, mention all your qualifications. You also mentioned  
37 you felt that maybe Sherry wasn't acting the same because she had federal  
38 court, umm, for a use of force.

39  
40 Umm... I guess I think it's only fair then to ask you, umm – Have you recently had  
41 any other uhh, problems with force on calls, any umm, allegations against you  
42 about force or umm, uhh, maybe umm, your professionalism umm, with other  
43 people that you've arrested or dealt with?



1 Q: Okay. Okay. Umm...Anything else that you think I should know about?

2 A: No.

3  
4 Q: Has this been a true and accurate statement today?

5 A: Yes.

6  
7 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO  
8 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE  
9 OTHER THAN YOUR UNION REPRESENTATIVE OR AN ATTORNEY.

10  
11 Q. Do you understand this?

12 A: I do.

13  
14  
15 STATEMENT CONCLUDED AT APPROXIMATELY 1906 HOURS

*edited by Jc December 14,  
2012*

16  
17  
18 *John P. Chamberlain*

19 Officer John Chamberlain

Date

20  
21  
22  
23 Witness

24  
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33

1 THIS IS A TAPE-RECORDED STATEMENT OF OFFICER SHERRY  
2 APPLIEDORN, ON NOVEMBER 29TH, 2012, AT APPROXIMATELY 2100  
3 HOURS, IN THE INTERNAL AFFAIRS UNIT. YOU ARE BEING INTERVIEWED  
4 BY SGT. MELISSA CHIDO; ALSO PRESENT AS YOUR UNION  
5 REPRESENTATION IS LT. JOHN DELMONICO. TRANSCRIBED BY T.  
6 ROSAS.

7  
8 RE: IAU Case Number #12-250  
9

10 Q: What is your full name for the record please?

11 A: Sherry, S-H-E-R-R-Y, Appledorn, A-P-P-L-E-D-O-R-N.  
12

13 Q: And what is your present uhh, rank and work assignment?

14 A: Umm... Officer with the 1<sup>st</sup> Precinct, uhh, Mid-Watch shift.  
15

16 Q: And what is your employee number and date of appointment?

17 A: Employee number is 30214; date of appointment is March of '93.  
18

19 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL  
20 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR  
21 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO  
22 MPD POLICY AND PROCEDURE.  
23

24 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS  
25 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST  
26 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE  
27 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO  
28 EMPLOYMENT ALLEGATIONS.  
29

30 Q: Do you understand this warning?

31 A: Yes.  
32

33 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR  
34 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT  
35 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL  
36 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING  
37 SUSPENSION OR DISCHARGE.  
38

39 Q: Do you understand this warning?

40 A: Yes.  
41

42 Q: Is it correct that you have read, understood, and signed the Data Practices  
43 Advisory otherwise known as the Tennessen Warning?

44 A: Yes.  
45

1 Q: Have I informed you that the purpose of this statement relates to an internal  
2 investigation, and specifically an administrative review that is being conducted  
3 regarding the following:

4  
5 On November 10<sup>th</sup>, 2012, it is alleged that Officer Chamberlain arrested a person  
6 without cause and used excessive force on the subject prior to handcuffing and  
7 after the subject was handcuffed. It is further alleged that Officer Chamberlain  
8 used harsh and racist language towards the subject. Have you been notified  
9 ahead of time of this?

10 A: Yes.

11  
12 Q: And are you ready to answer questions about this?

13 A: Yes.

14  
15 Q: On uhh, November 10<sup>th</sup>, is it correct that you were partners with Officer  
16 Chamberlain that night?

17 A: Yes.

18  
19 Q: Umm...How...How long have you two worked together?

20 A: Uhh...I don't...I...Like a year and a half.

21  
22 Q: Okay. And were you the driver officer or the passenger officer that...when  
23 you responded to this call at the bus stop?

24 A: I was driver.

25  
26 Q: Okay. And what was the call you were responding to?

27 A: We had a...got a call to a group smoking in the bus shelter at umm, 3<sup>rd</sup> St.  
28 and Hennepin.

29  
30 Q: Okay. And when you umm, arrived on this call, walk me through your arrival  
31 and what you did.

32 A: Okay. The...The bus shelter is located, it's...it's a large one. It's located on  
33 the umm, it's gonna be in the NE...NE corner of the intersection. And umm,  
34 there's...it's not really well lit, so when I drove into the parking lot, I drove in...into  
35 the lot and then I faced the squad kinda facing west so my headlights were  
36 actually into the shelter so I could see the people that were sitting in there. There  
37 was probably, I don't know, six...maybe six or so sitting in the shelter. And then  
38 umm, Officer Chamberlain turned on his spotlight, his passenger spotlight, and  
39 then he also put on the umm, the take-down lights

40  
41 Q: Okay.

42 A: on the squad so we could see, and umm...Do you want me to just...

43  
44 Q: Yep.

45 A: ...keep going?

46

1 Q: Yep, just move on.

2 A: Umm... We get out and there is a... it's kind of like a three foot high wooden,  
3 it's like a wooden fence, but actually what it is is it's a barrier so cars don't run  
4 in... in... into the shelter, and there's two openings on... kinda on either end and  
5 umm, I hate to say it but I'm old, so I wasn't gonna jump, so I walked in  
6 (laughter), I walked down to one of the openings and I believe it was to... to the  
7 right of the squad.

8

9 Q: Okay.

10 A: And so I walked in there. I walked in first and then Officer Chamberlain was  
11 umm, standing behind me, kinda to my right, behind me. And umm, as we get in  
12 there, one of the gentlemen, who we later find out is uhh... what is it... Trokon  
13 Guar?

14

15 Q: Mmm hmm (indicating yes).

16 A: I'm not sure how he spells, pronounces it. ~~But he kinda started giving us a~~  
17 ~~hard time about the lights?~~ Umm... ~~He was complaining that they were bright and~~  
18 ~~that we didn't really need them on.~~ And umm, I was just kind of really joking with  
19 him just to keep everything... Because he was in there kinda chirping away and  
20 getting mad about the lights and that I didn't want the other group – five or so that  
21 were in there – to start joining the bandwagon. So I just kind of joked with him  
22 about how I was old, it's dark, I need to see, just bear with me for a minute and  
23 we'll explain what's going on. But he kinda kept going, but you know, I again just  
24 said, you know, ~~"Hey, just relax."~~ And the other... ~~the other ones that were in~~  
25 ~~there were, they were okay about it, they were kind of chuckling and...~~

26

27 ~~And then uhh, uhh, the next thing I know, Officer Chamberlain had taken out his~~  
28 ~~taser. I didn't see him take out the taser, but the (clearing throat) the laser light,~~  
29 ~~the red dot, was on umm...~~

30

31 Q: Guar.

32 A: ~~Guar – it was on his chest.~~ And so then I was like, okay, I kinda was  
33 ~~caught... taken off guard a little bit.~~

34

35 Q: Okay. Did... And did you have... Do you carry a taser Officer Appledorn?

36

A: ~~Yes.~~

37

38 Q: ~~And did you pull your taser out?~~

39

A: ~~No.~~

40

41 Q: ~~Did you feel the need to pull your taser out?~~

42

A: ~~I didn't, no.~~

43

44 Q: Okay. So you noticed the taser, umm, the red dot was on Guar.  
45 What... What happened next?

1 A: Well, he... He got upset, umm, said he wasn't doing anything. Umm... That's  
2 when Officer Chamberlain came into my view and told the guy to stand up, that  
3 he was under arrest, and kind of told him to walk, walk toward him. Umm... Guar  
4 kinda hesitated for a second and said that he wasn't doing anything and uhh,  
5 Officer Chamberlain again ordered him to stand up, walk toward him. And they  
6 kinda each kinda took a step toward each other and that's when Officer  
7 Chamberlain put hands on him and pulled him out of... out of the bus shelter and  
8 kinda to my right of the shelter, on the outside of the shelter where there is  
9 a... a... like a... starts of the glass partition of the shelter.

10  
11 Q: Okay. Did you have any idea why Officer Chamberlain was telling him that  
12 he... telling Guar he was under arrest?

13 A: No.

14  
15 Q: Umm... And had you been watching Guar during the same time when Officer  
16 Chamberlain was watching him?

17 A: Yes.

18  
19 Q: Did Officer Chamberlain at all communicate to you why he was placing this,  
20 uhh, Guar under arrest?

21 A: No.

22  
23 Q: Okay. Umm... So after he took him, he went hands-on, umm, how did... How  
24 did he go hands-on with... with Guar?

25 A: Well, I kinda... I'm trying to watch Officer Chamberlain,

26  
27 Q: Mmm hmm (indicating yes).

28 A: to my right, and then I'm also trying to watch the group now, because now  
29 they're - the other five that are in there that I believe that we were originally called  
30 on for the smoking - umm, were now kinda getting a little upset about what was  
31 taking place, umm, about there was no need for you know, no need for any of  
32 this, you know, he didn't do anything - so they were kinda getting upset. One of  
33 them, I remember, kinda stood up so I just had... had him sit back down.

34  
35 Umm... As far as Officer Chamberlain, I remember he kinda turned him around so  
36 he was facing Guar was facing the umm, glass of the bus shelter, and so Officer  
37 Chamberlain was behind him and he was telling him to put his hands... hands  
38 behind his back. And umm, I believe Officer Chamberlain got his hands behind  
39 his back and got him handcuffed, at which point umm, he... what I thought, he  
40 was just gonna walk him back to the squad.

41  
42 Q: Okay. And what did he do?

43 A: Umm... The next thing I know, I kinda hear Guar kinda yelling and I hear  
44 Chamber... Officer Chamberlain kinda yelling, and I look over to my right and  
45 they're kinda... they're kinda past the bus shelter to the... kinda to the right of the  
46 squad, but you know, kinda in front of it a little bit, and they're both on the ground

1 and Officer Chamberlain is trying to put a, umm, a, uhh, neck restraint hold on  
2 Guar.  
3  
4 Q: And... And can you describe a little further the type of neck restraint hold he  
5 was trying to place on him? Was he using his hands or was he doing his arm  
6 around his neck?  
7 A: Well, he was doing the... Yeah, he was doing his... I don't know which arm,  
8 but he was placing his arm, umm... He did have his arm around his neck, umm,  
9 and umm, and then using his body weight to... to pin him  
10  
11 Q: Okay.  
12 A: into his arm to apply the pressure.  
13  
14 Q: And was he on top of Guar on the ground when he was doing this, do you  
15 recall?  
16 A: (Sigh) I... I recall, they were kinda... he was kinda... They were kinda like lying  
17 side-by-side.  
18  
19 Q: Okay. And... And for the record, Guar was handcuffed at this point, correct?  
20 A: Yes.  
21  
22 Q: Okay. And umm, what happened after that?  
23 A: I go over, I tell the group... Prior to that I just tell the group, "Just sit there."  
24  
25 Q: Okay.  
26 A: Umm... Because I didn't want them getting up now and having to step in.  
27 Unfortunately with Downtown, it seems to be the thing to do, is that when officers  
28 go hands-on, there always seems to be some... somebody else that wants to  
29 step in, so I'm kinda telling them, "Just sit there." I go over and I'm... and I'm not  
30 really yelling, but I'm talking loud enough that Guar can hear me. Umm... Officer  
31 Chamberlain hasn't totally gone to what... I don't know what level - level three -  
32 where they actually, where he actually puts him out.  
33  
34 Q: Okay.  
35 A: But, umm, Guar was yelling and you know, screaming and having a hard time,  
36 over this, so I just told him to relax, you know, just relax, stop fighting with him.  
37 And at some point, Guar relaxed and umm, I don't remember if I helped get him  
38 up, but we... we... Guar... We were able to get Guar up and then walk him back to  
39 the rear of the squad.  
40  
41 Q: Okay. And then what happened when you got to the rear of the squad with  
42 him?  
43 A: Umm... I... I'm trying to... I thought he was being... Officer Chamberlain was  
44 searching him and kinda had him bent over the trunk of the squad and he was on  
45 the passenger's side, and then, umm, the door, he opened up the door.  
46

1 And at that point I just, I went back over to confront the group now because  
2 they're...they're yelling and screaming about what's going on and  
3 they're...they're...they were mad at Officer Chamberlain because they  
4 were...they were quote, saying that, "He is choking him out and stuff." So I  
5 wanted to go over and talk to them and that's when umm, another party who  
6 wasn't involved in the first initial call,  
7

8 Q: Mmm hmm (indicating yes).

9 A: an older gentleman, umm, stepped in and said, "You know, I'm videotaping all  
10 this. I have all this." And I was trying to also talk to him at the same time.  
11

12 Q: Okay.

13 A: Because he was trying to also kind of walk and get closer to the squad and  
14 stuff, so.  
15

16 Q: Okay. Okay. And then umm, at some point, umm, Officer Chamberlain gets  
17 Guar in the back seat of the squad, correct?

18 A: Yes.  
19

20 Q: And umm, did you see at some point, umm, Officer Chamberlain in the back  
21 seat with Guar?

22 A: Yes.  
23

24 Q: And what did you observe when you saw Officer Chamberlain in the back  
25 seat?

26 A: He just...What I just saw, or...  
27

28 Q: Just tell...

29 A: heard, or just...  
30

31 Q: Tell me...Tell me what you saw and what you heard going on in the back  
32 seat.

33 A: Umm...Well, what drew my attention was I heard Guar yelling and screaming,  
34 umm, that, "He's trying to kill me!" Umm...He uhh...I had...It was a nice night, so  
35 I had...the back windows of the squad were down.  
36

37 Q: Okay.

38 A: And umm, so I could hear him and then...then the group also started yelling  
39 and...and umm...So I look over, and Officer Chamberlain is like...uh...uh...in the  
40 back seat.  
41

42 Q: Okay.

43 A: umm, actually kinda...I don't know if he had both feet on the ground, but at  
44 least one foot was on the ground, so he was actually in the back seat on top of  
45 Guar, and uhh, he has both his...both his hands around Guar's neck, umm, in a  
46 strangulation hold,



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Q: Okay.

A: you know, coming out.

Q: With his actual hands?

A: Yes.

Q: Okay. Umm...And how many years do you have on patrol, Officer Appledorn?

A: Twenty.

Q: And do you think you could be mistaken of what you saw that, umm, he was maybe doing some kind of like a umm, hypoglossal neck restraint? Do you think he could have been doing that - you were mistaken, or are you...are you confident what you saw (inaudible)?

A: I am positive that he had his hands around his throat.

Q: Okay. Umm...And what did you do at that point?

A: I went back over to the squad and before I could get over there, Officer Chamberlain now pulls Guar out of the squad and is putting him in another umm, neck restraint.

Q: Similar to the neck restraint he did earlier?

A: Yes.

Q: Okay. And is he standing when he's putting him in this neck restraint or...that you recall, or are they on the ground at this point?

A: I want to say they kinda were half-way standing, he kinda...it looked like he kinda broke him down a little bit, like got him, Guar, to bend, and umm, then was applying it and eventually then they went down

Q: Okay.

A: to the ground.

Q: Okay.

A: And it was at that point that I went over.

Q: Okay. And what did...What did you do?

A: I told Guar to just, to relax, to stop, umm...and umm, you know, he's yelling and he's screaming. I just told him, umm, to stop. And at that point, Officer Chamberlain stopped, Guar stopped kinda, you know, struggling with this and we got...we help...I helped him back up, and umm, just...Do you want me to keep going?

Q: Yep, keep going.

1 A: I go around... I'm trying to talk him in... on the passenger's side of the back of  
2 the squad to sit down, but he's not... Guar is not going to. He's yelling about how  
3 umm, "The officer's trying to kill me!" – referring to Officer Chamberlain, that he's  
4 not sitting in the squad, he's not gonna go in!

5  
6 Umm... So I go around to the driver's side, and against my officer's safety, as far  
7 as... I actually had to crawl into the squad, into the back seat. Umm... I get  
8 his... Guar's attention by tapping him on the shoulder and I basically tell him, I  
9 mean, like I said, I don't quote it in the report, something in regards to, Honey,  
10 you just... you gotta get in the squad and I'll get this taken care of. And it was  
11 enough that Guar drew his attention to me and he sat, umm, he sat back down.  
12 But I know before he sat back down, Officer Chamberlain was umm, trying to  
13 close the squad door on him.

14  
15 Q: Okay. When... When he...

16 A: Getting him in, trying to get him in.

17  
18 Q: When he was trying to close the squad car, did it appear to you that... that  
19 Guar was fighting him, trying to use his body to throw it back open, or umm,  
20 couldn't you tell?

21 A: I... I really couldn't tell.

22  
23 Q: Okay.

24 A: I mean, Guar was just... He was standing there between the open door and  
25 the back seat, so he was kind of right in the middle between the door and the  
26 open part and then the back seat.

27  
28 Q: Okay.

29 A: So I just wanted him to sit in there.

30  
31 Q: Okay. Why, Sherry, did... You've got twenty years of patrol on - you say this  
32 goes against all your officer's safety – Why were you willing to go against your  
33 officer's safety to go in the back seat and do this?

34 A: I needed to diffuse the situation. Umm... It... It would not have gotten any  
35 better, and so I just... I... I just needed to get in there, diffuse it, and get him in  
36 there. And I figured if I was able to do that, hopefully he wouldn't turn on me in  
37 there, but I just wanted to avoid anybody else get... anybody getting hurt from the  
38 officers at this point.

39  
40 Q: Okay. And then after he was in the squad car, what did you do? Did you  
41 notify a supervisor, did you...?

42 A: Yes. Okay, once he was in the squad, I... I called for a supervisor. I went  
43 back over to talk to the group, umm, trying to make sure... Umm... I wanted to talk  
44 to the gentleman who said he had it on camera – to get his information for it, and  
45 umm, I just, uhh... We waited for a supervisor to show up.

46

1 Q: Okay. Okay. I'm gonna go back and just ask you a few questions about a  
2 few things. Umm...When...When you umm, first got to the bus...bus stop and  
3 everybody was sitting there, umm, you mentioned that Guar was giving you guys  
4 a little bit of a hard time,

5 A: Mmm hmm (indicating yes).

6  
7 Q: ~~verbally.~~ Was he still seated at this point?

8 A: ~~Yes.~~

9  
10 Q: And umm, how was...How was he giving you a hard time? Was he  
11 threatening harm or threatening to run or umm, kind of verbal, just some verbal  
12 banter with you?

13 A: Yeah. He was just. ~~He was sitting... He was just mad that the lights were on,~~  
14 ~~and that he didn't think we needed to have the lights on, which I explained earlier~~  
15 ~~was, you know, I need to see.~~

16  
17 Q: Okay. ~~But at that point he wasn't threatening you?~~

18 A: ~~I didn't take it as.~~

19  
20 Q: Okay. And did you...

21 A: ~~as that.~~

22  
23 Q: Did you see him...Did you see him uhh, smoking marijuana when you came  
24 to the bus stop – was he smoking marijuana when you got there?

25 A: No. No one was.

26  
27 Q: Okay. Umm...And then umm, after you guys had been talking with him and  
28 umm, Officer Chamberlain tells him that he's under arrest, umm, did you see at  
29 any point Officer Chamberlain umm, ~~push Guar face-first into the glass of the bus~~  
30 ~~shelter?~~

31 A: ~~Yes.~~

32  
33 Q: Okay.

34 A: I'm sorry.

35  
36 Q: Okay. At...At...

37 A: I missed that point. Yes.

38  
39 Q: Okay. And at what point was that – Was that...Do you recall if that was  
40 before he was handcuffed or after?

41 A: I think it was...I thought it was...

42  
43 Q: If you need to refer to...

44 A: the uhh...

45  
46 Q: the report, that's fine too.

1 A: Okay. Yeah, according to the report here, umm, I noticed him push him up,  
2 shove him up against the glass, umm, prior to him getting him handcuffed or in  
3 the process of trying to get him handcuffed.

4

5 Q: Okay. Umm... And is it correct while you... you guys were talking with this  
6 group, umm, and... is it correct that you heard uhh, Officer Chamberlain to tell  
7 Guar to "Shut up"?

8 A: Yes.

9

10 Q: And umm, did you hear him say that several times?

11 A: I know I heard it the one time, I don't know if he said it...

12

13 Q: Okay. Umm... Did you hear Officer Chamberlain use any racial or derogatory  
14 language at all during this encounter?

15 A: No, I did not.

16

17 Q: Okay. Did you hear umm, Guar use any uhh, derogatory language towards  
18 you or Officer Chamberlain during this encounter?

19 A: He used nothing toward me.

20

21 Q: Okay.

22 A: I didn't hear...

23

24 Q: Okay.

25 A: toward Officer Chamberlain.

26

27 Q: Okay. Umm... Now we're at the point where Guar is arres... umm,  
28 handcuffed, and you said you heard both of them yelling, uhh, which was Guar  
29 and umm, Officer Chamberlain, and you looked over and that's when they were  
30 umm, on the ground and Officer Chamberlain uhh, was applying the neck  
31 restraint. What did you hear the parties yelling? What could you hear the... the  
32 officer and Guar yelling? You said you heard them yelling, it drew your attention  
33 over there.

34 A: The first... the...

35

36 Q: The very first time.

37 A: The first, the very first time?

38

39 Q: Yep.

40 A: I don't know... I don't know what they were saying exactly, but you know, I  
41 could tell that they were yelling, you know, back and forth at each other in  
42 regards to what was taking place.

43

44 Q: Okay.

45 A: And it was just the... the... the raise in the voice and stuff that caught my  
46 attention to what was going on.

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Q: Okay. Umm...At any point did you feel the need to umm, get involved with Off. Officer Chamberlain and feel the need to use force on Guar? Did you feel the need to use force?

A: Did I,

Q: Yeah.

A: think that I should have used force on Guar

Q: Yeah.

A: or anything? ~~No~~ I don't think I needed to. No.

Q: Okay. Did you...Do you think that you should have called...That this was a situation where you should have called for back-up, for other squads?

A: Initially, no. I...I...It was just a group supposedly smoking pot in the bus shelter.

Q: Okay. Umm...When you called umm, the sergeant, Sgt. Nelson,

A: Mmm hmm (indicating yes).

Q: umm, why were you calling her?

A: Force was used.

Q: Okay.

A: And she needed to be called out to the scene.

Q: Okay. Umm...Were you upset when you talked to her?

A: Yes.

Q: Umm...Umm...Why were you upset?

A: In my opinion, umm, I just thought it went a little too far. I, umm, I didn't see, from my point, I didn't see why certain things were done. I didn't understand why certain things were done, and umm, I didn't think they needed to be done. And then hence, now it puts me into a situation where I...I'm not happy about,

Q: And...And this is...Your opinions are based on your twenty year's worth of experience, correct?

A: Yes.

Q: Okay. When...After...umm...When you were waiting for Sgt. Nelson to arrive, umm, is it correct that the one witness, the 64-year-old male, umm, uhh, Woodrow Benford, that had been alone in the...the bus stop, he came up and talked to you in the squad car, is that correct?

A: He came...He didn't talk to me while I was...I...I wasn't in the squad car

Q: Or...Or you by the

1 A: at no point.  
2  
3 Q: squad car, waiting for the supervisor, when he talked to you?  
4 A: Yeah, I was kinda stepped away from the squad car.  
5  
6 Q: Okay.  
7 A: Yes.  
8  
9 Q: Umm...And while you were talking to him, umm, did Sgt. Cham...did Officer  
10 Chamberlain several times tell you, "Let's go. We're going to jail."?  
11 A: Yes. Over the PA system, yes.  
12  
13 Q: Okay. Umm...And at that point did...did Officer Chamberlain...Was he aware  
14 that you had called a supervisor to the scene?  
15 A: He should be, I did it over my...my portable radio. The squad radio was on.  
16  
17 Q: Okay. Umm...And did you have any response to him when he uhh...talk to  
18 Chamberlain when he was telling you, "Let's go. We're going to jail."?  
19 A: I ignored him.  
20  
21 Q: Okay. Umm...And did you in fact speak to umm, Woody Benford or  
22 Woodrow Benford at the scene?  
23 A: Yes.  
24  
25 Q: And what did he...What did he relate to you at the scene?  
26 A: Uhh...He was...He was upset over umm, Officer Chamberlain's actions. And  
27 umm, he wanted to make sure something's would be taken care of. And that's  
28 when I just told him, I said, "I called the supervisor out." I said, "On my end, I'm  
29 doing what I need to do here." And I said, I just asked him if he would wait - I  
30 know he was worried about missing his bus. I said I would give him a ride to  
31 wherever he needed to go.  
32  
33 Q: Okay.  
34 A: Umm...I did ask him if I could view the video on his phone and he said, "No."  
35 And I said, you know, "That's fine." I said, "Just show my sergeant when she  
36 gets here." And then he...he was happy with that.  
37  
38 Q: Okay. Umm...And during all this, is it correct that umm, Guar was still in the  
39 back seat of the squad car, handcuffed?  
40 A: Yes.  
41  
42 Q: And at ~~At~~ that point, did you still have any idea what he was under arrest  
43 for?  
44 A: No.  
45

1 Q: And at any point ever, did Officer Chamberlain tell you what he was under  
2 arrest for?  
3 A: No.  
4  
5 Q: Okay. Did umm... You mentioned in your supplement about umm, uhh, some  
6 kind of police tool, u... umm, was used on this individual. Umm... And it sounds  
7 like it could have been the... an asp, umm, but not completely sure.  
8 Umm... Did... Did Guar say that the off... that Officer Chamberlain used some  
9 kind of tool, a police tool, on him or equipment?  
10 A: Yes.  
11  
12 Q: What did he say?  
13 A: Umm... After Sgt. Nelson got there, umm, she had uhh, Officer Chamberlain  
14 go sit in another squad and then umm, we got Guar out of the sq... Right.  
15 Umm... We got Guar out of the squad and then she asked me to un-handcuff  
16 him. We got him un-handcuffed and uhh, we were both asking him if he was  
17 injured, if he needed an ambulance. Umm... He had a mark, mark on his eye or  
18 something. Umm... She went back, grabbed her camera to take pictures of that,  
19 and then in the course of when we were asking him if he was injured, he brought  
20 up that Officer Chamberlain put something to his throat and he kinda... kinda  
21 looked at my belt and he uhh, made motions with his hands - he kinda held his  
22 hands out a certain distance, umm, at first kind of parallel, describing the... the  
23 item.  
24  
25 Q: Mmm hmm (indicating yes).  
26 A: And then umm, with his right hand, he kinda did a... a striking motion, for him  
27 trying to describe. Well, at that point I... I... I figured it was my asp.  
28  
29 Q: Okay.  
30 A: So I took my asp out and showed it to him and said, "Could this be it?" And  
31 that's when he said, "Yes."  
32  
33 Q: Okay. All right. So... But you didn't see Officer Chamberlain...  
34 A: Use it?  
35  
36 Q: use it?  
37 A: No.  
38  
39 Q: Okay. Did you see umm... Officer Chamberlain had mentioned that he  
40 had... did have his flashlight out in his hand. Did you notice that at all during  
41 when Officer Chamberlain was dealing with him in the back... dealing with him at  
42 all?  
43 A: No, I did not notice.  
44

1 Q: Okay. Umm...Did Officer Chamberlain ever tell you why he...why he was  
2 getting Guar out of the back seat after he initially was in the back seat of the  
3 squad car?

4 A: No.

5  
6 Q: Okay. I think that's all I have right now for you Officer Appledorn. Umm...Is  
7 there anything about this incident that I haven't asked you about that you think I  
8 should know about?

9 A: No. You...It's...It's good.

10

11 Q. Okay. Has this been a true and accurate statement by you today?

12 A: Yes.

13

14 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO  
15 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE  
16 OTHER THAN YOUR UNION REPRESENTATIVE OR AN ATTORNEY.

17

18 Q. Do you understand this?

19 A: Yes.

20

21

22 STATEMENT CONCLUDED AT APPROXIMATELY 2132 HOURS

23

24

25

26 \_\_\_\_\_  
Officer Sherry Appledorn

Date

27

28

29

30 \_\_\_\_\_  
Witness

31

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## DATA PRACTICES ADVISORY

### 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 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 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 reasonably requiring access to the information.
- 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.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- 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.

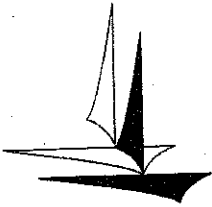
I have read the above warning or have had it read to me.

Signature

Date/Time

Witness

Date/Time



**Minneapolis**  
City of Lakes

**Police Department**

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Chief of Police

350 South 5th Street - Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853

TTY 612 673-2157

Officer Sherry Appledorn  
Minneapolis Police Department  
First Precinct

November 19, 2012

RE: IAU Case Number 12-250

Off. Appledorn,

You are being called as a *witness* in the above complaint.

**MPD Policy and Procedure alleged to have been violated:**

5-103 Discretion, 5-105 Professional Code of Conduct, 5-303 Authorized Use of Force

Summary of allegations: It is alleged that Officer Chamberlain arrested a person without cause and used excessive force during the incident. It is further alleged that he used harsh and racist language towards the subject.

Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for **Thursday November 29, 2012 in the IAU office, Room 112, City Hall at 2100 hours.** If for some reason you have a conflict with this date/time you may call me and we will try to work out an alternative date/time for your interview. It is your responsibility to arrange for a Federation representative prior to coming to your interview if you choose to have Federation representation. I can be contacted by e-mail or phone at 673-2748 between the hours of 1600 and 0200, Monday through Friday. Failure to show for your scheduled interview may result in charges against you.

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,

Sgt. Melissa Chiodo  
Internal Affairs Unit  
Minneapolis Police Department

CC: Inspector Frizell



1 THIS IS A TAPE-RECORDED STATEMENT OF OFFICER BASKIN ON  
2 NOVEMBER 29, 2012, AT APPROXIMATELY 2145 HOURS, IN THE MPD IAU  
3 OFFICE, YOU ARE BEING INTERVIEWED BY SGT. MELISSA CHIODO, AND  
4 ALSO PRESENT AS YOUR UNION REPRESENTATION IS LT. DELMONICO.  
5 JONI COOK TRANSCRIBING.

6  
7 RE: IAU Case Number #12-250

8  
9 Q. What is your full name for the record please?

10 A. Timothy Sean Baskin.

11  
12 Q. And what is your present rank and work assignment?

13 A. Uh, officer, uh downtown patrol, Mid-Watch.

14  
15 Q. And what is your employee number and date of appointment?

16 A. Uh 00332, date of appointment is January 9<sup>th</sup> of '99 – give or take.

17  
18 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL  
19 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT, OR  
20 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO  
21 MPD POLICY AND PROCEDURE. UNDER THE GARRITY DECISION ANY  
22 STATEMENT PROVIDED IN THIS INVESTIGATION CANNOT BE USED IN  
23 CRIMINAL PROCEEDINGS AGAINST YOU EXCEPT IN THE CASE OF  
24 ALLEGED PERJURY. HOWEVER, THESE STATEMENTS MAY BE USED  
25 AGAINST YOU IN RELATION TO EMPLOYMENT ALLEGATIONS.

26  
27 Q. Do you understand this warning?

28 A. Yes.

29  
30 I'M ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR  
31 INTENTIONALLY INCOMPLETE STATEMENT OR INTENTIONALLY OMIT  
32 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION YOU WILL  
33 SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING SUSPENSION  
34 OR DISCHARGE.

35  
36 Q: Do you understand this warning?

37 A. Yes.

38  
39 Q. Is it correct that you have read, understood and signed the Data Practices  
40 Advisory otherwise known as the Tennessen Warning?

41 A. Yes.

42  
43 Q. Have I informed you that the purpose of this statement relates to an internal  
44 investigation and specifically an administrative review that is being conducted  
45 regarding the following:

46  
47 On November 10<sup>th</sup>, 2012, it is alleged that Officer Chamberlain arrested a person  
48 without cause and used excessive force on the subject prior to handcuffing and

1 after the subject was handcuffed. It is further alleged that Officer Chamberlain  
2 used harsh and racist language towards the subject. Have you been informed of  
3 this ahead of time?

4 A: Yes.

5  
6 Q: And are you ready to answer some questions regarding this incident?

7 A: Yes.

8  
9 Q: Uh, what squad were you working on November 10<sup>th</sup>, 2012?

10 A: Uh 110, uh...was I, um, 110.

11  
12 Q: Okay and you were Able squad correct?

13 A: Correct.

14  
15 Q: Okay, um, and did you know that this was a disturbance call that, um, you  
16 were responding to with Officer Chamberlain and, uh, Appledorn on.

17 A: Yes.

18  
19 Q: Okay. Tell me when you arrived on scene at the bus stop, what did you  
20 witness?

21 A: Uh, I pulled up on the corner of the street. There was a sidewalk as a buffer  
22 and they were already in the surface lot and kind of in between them was a bus  
23 shelter so I got out in the street and just walked up and, uh, didn't exactly seem  
24 like mayhem, ~~but by the time I got there Officer Chamberlain was escorting uh,~~  
25 ~~Guar to his squad car. I was probably about fifteen or twenty feet away from~~  
26 ~~that uh, I believe Officer Appledorn was over by the bus shelter so I just kind of~~  
27 ~~followed Officer Chamberlain towards the car. I unlocked his car door for him,~~  
28 ~~uh, and he got Guar in the back seat of the squad.~~

29  
30 Q: Okay, what did you do after Officer Chamberlain got Guar in the back seat of  
31 the squad?

32 A: I went back towards Officer Appledorn and just asked if she needed anything,  
33 uhhh...you know, is there anyone I, that she wanted to grab or anybody's  
34 clothing, or I didn't know if he had property or anything like that and she said, you  
35 know, no.

36  
37 Q: Okay, at some point was your attention drawn back to the squad car that  
38 Guar was in?

39 A: uh yes.

40  
41 Q: And what drew your attention back to the squad?

42 A: Uhhh... ~~well the whole time throughout this he was screaming, you know,~~  
43 ~~extremely loud. I couldn't tell you what he was saying but just constantly~~  
44 ~~screaming. Uh, and I think I was up by the bus shelter for a pretty good amount~~  
45 ~~of time I might have even made contact with a witness – a Vietnam Vet that was~~  
46 ~~up there and had a couple words with him. Uh, nothing negative just I think he,~~  
47 ~~you know, asked why I wasn't stopping Officer Chamberlain. I think he asked me~~  
48 ~~that a few times and, but yeah at some point I believe I noticed that, uh, Officer~~

1 Chamberlain or Guar was out of the squad car again or ~~Officer Chamberlain was~~  
2 ~~getting him out of the squad car. And it looked -- maybe there was a short~~  
3 ~~struggle in between the door and the squad car but it ended up being Officer~~  
4 ~~Chamberlain kind of back peddling with Guar in some kind of a neck restraint.~~  
5 ~~They both went to the ground. When they both went to the ground I just kind of~~  
6 ~~went over and knelt down by 'em and Chamberlain pretty much did everything~~  
7 ~~and got him up and got him back in the squad and once he was back in the~~  
8 ~~squad, you know, I don't -- I think Sherry was around, I just don't remember like~~  
9 ~~seeing what she was doing. Actually I think, I can't be sure, but I think she~~  
10 ~~actually got on the other side of the squad and pulled him in or, I, I can't, you~~  
11 ~~know what I don't know if that's true. I think that's what I remember but.~~

12  
13 Q: Okay. Um, you said that you heard Guar scream but you weren't quite sure  
14 what he was screaming. ~~At any point did you hear him screaming that, uh,~~  
15 ~~Officer Chamberlain was trying to kill him?~~

16 A: ~~Yeah I think so, yeah.~~

17  
18 Q: ~~Okay. Did you at any point see Officer Chamberlain getting in the back seat~~  
19 ~~of the squad car when Guar was in the back seat?~~

20 A: ~~Yeah, I think it was the second time.~~

21  
22 Q: Okay.

23 A: After he got him in I think -- again I don't know, I feel like Officer Appledorn  
24 was on the other side but I don't, I don't think she was actually. I don't know if  
25 she got out right away or once Guar got in if she just got away from that, uh, but  
26 yeah I ~~remember like Chamberlain having like, he was like half in the squad or~~  
27 ~~something in the back.~~

28  
29 Q: ~~And could you see what Officer Chamberlain was doing when he was back in~~  
30 ~~the squad?~~

31 A: ~~No I left, I went back towards the bus shelter.~~

32  
33 Q: Okay, um, did any of -- did you hear any of the people in the bus shelter... well  
34 you mentioned that they were asking you if you were gonna do anything or stop  
35 Officer Chamberlain. ~~Do you know what they were referencing or why they were~~  
36 ~~saying that to you?~~

37 A: ~~Well I think they just thought that he was being excessive, you know.~~

38  
39 Q: Like in the force that he was using?

40 A: ~~Yeah, yeah -- I mean it's clear that that's what their objection was.~~

41  
42 Q: Okay.

43 A: ~~And, uh, you know there was four or five people back here kind of yelling but~~  
44 ~~the one guy up front that I was dealing with the most that I wish I knew his name~~  
45 ~~but some Vietnam Vet guy that actually said that he had the incident on tape, you~~  
46 ~~know, that's who I was kind of talking to a little bit.~~

47

1 Q: Okay. And, um, do you recall anything that the guy, the Vietnam Vet, do you  
2 recall any of the things that he was telling you when you were talking to him?

3 A: I, I don't think he told me anything, I think he really just wanted to know -- why  
4 didn't you stop him, why didn't you do something.

5  
6 Q: Okay.

7 A: You know.

8  
9 Q: Um, and at any point did you see, um, Officer Chamberlain put his hands  
10 around Guar's neck or throat when he was in the back of the squad car?

11 A: I didn't see that, no.

12  
13 Q: Okay. At any point did you feel that you needed to call for, um, backup to  
14 help restrain or deal with Guar?

15 A: No, I didn't even feel like he needed my help.

16  
17 Q: Okay. Did you hear Guar make any threats towards officers that he was  
18 gonna hurt you, kill you, anything like that?

19 A: No.

20  
21 Q: Okay, did you hear Guar use anything derogatory towards the police officers  
22 on the scene?

23 A: I, I couldn't tell you one thing that he said. I mean... basically screaming  
24 bloody murder the whole time.

25  
26 Q: Okay.

27 A: It was loud, it was really loud.

28  
29 Q: Okay, did you hear Officer Chamberlain use any racial or derogatory, uh,  
30 remarks while you were around him?

31 A: No.

32  
33 Q: Okay. Um, and then, uh, after, after Guar was in the back seat of his squad,  
34 um, and you had walked away, um, were talking to this other guy, um, what did  
35 you do after that?

36 A: Went back over to the bus shelter, that's kind of where I hung out. I learned  
37 at that point, uh, that a supervisor was on the way, so I just kind of made sure  
38 that the rest of the crowd was cool and they were and, uh, you know hung out  
39 with Sherry for a little while, she was, she was upset and I remember  
40 Chamberlain got on the PA once or twice and got out of his squad once or twice  
41 and just told Sherry let's go, you know, we're leaving. Uh, I don't know if he was  
42 aware that a Sup. was on the way or not.

43  
44 Q: Alright, is there anything about this incident that I haven't asked you that you  
45 think I should know about?

46 A: No.

47  
48

1  
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22  
23

Q: Okay. Has this been a true and accurate statement today?

A: Yes.

PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN YOUR UNION REPRESENTATIVE OR AN ATTORNEY.

Q. Do you understand this?

A. Yes.

THIS STATEMENT WILL CONCLUDE AT 2155 HOURS

---

Officer Timothy Baskin	Date
------------------------	------

I have received a copy of this statement.

---

Officer Timothy Baskin

## DATA PRACTICES ADVISORY

### 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 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 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 reasonably requiring access to the information.
- 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.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- 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.

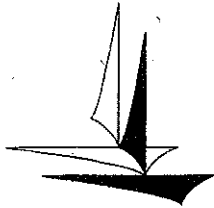
  
Signature

11-29-12 2145  
Date/Time

  
Witness

11-29-12 2145  
Date/Time





**Minneapolis**  
City of Lakes

**Police Department**

Timothy J. Dolan  
Chief of Police

350 South 5th Street – Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853

TTY 612 673-2157

Officer Tim Baskin  
Minneapolis Police Department  
First Precinct

November 19, 2012

RE: IAU Case Number 12-250

Off. Baskin,

You are being called as a *witness* in the above complaint.

**MPD Policy and Procedure alleged to have been violated:**

5-103 Discretion, 5-105 Professional Code of Conduct, 5-303 Authorized Use of Force

Summary of allegations: It is alleged that Officer Chamberlain arrested a person without cause and used excessive force during the incident. It is further alleged that he used harsh and racist language towards the subject.

Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for **Thursday November 29, 2012 in the IAU office, Room 112, City Hall at 2145 hours**. If for some reason you have a conflict with this date/time you may call me and we will try to work out an alternative date/time for your interview. It is your responsibility to arrange for a Federation representative prior to coming to your interview if you choose to have Federation representation. I can be contacted by e-mail or phone at 673-2748 between the hours of 1600 and 0200, Monday through Friday. Failure to show for your scheduled interview may result in charges against you.

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,

Sgt. Melissa Chiodo  
Internal Affairs Unit  
Minneapolis Police Department

CC: Inspector Frizell



1 THIS IS A TAPE-RECORDED STATEMENT OF SGT. NELSON ON  
2 NOVEMBER 29, 2012, AT APPROXIMATELY 2205 HOURS, IN THE MPD IAU  
3 OFFICE, YOU ARE BEING INTERVIEWED BY SGT. MELISSA CHIODO. JONI  
4 COOK TRANSCRIBING.

5  
6 RE: IAU Case Number #12-250  
7

8 Q. What is your full name please?

9 A. Patricia Nelson.

10  
11 Q. And what is your present rank and work assignment?

12 A. Sergeant, First Precinct Mid-Watch.  
13

14 Q. What is your employee number and approximate date of appointment?

15 A. Uh my employee number is 5040, my date of hire was 9/8/97 – 9/8/1987.  
16

17 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL  
18 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT, OR  
19 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO  
20 MPD POLICY AND PROCEDURE. UNDER THE GARRITY DECISION ANY  
21 STATEMENT PROVIDED IN THIS INVESTIGATION CANNOT BE USED IN A  
22 CRIMINAL PROCEEDING AGAINST YOU EXCEPT IN THE CASE OF  
23 ALLEGED PERJURY. HOWEVER, THESE STATEMENTS MAY BE USED  
24 AGAINST YOU IN RELATION TO EMPLOYMENT ALLEGATIONS.  
25

26 Q. Do you understand this warning?

27 A. Yes I do.  
28

29 I'M ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR  
30 INTENTIONALLY INCOMPLETE STATEMENT OR INTENTIONALLY OMIT  
31 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION YOU WILL  
32 SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING SUSPENSION  
33 OR DISCHARGE.  
34

35 Q: Do you understand this warning?

36 A. Yes I do.  
37

38 Q. Is it true that you have read, understood and signed the Data Practices  
39 warning, otherwise known as the Tennessen Warning?

40 A. Yes I have.  
41

42 Q. Have I informed you that the purpose of this statement relates to an internal  
43 investigation, specifically an administrative review that is being conducted on the  
44 following:  
45

46 On November 10<sup>th</sup>, 2012, it is alleged that Officer Chamberlain arrested a person  
47 without cause and used excessive force on the subject prior to handcuffing and  
48 after the subject was handcuffed. It is further alleged that Officer Chamberlain

INT \_\_\_\_\_

1 used harsh and racist language towards the subject. And you are being called  
2 here to answer questions today, have you been informed of this ahead of time?  
3 A: Yes I have.

4  
5 Q: Are you ready to answer questions about this?

6 A: Yes I am.

7  
8 Q: Um, the night of this incident that Officer Appledorn and Officer Chamberlain  
9 responded to, um, you responded to the scene of their call. Why did you  
10 respond?

11 A: I was working squad 106. I was the only Mid-Watch supervisor on, um, I was  
12 actually at the station when squad 160, uh, Officer Appledorn asked for me to  
13 come to the scene on the air.

14  
15 Q: Okay and when you arrived on the scene um, who did you speak to?

16 A: When I arrived I pulled up, uh, I was almost parallel with 160's car. I saw  
17 Officer Appledorn walking away from the squad car. Um, I saw Officer Baskin  
18 was out and Officer Chamberlain was in the squad car and then there was a  
19 group of people. Um, ~~Officer Appledorn looked really upset so~~ I walked over to  
20 her right away to see if everything was okay cause I didn't know exactly why I got  
21 called over there and she just, um, ~~she looked at me and said, "he went too far",~~  
22 ~~"I can't even talk about it right this moment". And that's when I realized she was~~  
23 ~~mad but not hurt upset.~~

24  
25 Q: Okay and what did you do after that, after she told you that?

26 A: Um, I asked her, uh, I asked her what she meant and she goes there's a  
27 bunch of witnesses over there and pointed towards the bus shelter and I let her  
28 walk away and cool off and I went to talk to the witnesses to see what was going  
29 on.

30  
31 Q: Okay and after talking to the witnesses what did you, um, learn about this  
32 situation?

33 A: Well I talked to several witnesses. There were six or seven in the bus shelter.  
34 There was a main, um, older male, um, Mr. Benford, who became the  
35 spokesperson because he actually had the most detail. Uh, he provided quite a  
36 bit of details, he said that, uh, the squad had pulled up. They – that there had  
37 been a group in the bus shelter, the squad had pulled up and had their lights on,  
38 their take down lights and their spot lights and that the female officer, who was  
39 Officer Appledorn, was talking to the crowd, telling 'em well hold on I'll take care  
40 of the lights in just a minute, I'm old, I have to see.

41  
42 Q: Um-hum (positive response).

43 A: Uh, and that the male officer, who was Officer Chamberlain, when Mr. Guar, I  
44 think that's how we pronounced his last name, said something about ~~can you get~~  
45 ~~the lights out of my face. Officer Chamberlain went up to him and had his taser~~  
46 ~~pointed at him and put his flashlight in his face and started yelling at him.~~ When  
47 that happened, um, ~~Officer Chamberlain still remained engaged with Guar,~~  
48 ~~pushed him up against the bus shelter. he called it, um, yanking his hands~~

1 ~~behind his back and handcuffing him and then put him in a choke hold and took~~  
2 ~~him to the squad car while he was handcuffed in a choke hold.~~

3  
4 Q: Okay. And what else did they tell you about that incident?

5 A: Um, well both ~~Benford and two other witnesses demonstrated the choke hold~~  
6 ~~by putting their own arms around their neck~~ and then Mr. Benford said that  
7 Officer Chamberlain was saying some racially derogatory statements. I asked  
8 him if he would clarify what those were for me and he said that he wouldn't  
9 repeat them.

10

11 Q: Okay.

12 A: So I did not get any specifics. He just said it was racially derogatory.

13

14 Q: Okay.

15 A: Uh, then they said, uh. ~~Benford said when, um, back at the squad car that~~  
16 ~~there was a point when Chamberlain went back into the back seat to get Guar~~  
17 ~~after he had already been into that squad car and had him in a choke hold again~~  
18 ~~and that's when Officer Appledorn and Baskin had to go help him and get him~~  
19 ~~back in the squad car. I wasn't – that part was a little fuzzy listening to the~~  
20 ~~witnesses.~~

21

22 Q: Okay.

23 A: Um, that got clarified later after I read the statements but, um, there was a  
24 point that the ~~witnesses said that he was at the back door, that he had taken him~~  
25 ~~out of the back seat and had him in a choke hold again.~~

26

27 Q: Okay. Okay and after you, um, heard all of this what did you do?

28 A: Uh, well first thing I did while Guar was still in the back seat yelling, um, I then  
29 went back to Officer Appledorn because Officer Baskin was kind of helping  
30 manage the crowd. I went back to Officer Appledorn and asked her to give me a  
31 short statement of what happened just to see if it would match up with the  
32 witnesses and she, ~~she just basically told me, um, Chamberlain – she had been~~  
33 ~~talking to the crowd and they were fine and Chamberlain got mad at Guar and~~  
34 ~~walked up to him and started yelling at him and handcuffed him and brought him~~  
35 ~~to the back seat of the squad car. She didn't know exactly why, so she said that,~~  
36 ~~Chamberlain said he was under arrest but she didn't know exactly why and then~~  
37 ~~once he was in the squad car, Guar was, Chamberlain had gotten in the front~~  
38 ~~seat and for some reason while Appledorn and Baskin were still out with the~~  
39 ~~crowd trying to calm them back down, he got out of the squad car again and took~~  
40 ~~him out of the back seat and that's when they started struggling and she had to~~  
41 ~~go help him put him back in. So that was, that was, I didn't ask for too many~~  
42 ~~details I wanted to see if it kind of matched up to the witnesses and it did. At that~~  
43 ~~point it was matching up to the same kind of story.~~

44

45 Q: Okay.

46 A: I didn't actually ask Officer Baskin for too much detail out there cause at that  
47 point I had determined that A) I think that we have an arrest that was unfounded  
48 and B) that I knew that Officer Chamberlain was not gonna be going back out on

1 the street that night because he was – for two reasons; because I thought that  
2 he, from what I had heard, may have used excessive force and second, because  
3 if his temper was this far out of control I didn't know if he'd have a chance to  
4 bring it back it. I didn't want him to get in any other trouble.

5  
6 Q: Okay.

7 A: And I knew that this was going to take a while to straighten out. So then I had  
8 Officer Baskin take Officer Chamberlain and go sit in 110 because Mr. Guar was  
9 in 160 and that's when I took Mr. Guar out and talked to him.

10  
11 Q: Okay and what did Mr. Guar tell you?

12 A: Well after we finally got him calmed down he, he was, he had cried for almost  
13 ten minutes over his necklace that was broken and um when I found out he didn't  
14 have a phone number I actually put him in my squad car in the front seat and hit  
15 my MVR to record our conversation just in case we couldn't get a hold of him  
16 again, and he said he had walked up right before the squad had got there. He  
17 was not part of the group that was smoking marijuana and when he got there the  
18 squad car was shining lights at him. He thought it was at him, so he asked em  
19 to move the lights because he didn't have anywhere else to stand. He said as  
20 soon as I said that the male officer came and had a flashlight in his face and was  
21 yelling at him. Um, he didn't really remember the taser. The witnesses did but  
22 not Mr. Guar. He said he got pushed up against the bus shelter and he said at  
23 that point I put my hands up and that he had each hand wrenched behind his  
24 back and handcuffed. Uh, when he asked what he was being arrested for that's  
25 when Officer Chamberlain put him in a choke hold and basically drug him back to  
26 the squad car.

27  
28 Q: Okay.

29 A: Back at the squad car, um, and this is also a little confusing. I don't know if  
30 he was pressing on his throat with his hand like squeezing and using the asp the  
31 first time he was put in the back seat of the squad car, but he said after he had  
32 gotten in the squad car Officer Chamberlain asked him for his ID and he said it  
33 was in his pocket. At that point Officer Chamberlain came and got him out of the  
34 squad car and was pushing, and had him in a choke hold again.

35  
36 Q: Okay.

37 A: So the sequence of when he got pressed in the neck with a hand and an asp,  
38 I don't know if that was the first time or the second time.

39  
40 Q: Okay. Um, after you spoke to Guar, um, did you speak to Officer  
41 Chamberlain?

42 A: Officer Chamberlain came up to me and said well I need to, he needed to  
43 give me his force review and I knew at that point that A) we were going to be  
44 going back to the station and talk about things and B) that I didn't want to cross  
45 any Garrity lines asking him specific details. I knew I was gonna have to do a  
46 force review but I knew I could also do it off of his report instead of asking  
47 specific questions. So I told him to just hold on I had to check on some things,  
48 we'd talk back at the precinct.

1 Q: Okay.

2 A: So, I did not take any report from him on the scene.

3

4 Q: Okay, did anyone at the scene specifically tell you what they were placing  
5 Guar under arrest for?

6 A: No, uh, I did not know that... I knew that Officer Chamberlain wanted him  
7 arrested. Uh, ~~I also knew from Officer Appledorn and everyone else's description~~  
8 ~~that there wasn't a disorderly conduct because he wasn't part of the original~~  
9 ~~group nor did he engage in any disorderly behavior and, um, eventually Officer~~  
10 ~~Chamberlain put in his report he wanted obstructing with force, however, it didn't~~  
11 ~~sound like there was any active part on his part to stop the arrest.~~

12

13 Q: Okay.

14 A: ~~Just from what I had heard out there I didn't feel there was enough to arrest~~  
15 ~~him for so I actually released him from the scene.~~

16

17 Q: Okay. Um, has Officer Chamberlain spoke to you about this since the  
18 incident?

19 A: No, um, I've, I immediately started calling lieutenant's because this is not  
20 something we usually have happen.

21

22 Q: Um-hum (positive response).

23 A: I knew I wasn't gonna let him go back out on enforcement duties that night so  
24 I needed to make sure I took the right steps, uh, after I talked to Car 9, which was  
25 Lt. Lund and Lt. Glampe to make sure everything was in the right order and I  
26 talked to Inspector Frizell, we put him on the desk. Um, Lt. Delmonico had  
27 already been called by Officer Appledorn because she had some questions  
28 about statements, which worked out really well cause I didn't know for sure if  
29 they should all be doing statements including Officer Chamberlain at that point  
30 and he came and... and I purposely did not ask him anything specific about it. I  
31 told Officer Chamberlain I would just review his report for the force review, um,  
32 and I did take pictures when he showed me that he had some scratches on his  
33 arm and I asked him if he was okay but I didn't ask him anything specifically  
34 about what he did.

35

36 Q: Okay. Uh, have you had any further contact with, um, either Guar or any of  
37 the witnesses since this incident?

38 A: Guar did come into the station later that night. I really got the impression he  
39 didn't think I was doing anything because he had saw Officer Chamberlain leave  
40 with Officer Baskin in 110, in a squad car, and Officer Appledorn leave in a squad  
41 car. Uh, he came into the station about an hour later yelling about, um, being  
42 mistreated and nobody was doing anything and I had heard him. I was upstairs  
43 in my office and by the time I came downstairs he had already left.

44

45 Q: Okay.

46 A: I did see him last week when I was at Davanni's picking up some food and he  
47 walked in and he said thank you and read me a bible scripture and left.

48

1 Q: Okay, um.

2 A: As for the rest of the witnesses, not that I have noticed.

3

4 Q: Okay. Okay, um, is there anything else that you did that night?

5 A: I took photographs. Guar did have a cut over his either left or right eye; it's  
6 whichever ones in my report. I did take a picture of the, his necklace, which was  
7 very precious to him. It was a religious symbol that got broken and he took that  
8 back with him so I don't have the broken necklace. Um, I did my reports  
9 obviously. I talked to Inspector Frizell and a couple lieutenants and then I told,  
10 um, Officer Chamberlain was told both by me and by Lt. Delmonico that he would  
11 be on the desk during the duration of this investigation. Um, or until somebody  
12 higher than me made the decision that he wasn't.

13

14 Q: Okay.

15 A: And he was also informed that night that he couldn't work part-time because  
16 he had been put on desk duty for right now.

17

18 Q: Okay. Is there anything about this event, um, that you, that you think I should  
19 know about that maybe isn't in the reports or that I didn't ask you about?

20 A: ~~I think what makes this event so significant was the officers reaction and the~~  
21 ~~fact that the officers, the witness officers and the witnesses themselves all had~~  
22 ~~pretty much the same exact story. Uh, and the fact that the arrest part didn't~~  
23 ~~worry me so much because I could have figured why he thought he was arresting~~  
24 ~~him but it was all the actions afterwards.~~ Especially the second part of the squad  
25 car, the back seat of the squad car, um, I just couldn't understand that one  
26 completely either and granted I probably should have talked to Officer  
27 Chamberlain, but I really didn't, I really felt right away I couldn't cross that line  
28 cause it was a serious event.

29

30 Q: Okay. Is there anything else that you think I should know about?

31 A: Um, no I don't think so; I think I either covered it here or in my statement, so.

32

33 Q: Okay. Has this been a true and accurate statement today?

34 A: Yes it has.

35

36 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO  
37 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE  
38 OTHER THAN YOUR UNION REPRESENTATIVE OR AN ATTORNEY.

39

40 Q. Do you understand this?

41 A. Yes I do.

42

43

44

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46

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48



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THIS STATEMENT WILL BE CONCLUDED AT 2220 HOURS

---

Sgt. Patricia Nelson Date

I have received a copy of this statement.

---

Sgt. Patricia Nelson



**DATA PRACTICES ADVISORY**

**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 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 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 reasonably requiring access to the information.
- 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.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- 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.

*Patricia Nelson*

Signature

11/29/2012 2200hrs

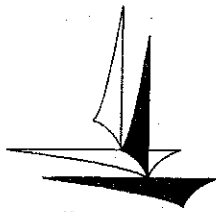
Date/Time

*mml*

Witness

11/29/12 2200

Date/Time



**Minneapolis**  
City of Lakes

**Police Department**

Timothy J. Dolan  
Chief of Police

350 South 5th Street – Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853

TTY 612 673-2157

Sgt. Pat Nelson  
Minneapolis Police Department  
First Precinct

November 19, 2012

RE: IAU Case Number 12-250

Sgt. Nelson,

You are being called as a *witness* in the above complaint.

**MPD Policy and Procedure alleged to have been violated:**

5-103 Discretion, 5-105 Professional Code of Conduct, 5-303 Authorized Use of Force

Summary of allegations: It is alleged that Officer Chamberlain arrested a person without cause and used excessive force during the incident. It is further alleged that he used harsh and racist language towards the subject.

Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for **Thursday November 29, 2012 in the IAU office, Room 112, City Hall at 2215 hours**. If for some reason you have a conflict with this date/time you may call me and we will try to work out an alternative date/time for your interview. It is your responsibility to arrange for a Federation representative prior to coming to your interview if you choose to have Federation representation. I can be contacted by e-mail or phone at 673-2748 between the hours of 1600 and 0200, Monday through Friday. Failure to show for your scheduled interview may result in charges against you.

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,

Sgt. Melissa Chiodo  
Internal Affairs Unit

Minneapolis Police Department



CC: Inspector Frizell

## Chiodo, Melissa

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**From:** Chiodo, Melissa  
**Sent:** Friday, November 30, 2012 10:26 AM  
**To:** 'T\_Man1son@yahoo.com'  
**Subject:** November 10, 2012 Incident

**Importance:** High

Mr. Guar,

I am an Investigator with the Minneapolis Police Department's Internal Affairs Unit. I am conducting an investigation regarding an incident involving possible police misconduct that happened near the bus shelter on 3<sup>rd</sup> Street South and Hennepin Avenue on November 10, 2012. It has come to my attention that you may have information that would be beneficial to this investigation and I would like to meet with you to talk about it. Please contact me when you receive this e-mail so we can set up a meeting. If I do not hear from you by December 4<sup>th</sup>, 2012 this investigation will proceed without your information.

Thank you for your time.

*Sgt. Melissa Chiodo*

*Minneapolis Police Department*

*Internal Affairs Unit*

*350 S. 5<sup>th</sup> ST RM 112*

*Minneapolis, MN 55415*

*(612)673-2748*

*This electronic message may contain investigative data which is non-public pursuant to Minnesota Statutes section 13.82 subdivision 7, or personnel data which is non-public pursuant to Minnesota Statutes section 13.43 subdivision 4.*

*If you are not the intended recipient of this e-mail: (1) do not read the content of the message; (2) immediately notify the sender that you incorrectly received the message; and (3) do not disseminate, distribute, or copy this e-mail."*

1 THIS IS A TAPE-RECORDED STATEMENT OF MR. WOODROW BENFORD,  
2 TAKEN AT THE MPD INTERNAL AFFAIRS UNIT, ON NOVEMBER 19TH, 2012,  
3 AT APPROXIMATELY 1554 HOURS. YOU ARE BEING INTERVIEWED BY SGT.  
4 MELISSA CHIODO. TRANSCRIBED BY T. ROSAS

5  
6 RE: IAU Investigation #12-250

7  
8 Q: Could you give your full name and date of birth for the record please?

9 A: Uhh...Woodrow Benford. November 14<sup>th</sup>, '48.

10  
11 Q: And what is a mailing address and telephone number that I can reach you at?

12 A: 6540 E. River Rd., Apt. 337, Fridley, 55432. My phone number is (952) 406-1129.  
13 Let me sign on my phone (inaudible)...

14  
15 YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INTERNAL  
16 INVESTIGATION INTO AN ALLEGATION OF POSSIBLE POLICE MISCONDUCT.  
17 THE INFORMATION YOU PROVIDE WILL BE USED IN A FACT-FINDING  
18 PROCESS, AS PART OF THE TOTAL EVIDENCE, TO DETERMINE IF  
19 MISCONDUCT OCCURRED AND FOR ASSESSING WHETHER DISCIPLINARY  
20 ACTION SHOULD BE TAKEN.

21  
22 THE INFORMATION YOU SUPPLY TODAY MAY BE USED IN A GRIEVANCE  
23 HEARING, ARBITRATION, OR OTHER APPEAL PROCEDURE. OTHER PARTIES  
24 OUTSIDE THE MINNEAPOLIS INTERNAL AFFAIRS UNIT MAY HAVE ACCESS  
25 TO THE INFORMATION YOU PROVIDE AS PART OF THIS INTERNAL  
26 INVESTIGATION.

27  
28 Q: Do you understand this?

29 A: Yes, I do.

30  
31 Q: Okay. I'm gonna take you to the night of November 10<sup>th</sup>, 2012, at approximately  
32 uhh, 5:15 that night. Umm...Can you tell me where you were that night?

33 A: I was sitting in the bus shelter at 3<sup>rd</sup> and Hennepin. I was in the open area, there's  
34 three sections to the shelter - two of them are enclosed and one is kind of open - I was  
35 sitting in the open area.

36  
37 Q: And were you by yours...Were you there by yourself or were you with any  
38 acquaintances?

39 A: I was by myself, reading the newspaper, waiting for my bus.

40  
41 Q: All right. And while you were sitting there did you observe any other people in the  
42 bus stop?

43 A: Well, there were people at the bus stop, but also there were uhh, young people in the  
44 section of the shelter behind me. It was 7-10 young people of mixed races and such -  
45 male and female.

1 Q: Okay. And were the umm, the young people that were in the bus shelter, were they  
2 doing anything that uhh, drew your attention over to them?

3 A: Not really. They were quiet, they were sitting on the bench, but I did notice the smell  
4 of marijuana.

5  
6 Q: Okay. Umm...And at any time while you were sitting there, umm, did the police –  
7 Minneapolis police officers respond?

8 A: Yes. After I had been sitting there for a while, and then a couple of the young people  
9 left, there was a male and a female – they were white; and then I saw a squad car pull up  
10 with the headlights on and the spotlights, and that drew my attention.

11  
12 Q: Okay. And umm, why don't you describe to me umm, once the police officers  
13 arrived and they lit up the bus shelter with their spotlights, tell me what you saw. Walk  
14 me through it.

15 A: Well, two officers got out of the squad car...car. One was a female, the other was a  
16 male. The female was driving the car. Uhh...The female entered the shelter first where  
17 the young people were and the other officer entered the shelter with his taser gun pointing  
18 towards the young people.

19  
20 Q: Okay. Umm...And did you hear them say anything to the young people that were in  
21 the bus shelter, did you hear the officers speak?

22 A: Well, the young people spoke first.

23  
24 Q: Okay.

25 A: Uhh...When the officers pulled up, uhh, the kids were saying, uhh, well one kid said,  
26 "I can't... Well, I can't see, the lights are blinding me. Can you turn off the lights?"

27  
28 Q: Okay.

29 A: Uhh...Then Officer Chamberlain, the male one, stated, uhh, he said, "Shut up." And  
30 then the other kids said, "Well, we didn't do anything." And they said that sort of in  
31 unison. And he said, "Shut up," again – I mean really hostile. And then this other kid  
32 said, "Can you turn out the lights, you...the lights are blinding me" - again. At that point,  
33 Officer Chamberlain told him that he...he pointed to him and said, "You're going to jail!"

34  
35 Q: Okay.

36 A: When he said that, the kid said again, "Well, I didn't do anything." The cops said,  
37 "Shut up, I told you to shut up and come here, you're going to jail!" And then he had the  
38 kid turn around so he could handcuff him, which he forcibly turned him around and put  
39 the cuffs on him, which had to be extremely tight because the kid screamed out and said,  
40 "These are really tight!"

41  
42 Then the officer proceeded to take the kid to the squad car. He exited the shelter, then he  
43 stopped and turned and slammed the kid's face into the windowpane of the shelter, the  
44 left side – if you're on this side of the shelter it would be on the left side.

45  
46 Q: Okay.

1 A: Slammed his face into the shelter. When I saw that, I said, "Hey, that's not right."

2

3 Q: Mmm hmm (indicating yes).

4 A: The kid hadn't done anything. And then the officer just...he took the kid off...pulled  
5 him off, away from the window, and then it looked as if he was taking him to the police  
6 car, and for some reason he just stopped, turned around and took the kid toward  
7 Hennepin Ave.

8

9 Q: Okay.

10 A: And the kid was saying at the time, "I didn't do anything." And the Officer  
11 Chamberlain put the kid in a choke hold and I could hear the kid gurgling, he said, "I  
12 can't breathe. I can't breathe. Please stop." The officer then took the kid to the ground.

13

14 At that time, several other police cars pulled up and when they pulled up the kid was  
15 screaming and hollering and said, "I'm choking, I can't breathe!" And I asked the  
16 officers, I said, "Stop them. That's police brutality!" And they just observed. They  
17 didn't do anything. They watched him as he continued to choke the kid. And the kid was  
18 just... The kid could hardly get any sound out - it was muffled sounds because he was  
19 being choked.

20

21 Then the officer quit choking the kid, got up and was taking him to the police car. He got  
22 to the police car, he put him and sat in the police car. Then the officer got inside in the  
23 back seat with the kid and started punching him. And the kid was screaming and  
24 hollering, he said, "Help me! Help me! Someone please help me!" And I could not  
25 believe it. I asked the officers again, I said, "Stop it. Please stop what he's doing to that  
26 kid. That is brutality, that man is killing that kid!" And it was Officer Appledorn and  
27 Officer Baskin who enter...who came in with another police c...car. And they just stood  
28 there and...while the cop was in the back seat beating the kid.

29

30 And then he stopped, he pulled the kid out of the car and then he stood the kid up and  
31 slammed the kid's face on the roof of the police car.

32

33 Q: Okay.

34 A: And the kid was screaming and hollering and saying, "Help!" And there were uhh,  
35 other folks waiting for the bus on 3<sup>rd</sup> Ave. and they were seeing all this transpire. And  
36 then after he slammed the kid's head on the police car, the roof of the car, he straightened  
37 the kid up and then took the door of the police car and started slamming it against the  
38 kid's back - and the kid was handcuffed.

39

40 Q: Okay.

41 A: The kid was still screaming and hollering. And I asked Officer Appledorn at that  
42 time, I said, "Can you do something? Can you stop this?" She said, "Well, I called our  
43 supervisor, she'll be here shortly."

44

45 Q: Okay.

1 A: No, she said, "I called the uhh, Precinct supervisor and she's a woman, she'll be here  
2 shortly." I said, "Well, my bus will be coming any moment now, I don't know if I would  
3 be here." Officer Appledorn then said, "Well, if you miss your bus I will give you a ride  
4 home." A few minutes later, uhh, ~~Chamberlain was in the ve... he got in the squad car, in~~  
5 the front seat and he told Officer Appledorn, "Let's go to... Let's go to the jail." And she  
6 was standing there waiting for the Precinct capt... uhh, supervisor. And then he said  
7 again, "Come on, let's go to the jail." And by that time, Sgt. Nelson appeared.

8

9 Q: Okay.

10 A: She came over. Well, she spoke with Officer Appledorn and then she came over and  
11 spoke with me and they asked, because she... she said, "I've been told that you took  
12 pictures of the incident." I said, "Yes, I did." And then I tried, I showed her the camera,  
13 well my cell phone - pulled up the pictures, but they were dark and you couldn't see  
14 anything except the lights from the squad car and the street lights on the street.

15

16 Q: Okay.

17 A: And then she told me, uhh, she asked what had happened and I explained to her what  
18 I had saw and she took that information down. She asked did I... could I... would I give  
19 her my name and number and I said, "Yes." I gave her my name.

20

21 At that time, some other... the other witnesses came over and I think she talked to them at  
22 that time and she asked if they would be... would they give their name and addresses,  
23 well, names and phone numbers - I think several of them said yes. At that time I left  
24 because my bus had arrived.

25

26 Q: Okay. Okay. Umm... When the officers first pulled up in their squad car, do you  
27 recall if you heard them speaking over the PA system or loudspeaker at all?

28 A: No. They just pulled up and exited from the car, came... it's a little fence there in  
29 front of the shelters that separate the shelter from the parking lot. They came over to the  
30 shelter and they didn't say anything to the kids.

31

32 Q: Okay. Okay. Umm... And then you said, umm, Officer Chamberlain - Did he have  
33 his taser out as he was approaching the shelter already?

34 A: Yes. The ta... ~~The taser was drawn,~~

35

36 Q: Okay. And did...

37 A: as he entered the shelter.

38

39 Q: And could you see if the, I'm not sure if you're familiar how a taser works, but they  
40 can umm, pull the umm, trigger partway or press a button and a red light shows up on  
41 someone - they call it "red dotting." Could you see if there was a red light, like a... a  
42 light point coming from it on anyone in the shelter or not?

43 A: I could not see that because the kids were actually behind me.

44

45 Q: Okay.

46 A: And I was just uhh, watching the officers, the police officers.

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Q: Okay. Did you hear umm, Officer Chamberlain at all threaten to tase anybody?

A: No.

Q: Verbally say he was going to?

A: No.

Q: Okay.

A: He just had it pointed at the young people.

Q: Okay. Umm...And then you talk about umm, you mentioned that Officer

~~Chamberlain had uhh, this individual in a choke hold and it was after he was handcuffed?~~

~~A: After he was handcuffed, after he had slammed the kid's face into the shelter, one of the windows in the bus shelter,~~

Q: Okay.

A: then he took him around the shelter. I thought he was taking him to the police car around the shelter, and then he put the kid in a choke hold.

Q: Okay. And for the record you're showing a choke hold with his umm, arm around his neck and not his hands, his...?

A: No, it was his arm. And I...And then he took the kid down to the ground,

Q: Okay.

A: choking him.

Q: Okay. And he took him to the ground as he had him in the choke hold?

A: Yes.

Q: Okay. Did it appear to you that the kid was physically fighting, umm, or attacking the officer during any of this?

A: ~~Not at all. In fact, the kids were very respectful, they were not loud, they did not use any profanity. They only said, you know, "We didn't do anything."~~

Q: Mmm hmm (indicating yes).

A: And a couple of 'em said, "We had just arrived here at the shelter."

Q: Okay.

A: That's all that they said. And the one that...the kid...The kid that he had arrested had not raised his voice to the officer, the only thing he had said, "I have not done anything." He just kept saying, "I didn't do anything. I didn't do anything." That's the extent of it. ~~Then he started screaming and shouting for his life.~~

Q: Okay. Umm...And then when the officer umm, got the individual in the squad car, you mentioned he was punching him. Did you see if he was punching him with his hands or did he have any of his tools that an officer uses in his hands, or was he...?



1 A: ~~Well no, I could actually see him. He was on top of the kid and I saw his arm going~~  
2 ~~up and down. I just assumed he was punching him.~~  
3  
4 Q: Okay.  
5 A: With his fists. I have no idea if he had anything in his hand.  
6  
7 Q: Okay. Did you see the officer at any point pull out umm, his asp, his...like a black,  
8 collapsible baton that we use – Did you ever see him pull that out and use...use that on  
9 the individual or have that out?  
10 A: (Inaudible) No, I didn't see that.  
11  
12 Q: Okay. Did you ever hear the officer, umm, Officer Chamberlain, use profanity or any  
13 umm, derogatory or racial terms towards any of the...the people at the bus shelter?  
14 A: The officer did not...The only...When he slammed the kid's face into the shelter, he  
15 did not say a word,  
16  
17 Q: Okay.  
18 A: ~~all through the entire incident after that. It was just the screams and the pleading~~  
19 ~~and begging of the kid that you heard.~~  
20  
21 Q: Okay. Umm...And then you said that he pulled the...he pulled the kid out of the  
22 squad car again. Could you see why he pulled him out or...What did it appear to you  
23 was going on at that point?  
24 A: Well, the kid...I mean, you could hear his...The people on the street, on 3<sup>rd</sup> Ave. in  
25 front of the li...~~across the street from the library to us, turned around looking at it cuz~~  
26 ~~the...the kid was screaming so loud. You could hear it I guess a block or two away,~~  
27 ~~because folks was look...turning around and looking in that direction where the police~~  
28 ~~car was. Uhh...(whispering...(inaudible)...). talking.~~  
29  
30 Q: Oh, just wondering what it appeared to you when he pulled the...when he pulled this  
31 uhh, kid out of the car, what was going on?  
32 A: Well...Well, he backed out of the car. He got off of the kid and he backed out of the  
33 back seat and then he pulled the kid out of the back seat.  
34  
35 Q: Okay.  
36 A: Stood him up and then slammed his face on the roof of the squad car.  
37  
38 Q: Okay. Okay. Umm...  
39 A: And during all this time, that young man was screaming and begging for someone to  
40 help him.  
41  
42 Q: Okay.  
43 A: He never stopped begging for help.  
44

1 Q: Uhh...And approximately how far away fr...were you from Officer Chamberlain and  
2 this umm, squad car when...when this was going on with the individual, if you had to  
3 say?  
4 A: Well, I would say, umm, boy, no more than ten feet.  
5  
6 Q: Okay.  
7 A: ~~I would say about...not even that. I would say maybe about...Yeah, about ten feet,~~  
8 ~~eight to ten feet.~~  
9  
10 Q: Oh, okay. So your view wasn't obstructed by...?  
11 A: Not at all. Because I was sitting right in front of the kids on the bench. Well, they  
12 were in the other shelter, but I was sitting right in front of them and the doorway, where  
13 he came into the doorway, that was about ten feet from where the kids were sitting,  
14 maybe eight to ten feet from where they were sitting.  
15  
16 Q: Okay.  
17 A: And I saw it all. I mean I was right there, right on the scene.  
18  
19 Q: Okay.  
20 A: And it was unbelievable.  
21  
22 Q: And you mentioned you saw Officer Appledorn, the female officer, and Officer  
23 Baskin.  
24 A: Yes.  
25  
26 Q: What did you observe umm, about Officer Appledorn during this interaction? Like,  
27 umm, did she do anything, did she say anything? How did...Describe what...what she  
28 seemed like to you during this incident with Officer Chamberlain.  
29 A: Well, Officer Appledorn seemed concerned. She didn't say anything, and she  
30 seemed...she appeared to be sad, very sad. I could...her eyes just, you could see the  
31 sadness in her eyes. I also saw it in Officer Baskin's eyes as well. And I kept asking,  
32 "Do something. Please do something because he's hurting that kid - probably killing  
33 him." And they just stood there and watched.  
34  
35 Q: Okay.  
36 A: But Appledorn did come over and tell me she had called the supervisor of her  
37 Precinct and she would be there shortly and if I would remain  
38  
39 Q: Okay.  
40 A: and speak with her.  
41  
42 Q: Okay. Did you see umm, the...The young man that was handcuffed - Did you umm,  
43 ever see if at the end of this, if he had any injuries, any visible injuries to his face or  
44 anything? Were you able to notice?  
45 A: You couldn't notice cuz by then it was around five, almost 5:30, and it was dark.  
46

1 Q: Okay.  
2 A: Because once he...after he choked it...Well, after he slammed his face into the  
3 shelter, he took him over to the east side of the shelter and took him to the ground and I  
4 was never that close to where I could see the kid's face.  
5  
6 Q: Okay.  
7 A: Because the kid's face was faced toward the ground and you...you really couldn't see  
8 his face and then he took him to the car. Uhh...He took him very rapidly and you  
9 couldn't really see the kid's face and then he pushed him in the car.  
10  
11 Q: Okay.  
12 A: The back seat and then he got in with the kid.  
13  
14 Q: All right. Did you ever see an ambulance arrive during any of this or after?  
15 A: No.  
16  
17 Q: Okay.  
18 A: I didn't see them, cuz I had left.  
19  
20 Q: Okay.  
21 A: Cuz they were still there when I left.  
22  
23 Q: Okay.  
24 A: The police car, Chamberlain, and Apple...and Appledorn, and the sergeant from the  
25 Precinct, Sgt. Nelson. And I think Officer Baskin was still there.  
26  
27 Q: Okay. And you said there was another squad, aside from Ap...Officer Appledorn and  
28 Baskin - there was another squad car...?  
29 A: Yes. There...I think...Well, there was Baskin's squad car, another squad pulled up,  
30 but he did not get out of the car.  
31  
32 Q: Okay.  
33 A: And then after a while, he just took off.  
34  
35 Q: Okay.  
36 A: Or she, I couldn't tell whether it was a male or female  
37  
38 Q: Okay.  
39 A: in the second squad that pulled up.  
40  
41 Q: Okay. Umm...Oh, you also mentioned towards of the end of the incident that umm,  
42 Officer...you...Did you hear Officer Chamberlain tell you, "Let's go," and Ap...and  
43 Officer Appledorn was telling him that a supervisor was coming, or did Officer  
44 Appledorn relay this to you later?  
45 A: No. He did...Officer Appledorn did not respond to Chamberlain.  
46

1 Q: Uh huh (indicating yes).  
2 A: She told me that she...that the supervisor would be there and I said, "Well, I've got to  
3 go. I mean, my bus will be here shortly and it runs once an hour, no once every hour and  
4 a half on Saturdays." And that's when she said, "I'll give you a ride if you would please  
5 remain, but the supervisor should be here very shortly."  
6  
7 Q: Okay. Could you hear Officer Chamberlain saying, "Let's go."?  
8 A: Yes. He said, "~~Let's...Let's go to the jail.~~"  
9  
10 Q: Okay.  
11 A: And then he said it again, before Officer...Sgt. Nelson arrived.  
12  
13 Q: Okay.  
14 A: ~~He hollered out, "Let's get...Let's go!"~~  
15  
16 Q: Okay. Okay. And did you personally know umm, any of the other people in the bus  
17 shelter with...?  
18 A: No.  
19  
20 Q: Okay. And umm, had you been drinking or doing any kinds of umm, narcotics that  
21 night?  
22 A: Not at all. I don't drink.  
23  
24 Q: Okay.  
25 A: In fact, that's my birthday. In fact, I received a uhh, from Famous Dave's - My  
26 birthday was a few days later, and I'm on their email list, and they sent me a gift for a  
27 free entrée, so I was re...coming back from Famous Dave's with my food and I was  
28 heading home.  
29  
30 Q: Okay. Okay. Umm...Is there anything else about this incident umm, that I have not  
31 asked you about that you think I should know about today sir?  
32 A: Well, only that I think that that officer was unprofessional, to say the least. Uhh...He  
33 seemed to be out of control, totally out of control. Also, it appeared he didn't really care  
34 who saw what he was doing because there were people watching him and he just  
35 continued to be...to take it to brutalize that kid.  
36  
37 Q: Okay.  
38 A: And then I couldn't believe it myself that I had...could see this officer do this and not  
39 stop it and that there was witnesses watching what he was doing. ~~It seemed as he had just~~  
40 ~~really lost...like he was cr...went crazy, was berserk.~~  
41  
42 Q: Okay. Okay.  
43 A: That's the best way to describe it.  
44  
45 Q: All right. Well, I can't think of anything else. Anything else that you think I should  
46 know about?

1 A: Well, I can just say that I uhh, did mention to Officer Appledorn that I felt that  
2 Chamberlain should not be on the Police Force, that I was gonna do everything I could to  
3 see that he was removed because he was a danger to society. Uhh, ~~he was very~~  
4 ~~unprofessional, he lost control and that was..~~ and that was one of the reasons... And what  
5 we witnessed that day was one of the reasons I... No, I said to Officer Appledorn, that I  
6 know that all policemen were not like Chamberlain, I have friends that are policemen and  
7 they... ~~I know they don't behave that way, there are good policemen on the Force - and~~  
8 ~~it's the bad ones like this guy, that give the Force a bad name.~~

9  
10 Q: Mmm hmm (indicating yes).

11 A: ~~I also informed her this is one of the reasons, when you see something like this, that~~  
12 ~~black people in the community do not trust white policemen.~~ And again, Officer  
13 Appledorn said... Well, she didn't say anything, just said that, "The sergeant would be  
14 here shortly, if you would still, if you would remain."

15  
16 Q: Okay. Okay. Umm...

17 A: ~~Well, I'd like to say though, I do feel that both of the officers - Baskin and Appledorn~~  
18 ~~-didn't approve of that, of that behavior of Chamberlain.~~

19  
20 Q: Mmm hmm (indicating yes).

21 A: ~~It appeared like they was just helpless~~

22  
23 Q: Okay.

24 A: to do anything.

25  
26 Q: Okay. Umm... If I come up with any more questions during the course of this  
27 investigation, would you be willing to uhh, give another statement or answer questions by  
28 phone if I think of anything else?

29 A: Yes ma'am. I would be.

30  
31 Q. Okay. Has this been a true and accurate statement today?

32 A: Yes.

33  
34 STATEMENT CONCLUDED AT 1615 HOURS.

35  
36  
37

38 \_\_\_\_\_  
Woodrow Benford Date Witness

39  
40  
41 I have received a copy of this statement.

42 \_\_\_\_\_

43  
44 Woodrow Benford

45

# City of Minneapolis

## Office of Police Conduct Review

### Complaint Form

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 350 S. 5<sup>th</sup> Street – Room 239, Minneapolis, MN 55415-1369. 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)		Date of Birth
Bentford Woody		11-14-48
Home Address (Street, City, State, Zip)		Email Address
6540 E. RIVER Rd #337 Fridley, MN 55432		wbentford45@gmail.com
Home Phone	Work Phone	Cell Phone
952-486-1129		
Incident Case Number (listed on Blue Card)		Incident Date/Time
12-351609		11-10-12 5:15 pm
Officer Badge Number(s)	Officer Name(s)	Squad Number
1075	John Chamberlain	160
214	Sherry Appleton	160
Witness Name(s)	Address	Phone Number

Narrative – Please describe incident in detail.

See Attached Sheets

Complainant Signature

*Woody Bentford*

Date/Time

11/20/12 9:30 AM

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.

OPCR     CP

November 12, 2012

**Witness to Police Brutality on November 10, 2012**

I was present in the metro bus shelter located at 3<sup>rd</sup> & Hennepin Ave, when I witness an extreme case of police brutality inflicted by policeman John Chamberlain, who arrived on the scene in car 160 at about 5:15 pm, Saturday evening.

I was sitting in the middle section of the bus shelter when I saw the incident unfold. The shelter has 3 sections, two are enclosed and one is open. I was in the open section. The incident occurred in the east section, the side facing Washington Ave.

There were 7 to 10 young people in this section. It was a mixed group of black & white and male & female. I could smell marijuana coming from this section while I was waiting on my bus. After a while two of the young people left. They were white and one was male and the other was female. A moment or two after they had left a police cruiser pulled up in front of shelter populated by the young people. The cruiser had its headlights and the spot light directed at the youths. A policewoman was driving and a male officer was the passenger. The policewoman, Sherry Appledorn, was the first to enter the shelter and the male officer, John Chamberlain, was behind her. Officer Chamberlain entered with his Taser gun pointed at the youths. He was hostile and aggressive from the moment he entered the shelter. One of the youths stated that the lights were blinding him and if the officers would turn off the lights. Officer Chamberlain told him to shut up. The other youths said they had just arrived in the shelter and they hadn't done anything.

The male youth asked the officers again if they would turn off the lights because he couldn't see. Officer Chamberlain told that youth he was going to jail. The kid responded he hadn't done anything. Officer Chamberlain again told the youth to shut up and get up. The youth kept saying he hadn't done anything. The policeman handcuffed him very roughly and began to take the kid toward the police car. Suddenly the policeman stopped and slammed the kid's face on the right window pane of the shelter. The youth screamed when his face hit the window pane and said he hadn't done anything. I shouted to Chamberlain that I was taking pictures of what he was doing. The policeman pulled the youth off the window and turned him around and proceeded toward the police car. Officer Chamberlain stopped, turned around and forced the young man toward Hennepin Ave. The young man was complaining that the handcuffs were hurting him. The policeman then put the kid in a choke hold and took the young man down to the ground choking him. The kid was gurgling and saying he couldn't breathe. The officer continued to choke him very forcefully. I shouted again that I was taking pictures of what he was doing. The youth could barely speak but he was pleading for help and begged the policeman to stop. I told the officer to stop that he was hurting the young man. I shouted to the other officers present to stop Officer Chamberlain. I told them to stop the brutalization that was occurring but neither one of them did anything but watch. In fact, they looked very sad at what was going on. Another policeman was present, (Officer Baskin), and was watching Chamberlain

*Stacy Benford*  
11/26/12

choking the kid on the ground. Then Officer Chamberlain pulled the young man up and took him to the car and put him in the back seat. Then unbelievably, Officer Chamberlain got in the back seat on top of the kid and starting beating him with his fist. The youth was screaming and pleading for help. He kept begging for someone to help and stop Chamberlain. The policeman continued punching the kid in the back seat of the car. I continue to beg the other officers to stop him. I said this was police brutality and was uncalled for. I told them I was going to report this to the NAACP, the newspapers, the TV stations, and the police department. I told them Chamberlain's behavior was uncalled for and he didn't deserve to be a policeman. I shouted that Chamberlain had lost control of himself and was hurting that young man. I continue to plead to the police officers to stop Officer Chamberlain. Officer Appledorn came toward me and said she had called her Supervisor and reported the incident. She said the Supervisor was coming to the scene. I told Officer Appledorn my bus would be arriving soon and I would have to leave. The officer told me if I missed my bus she would give me a ride home.

Again I was astounded by Chamberlain's behavior. He had got off the young man and pulled him out of the car. He stood the young man up and slammed his face on the roof of the police car. The kid was handcuffed and screaming. Chamberlain then took the car door and slammed it against the young man's body several times. Chamberlain had gone berserk! It was unbelievable. If one had not witnessed this incident it would be hard for anyone to believe a policeman would behave this way. Particularly when all these young people were doing was seating on the bench in the bus shelter when the police arrived. None of them were disrespectful to the police officers. There wasn't any bad language, any threatening gestures, no standing and shouting or anything out of line. They all had remained sitting on the bench. All they had said was they had not done anything wrong and they had just arrived at the shelter.

Chamberlain had put the youth back in the car and then got into the front seat of the car. Officer Appledorn was talking to me when Chamberlain shouted to her, "let's go". She continued to talk to me and he shouted, "let's go to the jail". Shortly after he had said this, Sgt. Patricia Nelson arrived on the scene. She spoke with Officer Appledorn and then she approached me. She introduced herself as the Supervisor of the Precinct and asked my name. I told her and then I recounted what had occurred. She said Officer Appledorn had told her I had taken pictures and would I show them to her. I told her I had but the pictures were dark and you couldn't see anything on them but the lights of the police car and the street lights on Hennepin Ave. I told Sgt. Nelson that I had friends who were police officers and I knew that all policemen didn't behave the way Chamberlain had. I told her it was policemen like Chamberlain that gave the police force a bad name. I stated he had been completely unprofessional and didn't deserve to be a policeman. I told her it was situations like this that contributed to why the Black community did not trust and respect white policemen. I said Officer Chamberlain was a danger to society and should be removed from the police department because he was unprofessional and he carried a firearm. He had lost control of himself and went berserk in front of a number of people. She told me the incident would be investigated and thanked me.

Hardy Benford  
11/26/12



1 THIS IS A TAPE-RECORDED TELEPHONE CONVERSATION BETWEEN  
2 JOHNNY EDWARDS AND SGT. MELISSA CHIDO, ON DECEMBER 14th,  
3 2012, AT APPROXIMATELY 0959 HOURS. TRANSCRIBED BY T. ROSAS.  
4

5 RE: IAU Investigation #12-250  
6

7 Q: That night at the bus stop, umm, umm... Can you tell me what you recall from  
8 when two police officers responded to the bus stop that night?

9 A: Well, I don't know. I was walking up to the bus stop.  
10

11 Q: Mmm hmm (indicating yes).

12 A: And the three... The three young guys, there were three young guys and  
13 a... and a young lady, and they was standin' there and can hear somebody  
14 hollering about uhh, he didn't do nothin'. He didn't do nothin'.  
15

16 Q: Okay.

17 A: And I'm like, "What's goin' on?" And they was like, "Well, they got him locked  
18 up in the car and they just got through beatin' the shit out of him." And I was like,  
19 "Okay, he in the car?" And so the young lady say, "Yeah." So, three guys walk  
20 off and I was walking back towards the uhh, library.  
21

22 Q: Okay.

23 A: So, when I got to the... to the red light right there, the young lady looked back  
24 and I was like, "What's goin' on now?" you know. I said, "He's got him in the car,"  
25 and she said, "No, they don't." She said, "Dude, they got him out of the car again  
26 and they're beatin' his ass right on the (inaudible)."  
27

28 Q: Okay.

29 A: And I'm like, "Damn! Wish he would have been in the car and locked up."  
30 But when we walked... we a block away, then I looked back again, he had him  
31 out the car again - whoopin' his ass again. So.  
32

33 Q: Okay. And... And when he was doing that, what... what could you see the  
34 officer doing at that time?

35 A: I seen him have him on the ground and he was choking and (inaudible) him,  
36 which he was in handcuffs. But I know that at the time I'm standing there talking  
37 with them about the incident, it... it had happened before I came up.  
38

39 Q: Okay.

40 A: The dude was in the car, because I could hear him, in the car, hollering about,  
41 "I ain't done nothin'! I didn't do nothin'!" So I asked them what was goin' on, they  
42 was like, "Well, he just had the flashlight in the dude's face, the dude told him to  
43 take it out of... out of his face." And the young people was like, "Well, he wasn't  
44 smoking no weed or nothin'." And I was like, "Well, why he beatin' him like that  
45 then?"  
46

47 Q: Uh huh (indicating yes.).

48 A: So.

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Q: Okay.

A: That's all I wit... That's all I witnessed, you know.

Q: Okay.

A: So, I was... I was walking away, but I did look back and uhh, he had pulled him out the car again. Now, how he got out that car, I don't know, but...

Q: Okay.

A: All I know is he had him in the back of the... back on the ground, choking him and beatin' him and shit.

Q: Okay.

A: And I'm like, "What's goin' on?" And by that time, you pulled up as we walked back and the young lady was like, "I need to go get my bag." I said, "I don't think you're gonna get that bag, the way he whoopin' that dude right now."

Q: Okay.

A: (Laughter.)

Q: Okay. All right. And could you hear the guy that was umm, in handcuffs, could you... What could you hear him yelling?

A: I heard him yelling that, "I ain't done nothin'! I didn't do nothin'!"

Q: Okay.

A: That's the whole history, is I'm hearing why the dude said he (inaudible) and internet and I'm like, "Shit, he need to leave him alone, he in handcuffs now."

Q: Okay. And... And umm... You didn't know the... personally know the... the kid that was in the handcuffs, did you?

A: No, I didn't.

Q: Okay. Okay. And umm, can you... From what you remember, can you describe the officer, uhh, male, female, white, uhh, black, Native American - What... What did the officer look like?

A: Uhh... I can't... can't really tell how he lookin' like, because I was far off and hadn't had my glasses on.

Q: Okay. But could you tell if it was a... a male officer or a female officer?

A: It was a male... I know it was a male officer.

Q: Okay. Okay. All right. So you didn't see the first incident, but you saw... You saw that the kid was in the back of the squad car, and then if I'm correct, you saw all of a sudden the officer had him out of the squad car, umm, on the ground. The kid was still handcuffed and he was choking him, you said?

A: Yeah.

1 Q: Okay. Okay. Umm...Anything else that you can think of from that night  
2 that...from that incident that you remember?  
3 A: Hmm...That...That's about it. And I...I...Like the three young people, they  
4 was walkin' back and she was wantin' to get her bag. And I was kinda a little  
5 nervous, I was like, "You don't need to go get your bag right now." Then they  
6 was like, "Well, I don't think we want to make a little statement, cuz they gonna  
7 come after us." And I was like, "Yeah, ya'all gotta make a statement too."  
8 (Laughter.)  
9  
10 Q: Okay. Okay.  
11 A: (Laughter.)  
12  
13 Q: Okay. All right Mr. Edwards, umm, and is that...Is that umm, to the best of  
14 your recollection, a true and honest reflection of what you remember that day?  
15 A: Yes ma'am.  
16  
17 Q: All right. And if...If I have any more questions, can I call you in the future  
18 about this, Mr. Edwards?  
19 A: Yes, you can.  
20  
21 Q: All right. And I left you, you've got my letter with my...with my umm, phone  
22 number and my name. Again, it's (inaudible).  
23 A: Yeah, and I got your card, I got the card that you first gave me, because  
24 I'm...I'm kinda glad you showed up, because I don't know what woulda  
25 happened to that guy that night.  
26  
27 Q: Oh...  
28 A: So I'm kinda glad you showed up.  
29  
30 Q: Yeah. So, well,  
31 A: Okay?  
32  
33 Q: Yeah, oh, Sgt. Nelson's car as well, she was the...the female sergeant, so.  
34 A: Yeah. Yeah, she was...  
35  
36 Q: Okay.  
37 A: She was the sarge or whatever that pulled up. But,  
38  
39 Q: Yep. Yep. So. Well, if you have any questions or concerns, don't be afraid  
40 to give me a call.  
41 A: Yep.  
42  
43 Q: And if I have anything else, I will umm, certainly call you, but I think this will  
44 probably be it.  
45 A: Well then, you can say "Happy Birthday," cuz you called me on my birthday.  
46  
47 Q: Well happy birthday sir.  
48 A: (Laughter)

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Q: You enjoy your day.

A: Yeah, okay. Thank you.

Q: All right. Take care. Thank you.

A: Mmm hmm (indicating yes). Bye bye.

---

Johnny Edwards	Date	Witness
----------------	------	---------

I have received a copy of this statement.

---

Johnny Edwards

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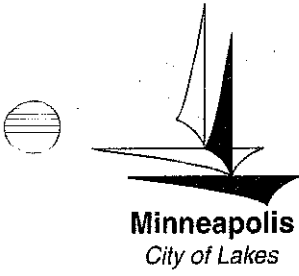
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**Police Department**

Timothy J. Dolan  
Chief of Police

350 South 5th Street - Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853  
TTY 612 673-2157

Johnny Edwards  
173 Glenwood Avenue Apt 316  
Minneapolis, MN 55405

November 19, 2012

RE: IAU Case Number 12-250

Johnny:

The MPD Internal Affairs Unit is currently investigating an allegation made against an employee of the Police Department regarding an incident that happened at the bus stop on Hennepin Avenue and 3<sup>rd</sup> Street on November 10<sup>th</sup>, 2012. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Melissa Chiodo, at 612-673-2748, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information.

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Sgt. Melissa Chiodo  
Internal Affairs Unit



Sent To  
 Johnny Edwards  
 Street, Apt. No.,  
 or PO Box No. 173 Glenwood Ave #1 316  
 City, State, ZIP+4  
 MPIS MN 55405

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**Police Department**

Timothy J. Dolan  
Chief of Police

350 South 5th Street - Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853  
TTY 612 673-2157

Erica Arceneaux  
1041 County Road D. E. Apt # 303  
Vadnais Heights, MN 55109

November 19, 2012

RE: IAU Case Number 12-250

Erica:

The MPD Internal Affairs Unit is currently investigating an allegation made against an employee of the Police Department regarding an incident that happened at the bus stop on Hennepin Avenue and 3<sup>rd</sup> Street on November 10<sup>th</sup>, 2012. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Melissa Chiodo, at 612-673-2748, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information. You did not show up for your scheduled interview on Thursday November 15<sup>th</sup>, 2012. Please call me to re-schedule.

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*Sgt M Chiodo*  
Sgt. Melissa Chiodo  
Internal Affairs Unit



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Street, Apt. No. or PO Box No. 1041 County Rd D E # 303  
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PS Form 3800, August 2006 See Reverse for Instructions



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Shawntrel Vaughn  
2723 Knox Ave. N.  
Mpls, MN 55411

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X *Telesia Vaughn*  Agent  Addressee

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*Telesia Vaughn*

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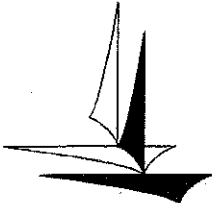
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PS Form 3811, February 2004

Domestic Return Receipt

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**Minneapolis**  
City of Lakes

**Police Department**

Timothy J. Dolan  
Chief of Police

350 South 5th Street - Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853

TTY 612 673-2157

Shawntrel Vaughn  
2723 Knox Av N  
Minneapolis, MN 55411

November 19, 2012

RE: IAU Case Number 12-250

Shawntrel:

The MPD Internal Affairs Unit is currently investigating an allegation made against an employee of the Police Department regarding an incident that happened at the bus stop on Hennepin Avenue and 3<sup>rd</sup> Street on November 10<sup>th</sup>, 2012. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Melissa Chiodo, at 612-673-2748, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information.

Sincerely,

*Sgt. Melissa Chiodo*  
Sgt. Melissa Chiodo  
Internal Affairs Unit

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PS Form 3800, August 2006 See Reverse for Instructions	



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1. Article Addressed to:

Marquel Mitchell  
3307 Russell Ave N.  
Mpls, MN 55412

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**Police Department**

Timothy J. Dolan  
Chief of Police

November 19, 2012

350 South 5th Street - Room 130  
Minneapolis MN 55415-1389

Office 612 673-2853

TTY 612 673-2157

Marquel Mitchell  
3307 Russell Av N  
Minneapolis, MN 55412

RE: IAU Case Number 12-250

Marquel:

The MPD Internal Affairs Unit is currently investigating an allegation made against an employee of the Police Department regarding an incident that happened at the bus stop on Hennepin Avenue and 3<sup>rd</sup> Street on November 10<sup>th</sup>, 2012. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Melissa Chiodo, at 612-673-2748, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information.

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Sincerely,

Sgt. Melissa Chiodo  
Internal Affairs Unit



Sent To	Marquel Mitchell
Street, Apt. No., or PO Box No.	3307 Russell Ave N
City, State, Zip+4	MPIS, MN 55412

PS Form 3800, August 2006

See Reverse for Instructions

1 THIS IS A TAPE-RECORDED STATEMENT OF JUSTIN KALER, TAKEN AT  
2 THE MINNEAPOLIS POLICE DEPARTMENT'S INTERNAL AFFAIRS UNIT, ON  
3 NOVEMBER 15, 2012, AT APPROXIMATELY 1245 HOURS, YOU ARE BEING  
4 INTERVIEWED BY SGT. MELISSA CHIODO, TRANSCRIBED BY JONI COOK.

5  
6 RE: IAU Investigation #12-250

7  
8 Q: Can you give me your full name and date of birth please?

9 A: Yep, uh, Justin Arthur Kaler, 12/20/1977.

10  
11 Q: And what is a mailing address and a telephone number to reach you at?

12 A: Uh, 517 or sorry 917 5<sup>th</sup> Avenue South, uh, Minneapolis, Minnesota 55404;  
13 good phone number, uh, area code 612 718-7271.

14  
15 Q: And where are you employed?

16 A: I'm employed with Block by Block, which is a contractor that the Minneapolis  
17 Downtown Improvement District, uh, contracted out to do our ambassador  
18 service for downtown.

19  
20 Q: Okay and what is your job title with Block by Block.

21 A: Operation Supervisor.

22  
23 Q: And can you give me a brief description of what your job duties entail?

24 A: Uh, basically coordinate with, uh, DID, um, voted parties or city council as  
25 well and run the ambassador program, overseeing the deployment of all  
26 ambassadors on the streets. Uh, scheduling, um, maintenance repair,  
27 purchasing issues, pretty much anything...management and whatever (laughs).

28  
29 Q: Okay, and on the night of, uh, November 10<sup>th</sup>, 2012 were you working?

30 A: I was.

31  
32 Q: And where were you at – there was an incident at 3<sup>rd</sup> Street and Hennepin,  
33 um, were you out in that area at approximately 1700 - 1705 hours?

34 A: I was.

35  
36 Q: And what were you doing in that area?

37 A: Just walking, um, usually it's – one of my job duties is to, since we do have a  
38 hundred and twenty square blocks, is to be able to go out on the streets and  
39 make sure our ambassadors, whether they're our safety ambassadors, cleaning  
40 ambassadors and special projects, are doing what they are supposed to be  
41 doing. Unlike a regular office environment it's kind of hard to tell what they're  
42 doing unless you, you know, out there going up and checking on 'em.

43  
44 Q: Okay.

45 A: Uh, so at that time, um, so that's the reason I was out there.

46  
47 Q: Okay and, um, when you were out at 3<sup>rd</sup> and Hennepin at about 1700 - 1705  
48 hours, did you witness something?

1 A: I did, um, as I was walking on the north side of 3<sup>rd</sup> Street approaching the  
2 northwest corner of 3<sup>rd</sup> and Hennepin, smelt a strong odor of what smelled like to  
3 me marijuana, um, so I looked in the bus shelter and it was a clock bus shelter  
4 on that corner and there is like two main vestibules and a main foyer area in the  
5 center. The one on I'd say the closest of the northwest corner, there was about  
6 eight to ten probably individuals in there and from what I observed smoking  
7 marijuana or some type of narcotic and they were passing it around.

8  
9 Q: Okay.

10 A: Um, I observed them for five - ten minutes doing this and made a call to my  
11 dispatch, which, um, they were able to put a camera on it, but didn't have a good  
12 view, and at that time I requested a call be placed to 911 for a response.

13  
14 Q: Okay and did you stay in that area and wait for the police to respond?

15 A: I did, um, I initially walked across to the - actually northwest corner, it was the  
16 northeast corner the bus shelter is on. And then I traveled down to the southwest  
17 corner where the other bus stop is, pretty much kiddie corner to that bus stop and  
18 just continued to observe them until units arrived.

19  
20 Q: Okay and when the police arrived, um, did you stay in the south corner or did  
21 you come closer to the bus stop again.

22 A: I came closer, once I, um, saw that they arrived on scene I started to head  
23 back north, uh, up to the northwest corner of 3<sup>rd</sup> and Hennepin and maybe twenty  
24 or thirty feet up there there is like a tree and I'm kind of just leaning up against a  
25 tree pretty much directly across from the bus stop and just observing everything  
26 that was taking place.

27  
28 Q: Okay, and, um, can you tell me what you observed once... tell me what you  
29 observed the police do once they arrived on scene?

30 A: Um, first they arrived on scene they, uh, made an announcement over the  
31 loud speaker or the blow horn, um, they had their headlights and both spotlights  
32 to me, uh, shining into that main vestibule area on the northeast corner, um, and  
33 at that time that's when I, uh, motioned myself or moved myself from the north or  
34 the southeast corner up to the northwest corner or, yeah, southwest corner up to  
35 the northwest corner.

36  
37 Q: Okay.

38 A: So, um, and from there then I positioned myself. Um, maybe a couple  
39 minutes later there was an officer that detained an individual, had, um, what  
40 looked like to me was already in... was in handcuffs, um, wasn't able to see  
41 inside the bus shelter what took place prior to this.

42  
43 Q: Okay.

44 A: Um, just because there was so much light and clarity and the glass was bad  
45 but anyways um the officer had this individual in handcuffs, um, behind the back  
46 and was escorting him along the sidewalk and the suspect or the arresting  
47 person, um, was being very verbally abusive to the officer.

1 Q: Okay.

2 A: Um, was jumping up, basically with... the officer had one arm on him carrying  
3 him, basically jumping up and kind of flail or kick his legs.

4  
5 Q: Okay.

6 A: Um, you know, what I do, what I do, you know let me go, I didn't do anything  
7 wrong, so on and so forth. The officer is like you know you just need to calm  
8 down, um, and that's pretty much what I heard since I was across the street.

9  
10 Q: Okay.

11 A: Um, for the loudness of the voices that were carrying.

12  
13 Q: Okay.

14 A: Um, was able to, the suspect he was still trying to resist, wiggling back and  
15 forth, jumping up and down, um, very loudly making... I wouldn't say actions or  
16 threats against the officer but, uh, was not being cooperative.

17  
18 Q: Okay.

19 A: In any respect, or not showing any respect at all towards him.

20  
21 Q: Okay.

22 A: Um, you know jumping around, flailing around. The officer took him down.  
23 Another officer I believe at that time came up and helped him and they escorted  
24 him over to the car, um, got the car open put him obviously against the car.

25  
26 Q: Um-hum (positive response).

27 A: Did a full search, um, put him in the car. Had a little trouble in that aspect  
28 where was, um, you know again the guy was resisting most of the time.

29  
30 Q: Um-hum (positive response).

31 A: At that point, uh, while this is going on the rest of the individuals that were  
32 inside that bus stop vestibule were in that main foyer area or just right outside  
33 and the other responding units – officers, they were dealing with them.

34  
35 Q: Okay.

36 A: Um, you know, and there was one guy particularly that was within that group  
37 that was passing around the narcotics that was very verbally upset saying, you  
38 know, why'd you treat this guy this way and so on so forth. That's not right, um,  
39 maybe roughly fifteen, ten - fifteen minutes later they... officers went to – the  
40 same officer that carried him went to talk to the individual in the car, in the back  
41 of the squad car. Opened up the door, uh, there was another officer I think just  
42 more towards the front of the squad, um, was trying to talk to him and they went  
43 to try to shut the door and the suspect just wouldn't let them shut the door. You  
44 know they tried shutting the door again and the suspect was visibly, I could see  
45 him just, you know, trying to push the door open, wouldn't let 'em close or  
46 anything, um, and that time they took him out again in the car, uh, put him up  
47 against the side, didn't hear anything on what was said or exchanged other than  
48 the suspect's still very much being abusive and resistance to what was going on.

1 Q: Okay.  
2 A: Um, eventually they got him back in the car and shut the door, um, again they  
3 at that time about five minutes later after that the majority of the people that were  
4 associated in the vestibule, they either were cited or they were just finally  
5 disbursed from that area, except for like two people I believe.  
6  
7 Q: Okay.  
8 A: Um, another individual who was a heavier set black or African American  
9 male, probably mid-forties or so.  
10  
11 Q: Okay.  
12 A: Uh, maybe five-ten, five-eleven, uh, but he was the most, um, opinionated or  
13 voiceful of saying, you know, that's wrong why do you treat him like this, so on an  
14 so forth, um, referring to obviously the individual that they had in custody was  
15 again a black African male, I'd say late - mid to late twenties, maybe early  
16 thirties.  
17  
18 Q: Okay.  
19 A: You know, five-ten, five-eleven, I think some sort of (inaudible) little hair, as  
20 well.  
21  
22 Q: Okay.  
23 A: Um, so after they talked to him, uh, I approached (inaudible) across the  
24 intersection over the south or the northeast corner, uh, approached the officers  
25 said hey you know what, I don't know if you need anything from me in regards to  
26 what happened here, just because I heard this guy mouthing off and I gave, uh, I  
27 believe it was Sgt. Nelson my business card.  
28  
29 Q: Okay.  
30 A: Saying if you need anything just, you know, please feel free to contact me. I  
31 was like you know, to me; I don't know, my opinion there wasn't any excess of  
32 force used in my opinion.  
33  
34 Q: Okay.  
35 A: Um, I mean the guy was being very resistive, very verbally abusive towards  
36 the officer, um, you know they, these... to me he was doing the best he could to  
37 control the suspect.  
38  
39 Q: Okay, alright. Um, I'm just gonna ask a few questions of some of the things  
40 you said. When you, um, when you said they made a, the officers made an  
41 announcement over the squad PA, do you recall if it was a male or a female that  
42 made - could you tell?  
43 A: Oh I think, I'm not a hundred percent positive but I want to say one of each  
44 did.  
45  
46 Q: Okay.



1 A: Um, that's kind of what got my attention cause I was kind of like looking  
2 around, looking in back because usually after these types of calls when we call it  
3 in, it's such a low priority call on the 911 board system.

4  
5 Q: Um-hum (positive response).

6 A: Um, that sometimes they don't even show up in time or whatever so, but they  
7 showed up actually quite in time and that's how I noticed that they arrived on time  
8 by the announcement and I was like oh they're here.

9  
10 Q: Okay, do you recall, um, what they said, maybe not specifically but what they  
11 – kind of the gist of what they said over the PA to the group?

12 A: Uh, I think it was you know, something like, uh, stay there don't move, you  
13 know, just stay where you're at.

14  
15 Q: Okay, um, and for the most part did it seem like the groups stayed until the  
16 officers got out of the car or did you see any of them run from the area?

17 A: I didn't see anybody run from the area, I seen some of 'em kind of being  
18 all...try to disburse like maybe over to the main foyer area of the, um, far  
19 vestibule on the bus shelter.

20  
21 Q: Okay, um, and then you talked about the individual that the officers ended up  
22 detaining. You said he was jumping up and verbally abusive. Do you recall any  
23 of the things that he was saying, any phrases or any words he was using towards  
24 the officers?

25 A: Um, ~~he was, you know, what did I do, why am I being detained, so on and so~~  
26 ~~forth, um, that was the main part of it, you know, it was like he didn't know what~~  
27 ~~he did wrong and he kept on... basically that's what he was repeating, what did I~~  
28 ~~do, what did I do wrong.~~

29  
30 Q: Okay, um, and then when you talked about, um, he had been seated in the,  
31 the person who was detained was seated in the squad car and then they opened  
32 the door and you said he wasn't letting 'em close the door and you had kind of  
33 motioned with your shoulder like he was pushing, um, would – just for the record  
34 would that be accurate. He was using his like body weight to push the door open  
35 or block them from closing it.

36 A: Right, yeah. He was definitely trying to prevent them from closing it because  
37 they wouldn't have had to...none of this, kind of, like the one had to close the  
38 door and the door just popped right back open and that's when they tried closing  
39 the door again and he was, you know, still screaming at the officer and visibly  
40 trying to prevent the door from closing on its own.

41  
42 Q: Okay, um, did you know, uh, any of the officers, um, that were involved in this  
43 incident from any previous work through the DID or anything?

44 A: Um...no.

45  
46 Q: Okay, um, I'm just gonna go to the report here. Did at any time you notice  
47 the individual that had been detained in the squad car, did you notice a police

1 officer put a choke hold, um, around this individuals neck at any time while you  
2 were out there?

3 A: Standing up, no. I mean possibly trying to get him under control when the  
4 suspect was, you know, in handcuffs, jumping up and flailing his legs on the  
5 sidewalk, trying to being escorted over to the squad car, um, but nothing  
6 intentional.

7  
8 Q: Um-hum (positive response).

9 A: You know nothing like, you know, I'm gonna put you in a Full Nelson or you  
10 know I'm just standing there and okay there it goes.

11  
12 Q: Okay.

13 A: No.

14  
15 Q: Okay, um, did you hear the officer use any racially derogatory language, um,  
16 to the individual that was in handcuffs?

17 A: I did not.

18  
19 Q: Okay, um, did you see, um, and I don't know if you could see from where you  
20 were at. Did you see an officer go into this squad car and physically put his  
21 hands around the throat of the individual, like in a choking motion at all? If you  
22 couldn't see it...

23 A: No, no really, I mean that whole door, um, the squad door instance, I know  
24 they were trying to initially get him back in, so I mean they had to open up the  
25 door and kind of shove him in. So whether, I don't know... the hands landed on  
26 the neck or what part of the body, ~~I wasn't that close to see that~~ but you know, I  
27 know they were trying to get him into the car and secured.

28  
29 Q: Okay, um, and then when you described towards the end there was an older  
30 African American male, possibly in his forties, that was, um, asking – making  
31 statements about what the police did?

32 A: Um-hum (positive response).

33  
34 Q: Um, did it appear to you that he was with this group or possibly just happened  
35 to be in that bus stop?

36 A: I'm pretty sure he was with, uh, that group inside the bus shelter, um, I can't  
37 say a hundred percent, uh, there was a few other people that were in the farther  
38 vestibule of that bus shelter, so it could have been, you know, after everything  
39 was going on I was looking at this, could have been, you know, came over and  
40 saw the whole thing, kind of inter-mixed with the other people that were in there  
41 that kind of, uh, funneled out into the main foyer area.

42  
43 Q: Okay. Um is there anything else about this incident that stands out to you  
44 that you think I should know about?

45 A: Um, you know not too much, I mean other than you know my personal  
46 opinion I don't see how someone could act the way they did act if they were just  
47 smoking marijuana.

48

1 Q: Okay.  
2 A: Um, you know being that resistive, not understanding why they were being  
3 detained, um, continually through the whole time, um, yelling in the squad car,  
4 trying to prevent the door from being closed and you know, not feeling any pain,  
5 you know, from his resistance and, you know, some of the force they had to, in  
6 my opinion they had to, um, apply to subdue the individual, um, without him  
7 causing harm to any of the officers around.

8  
9 Q: Okay, um, is there anything else that you can think of that stood out about  
10 this event or anything that you think I should know about?

11 A: No, I don't think so.

12  
13 Q: Okay and the night of this incident when you observed it were you under the  
14 influence of any alcohol or narcotic at the time?

15 A: I was not.

16  
17 Q: Okay, has this been a true and accurate statement today?  
18 A: It has.

19  
20 OKAY IF THAT IS IT, THIS STATEMENT WILL BE CONCLUDED AT 1305  
21 HOURS.

22  
23  
24  
25

---

Justin Kaler	Date	Witness
--------------	------	---------

26  
27  
28  
29

30 I have received a copy of this statement.

31  
32  
33

---

Justin Kaler		
--------------	--	--

34  
35

**Chiodo, Melissa**

---

**From:** Chiodo, Melissa  
**Sent:** Tuesday, November 13, 2012 7:25 PM  
**To:** 'jkaler@blockbyblock.com'  
**Subject:** Interview

Justin,

I just wanted to confirm our interview for Thursday November 15<sup>th</sup> at 1:00pm in City Hall Internal Affairs Room 112. If something comes up and you need to re-schedule please call me on either my cell at 612-919-9130 or my desk at 612-673-2748.

Thank you for your assistance.

*Sgt. Melissa Chiodo*  
*Minneapolis Police Department*  
*Internal Affairs Unit*  
*350 S. 5<sup>th</sup> ST RM 112*  
*Minneapolis, MN 55415*  
*(612)673-2748*

*This electronic message may contain investigative data which is non-public pursuant to Minnesota Statutes section 13.82 subdivision 7, or personnel data which is non-public pursuant to Minnesota Statutes section 13.43 subdivision 4.*

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**Case Report with Supplements**

**Minneapolis Police Department**

**CCN: MP-12-351609**

**Report Details**

<b>Reporting Officer:</b>	001075: John Chamberlain	<b>Approval Status:</b>	Approved
<b>Assisting Officer:</b>	000214: Sherry Appledorn	<b>Approval Date:</b>	Nov 10, 2012
<b>Supervising Officer:</b>	005040: Patricia Nelson	<b>Date Returned:</b>	
<b>Approving Supervisor:</b>	005040: Patricia L Nelson	<b>Return Count:</b>	0
<b>Call/Sqd:</b>	160	<b>Date Printed:</b>	Nov 13, 2012
<b>Precinct:</b>	01	<b>Last Uploaded:</b>	Nov 10, 2012
<b>Related CCN :</b>	--	<b>Solvability:</b>	100
<b>Reported Date:</b>	Nov 10, 2012 18:00	<b>Primary Routed Unit:</b>	4116 - Assault
<b>Entered By:</b>	001075		

**Incident Details**

<b>Offense1:</b> OBSTRU	<b>Desc:</b> Obst Legal Process	<b>Statute:</b> 609.50	<b>Attempted:</b>
<b>Offense2:</b> DISCON	<b>Desc:</b> Disorderly Conduct	<b>Statute:</b> 609.72	<b>Attempted:</b>
<b>Offense4:</b> FORCE	<b>Desc:</b> Use Of Force	<b>Statute:</b>	<b>Attempted:</b>
<b>Address:</b>	3 ST S MINNEAPOLIS, MN 55401		
<b>Intersection:</b>	Hennepin AV S		
<b>Occurred From:</b>	11/10/2012 17:05	<b>Dispatched:</b>	17:07:00
<b>Occurred To:</b>	11/10/2012 17:58	<b>Arrived:</b>	17:14:00
<b>Location:</b>		<b>Cleared:</b>	19:00:00
<b>Involved:</b>	No		

**Public Data**

Officers responded to a disturbance at the listed location.

REC: FURTHER INVESTIGATION.

**A. Stee**

**Role / Role #:** A001  
**Name:** Guar, Trokon Teddy  
**Residence:** 10765 Scott AV  
 Fridley, MN 55443  
**Telephone:** H:none  
**Drv Lic #:** [REDACTED]  
**Date of Birth:** 12/25/1990  
**Race:** Black  
**Sex:** Male  
**Height:** 509  
**Build:** ME  
**Email:** T\_MAN1SON@YAHOO.COM

**MPD#:**

**Event Age: 21**      **Est. Age: 21 - 21**  
**Medical Treatment:** No

**Arrest Information**

**Arrest Address:** 3 ST S  
 MINNEAPOLIS, MN  
**Intersection:** Hennepin AV S  
**Arrest Date:** Nov 10, 2012 17:16  
**Arrest Location:**  
**Disposition:** Other  
**Arresting Officer:** 000214: Appledorn, Sherry R  
**Arresting Officer:** 001075: Chamberlain, John Paul

**Precinct:** 01

**Call/Sqd:** 160  
**Call/Sqd:** 160

**Charges**

	<u>Type</u>	<u>Charge Code</u>	<u>Statute</u>	<u>Citation</u>	<u>Related CCN</u>
Misdemeanor	Misdemeanor	DISCON - Disorderly Conduct	609.72		
Other	Misdemeanor	OBSTRU - Obst Legal Process	609.50		

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Appearance	Mad/Angry	DISCON	
Appearance	Mad/Angry	OBSTRU	
Appearance	Drunk	DISCON	
Appearance	Drunk	OBSTRU	
Appearance	Drugged	DISCON	
Appearance	Drugged	OBSTRU	
Appearance	Uncooperative	DISCON	
Appearance	Uncooperative	OBSTRU	
Complexion	Dark	DISCON	
Complexion	Dark	OBSTRU	
Employment Status	Unknown		
Eye Color	Brown		
Force Used	Yes		
Hair Color	Black		
Hair Length	Short		
Hair Style	Afro/Natural		
Type of Resistance Encountered	Commission of Crime		

**Police Victim**

**Role / Role #:** PV001  
**Name:** Chamberlain, John

MPD CAPRS Case Report With Supplements - MP-12-351609

Residence: 19 4 ST N  
 Minneapolis, MN 55401  
 Telephone: W:612-673-5701  
 Date of Birth:  
 Race:  
 Sex:  
 Height:  
 Build:  
 Victim of: OBSTRU  
 Off. Badge:  
 Activity Type:  
 Weapon Type:  
 Victim of:  
 Off. Badge: 001075  
 Activity Type: Attempting Other Arrest  
 Weapon Type: Hands  
 Asst. Officer: 000214  
 Assaulted by: A001 - Guar, Trokon

Event Age: 0  
 Medical Treatment:  
 Est. Age: 0  
 No  
 Assignment Type:  
 Injury Type:  
 Assisted:  
 Assignment Type: 2 Person Vehicle  
 Injury Type: Apparent Minor Injury  
 Assisted: Y

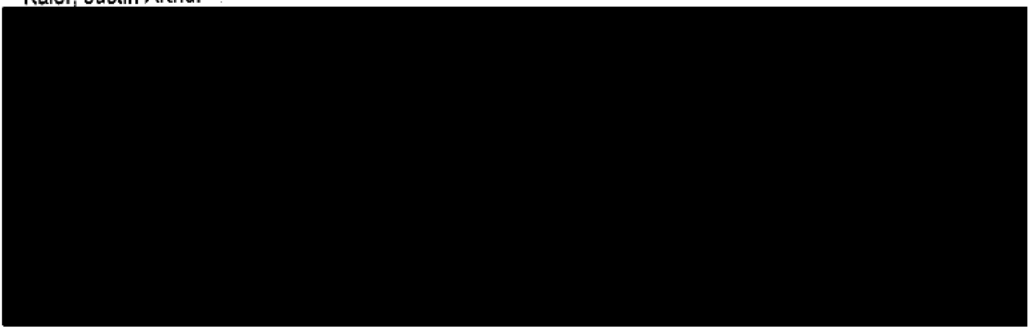
**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Employed		
Force Used	No		

**Witness**

Role / Role #: W001  
 Name: Kaler, Justin Arthur

Address:



Telephone:  
 Drv Lic #:  
 Date of Birth:  
 Race:  
 Sex:  
 Height:  
 Build:  
 Email:

**Employment Information**

<u>Employer/School</u>	<u>Address</u>	<u>Telephone</u>	<u>Occupation</u>
Minneapolis Downtown Improvement District	600 9 ST S Minneapolis, MN 55404	332-1113	Operations Supervisor

Availability:

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Employed		

**Witness**

Role / Role #: W002  
 Name: Benford Jr, Woodrow  
 Address: 6540 River RD E Apt. 337  
 Fridley, MN 55432  
 Telephone: C:952-406-1129

MPD CAPRS Case Report With Supplements - MP-12-351609

Drv Lic #: [REDACTED]  
Date of Birth: 11/14/1948      Event Age: 63      Est. Age: 63 - 63  
Race: Black  
Sex: Male  
Height: 511  
Build: ME

---

**Witness**

Role / Role #: W003  
Name: Edwards, Johnny Phillip  
Residence: 173 Glenwood AV Apt. 316  
Minneapolis, MN  
Telephone: C:612-910-4071  
Date of Birth: 12/14/1957      Event Age: 54      Est. Age: 54 - 54  
Race: Black  
Sex: Male  
Height:  
Build:

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**Witness**

Role / Role #: W004  
Name: Arceneaux, Erica Arneise  
Residence: 1041 County Rd D E Apt. 303  
Vadnais Heights, MN 55109  
Telephone: C:612-396-6520  
Drv Lic #: [REDACTED]  
Date of Birth: 08/27/1993      Event Age: 19      Est. Age: 19 - 19  
Race: Black  
Sex: Female  
Height: 504  
Build: ME

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**Witness**

Role / Role #: W005  
Name: Vaughn, Shawntrel  
Residence: 2723 Knox AV N  
Minneapolis, MN 55411  
Telephone: C:612-578-7648  
Date of Birth: 06/23/1994      Event Age: 18      Est. Age: 18 - 18  
Race: Black  
Sex: Male  
Height:  
Build:

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**Witness**

Role / Role #: W006  
Name: Mitchell, Marquel Joseph  
Residence: 3307 Russell AV N  
Minneapolis, MN 55412



**Telephone:** 0:612-396-6520  
**Drv Lic #:** [REDACTED]  
**Date of Birth:** 01/14/1993 **Event Age:** 19 **Est. Age:** 19 - 19  
**Race:** Black  
**Sex:** Male  
**Height:** 511  
**Build:** ME

**Relationships**

None Defined

**Modus Operandi**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Crime Elements	Drugs	DISCON	
Crime Elements	Drugs	OBSTRU	
Crime Elements	Comments	DISCON	
Crime Elements	Comments	OBSTRU	
Crime Location	Park Lot/Ramp	DISCON	
Crime Location	Park Lot/Ramp	OBSTRU	
Crime Location	Mtc Property	DISCON	
Crime Location	Mtc Property	OBSTRU	
Criminal Activity	Using/Consuming	DISCON	
Criminal Activity	Using/Consuming	OBSTRU	
Suspect Action	Comments	DISCON	
Suspect Action	Comments	OBSTRU	
Type of Drugs	Marijuana/Hash	DISCON	
Type of Drugs	Marijuana/Hash	OBSTRU	

**Non-Inventoried Property**

**Property and Evidence**

PI#	Item #	Description	Owner	Qty	Make/Mod/Ser #	Auth ID	Dsp Dt	Dsp Mnr
2012-42821	1	DIGITAL PHOTOGRAPHIC EVIDENCE		1				
2012-42821	2	DIGITAL PHOTOGRAPHIC EVIDENCE		1				
2012-42822	1	MVR, P#76371, SQUAD #106, TAPE #P1-1318		1				

**Case Supplements**

5 supplements begin on the following page.

Supplement number: 1

CCN: MP-12-351609

Author:

001075 - John Chamberlain

Supplement of Off J.Chamberlain #001075 on 11/10/2012 20:56

Police responded to the above intersection to investigate a disturbance call. DID was the 911 caller. The remarks indicated that a group of 10 were smoking marijuana at the above location. Police observed odor of marijuana use inside of the bus shelter by a large group at this location. AP1 began using profanities and his actions were getting the other members of the group beside him upset. AP1 was ordered to step away from the group and he showed much hostility towards police. AP1 was then told he was under arrest. The on duty supervisor was called to the scene to assess the force used. AP1 was eventually ID'd and tagged in lieu for DISCON and OBSTRUCT.

REC: CASE CLOSED BY ARREST.

On Saturday, November 10, 2012, at about 1707 hours, I was working uniformed patrol district 160 (as the passenger) with my assigned partner OFCR APPLIEDORN. At this time, officers were dispatched to a DISTURBANCE located at the NE corner of HENNEPIN AVE and 3RD ST S. The 911 caller was the Downtown Improvement District (DID). The remarks of the call stated the following:

"11/10/2012 17:06:13 CT064075 Response NE CORNER GRP OF 10 SMOKING POT"

Upon arrival, officers located a group at the NE corner of the above intersection inside the bus shelter closest to the north (there were two separate bus shelters right next to each other at this location). I saw a group of males sitting in the bus shelter. Officer APPLIEDORN pulled the car up to the north shelter from the surface parking lot; officers were specifically coming from the north. I illuminated the shelter area with the squad car's overhead takedown lights and my side spotlight.

Officers walked up to the bus shelter entryway and I could immediately smell from my career experience and career training that there was a pungent odor of marijuana coming from the bus shelter. The other adjacent shelter appeared unoccupied and was available for any individuals wishing to stay away from marijuana use.

I used my portable flashlight to illuminate the group in addition to the squad car's lighting. I notified MECC dispatchers via radio that officers were out with the group.

When I shined my flashlight at the group, one of the males facing officers, (later ID'd as AP1) said, "Get those lights outta my fuckin' face!" I saw that AP1's eyes were watery and bloodshot in appearance and he appeared enraged. He continued to badger officers while using loud profanities.

There were at least 5 males in the shelter, including AP1. There were people inside of the shelter; from where officers were facing, to our right, our left, and straight ahead. The group of males were all seated on the separate benches inside of the shelter. I could smell the odor of burning marijuana, even stronger in smell, as I got closer to the enclosed portion of the shelter. The smoking of any substance is prohibited inside of bus shelters by law.

AP1 was causing a disturbance while the other males sitting in the bus stop were not being boisterous or directing profanities at police; however they were communicating with one another as if acquainted. The others in the group appeared to be getting incited by AP1's conduct. From my experience dealing with groups of people, under the influence of alcohol or drugs, I believed that it would be safest for officers to remove AP1 from the other group of males as AP1 had showed the most verbal aggression. Officer APPLIEDORN and I were also outnumbered by the group at this point in time.

I instructed AP1 to stand up. AP1 did not cooperate and he was in the furthest bench away from officers; meaning that I would have had to enter the shelter past the other group members to get a hold of AP1. I pointed my MPD issued CED (Taser) at AP1, red-dotting his torso. I told him again to stand up and to keep his hands where I could see them. I told AP1 to come back towards me outside of the shelter and to face away. He walked outside of the shelter and stood with his body facing mine. His posture was tense. I told him a second time to face away and he did not cooperate. I then told AP1 that he was "under arrest" and to face away. I pushed him with my free hand, I still had my CED in my weapon hand. He took a step back and his eyes became wide and his profanities and boisterous tone continued. I told him he was interfering with officer's ability to do our jobs. I entered my CED and handcuffed AP1. I tried to walk AP1 away from the bus shelter and towards the squad car parked on the surface lot and AP1 violently pulled away from me. I briefly attempted a wrist lock but these attempts at control were not effective. AP1 had not been searched at this point and I did not know his intentions. I then used a conscious neck restraint to

bring AP1 under control. I lowered AP1 to the ground but he struggled violently. I did not use any strikes, and AP1 did not appear to go unconscious. I did use my body weight to pin AP1 down until I could check his waistband for weapons. AP1 began screaming at me while he was down on the ground. I did not use any strikes directed at AP1, but he was moving his body aggressively while down on the ground. It is possible that his face made contact with the asphalt.

OFCR APPLIEDORN was still speaking with other males from the group.

I saw and heard an older male standing nearby with his cellphone in his hand, appearing to record the incident.

I was able to get AP1 to stand up and walk over to the squad car. He was continually indignant and used loud profanities. I searched AP1 more thoroughly at this time, because AP1 needed to be booked to prevent further criminal conduct. AP1 began raising his voice again, while I was searching him and pulled his body away. I pinned AP1's body between the squad car and my body. It seemed likely that AP1 was trying to distract me from searching him, possibly to prevent me from locating contraband at a NARC related call. I told AP1 to spread his feet and he did not cooperate. I used a hypoglossal pressure point technique; in order bring AP1's resistance under control. I checked AP1's hands and handcuffs for fit prior to pushing him into the squad car. I had my flashlight in my free hand. AP1 again, tried to get out of the car, causing me to bump my head against the door frame of the squad car. I pinned his leg with my knee and pushed his head back with hypoglossal pressure point, long enough to get him all the way inside of the squad car and I got out and secured the door.

I then got in the front passenger seat of the squad car and attempted to ID AP1 by name. Initially he told me that he wasn't going to give his name. I then explained to him why officers were on the call by showing him the computer. I showed him that he was at the NE corner of 3TH ST and HENNEPIN AVE and that the remarks indicated that there was marijuana being smoked by 10 at this location. He seemed to calm down and told me that his name was on his ID. AP1's mood swings were cyclic, but at this point he was softer spoken and it seemed like he had calmed down. I then attempted to get his ID from him because I was not able to get it before, and he had convinced me that he would be cooperative. As soon as I opened the door he quickly kicked his legs out, I took a step back to avoid being struck, at which time moved his body out of the squad car. I tried to use my strength to maintain control of him and to prevent flight. My efforts to bring him under control by my strength again proved to be unsuccessful. I then used the conscious neck restraint to lower AP1 to the ground. AP1 did not appear to be conscious at this time. At this point, OFC APPLIEDORN and OFC BASKIN assisted me with getting AP1 into the squad car. I closed the door. SGT NELSON responded to the arrest scene. I asked her if she wanted me to report the force at this time and she said that I could report it back at the station.

I noticed that I had fresh scratches on both my left and right forearms as a result of the struggle with AP1 and a blood spot on my left shoulder patch. I showed my injury to SGT NELSON and she photographed the scratches and blood stain to my patch.

**END of Supplement 1**

Supplement number: 2

CCN: MP-12-351609

Author:

000214 - Sherry Appledorn

Supplement of Off S.Appledorn #000214 on 11/10/2012 20:58

While working squad 160 with my partner OFC Chamberlain, we were dispatched to 3 St S/Hennepin Av S on the NE corner where the MTC bus shelter is located that there is a group smoking "pot" according to the caller.

I pulled into the parking lot from Hennepin Av S to approach the front of the bus shelter at which point I could see that there were some people sitting in the shelter. The bus shelter is partially enclosed with glass on three sides except for the east facing side; this is where I pulled the front of the squad to face with the lights into the shelter. Because it was dark outside and the shelter was not lit from inside, I used the front headlights and OFC Chamberlain turned on his spot light and also the take down lights on top of the squad. This was enough light that I could visibly see everyone making sure that our safety was not jeopardized.

There is a wooden fence that is used to block the front of the bus shelter and stretches along the shelter and partially past. Because of the height of the wooden fence I did not want to try and jump over and fall, so I walked down to one of the opening which was closest to the group sitting inside the shelter.

When I got to the front of the opening I could see that there were about six people sitting in the shelter and one of them as later ID as Trokon Guar 12-25-90. Guar was sitting on the far bench which faces the squad which is why he started to complain about the lights being in his face. He was getting upset over the lights and had asked that we "officers" turn the lights off and that is was "wrong" for us to be using them. I told Guar "Honey, it is dark outside and I need to see and I am old" which I said to help diffuse the situation of Guar getting upset. He continued to complain and I again told him that I needed to see and just give me a minute to figure stuff out. It should be noted that the rest of the group sitting in the shelter was compliant and had no issues with the lights being used.

I heard OFC Chamberlain tell Guar to relax and to "shut up" which Guar said he was doing nothing wrong which I then noticed the taser red dot on Guar chest/torso area. It should be noted that he was still sitting at this time when the taser red dot was deployed by OFC Chamberlain. I then heard OFC Chamberlain tell Guar that he was under arrest and to get up, but Guar refused right away saying something to the effect that he was doing nothing wrong. OFC Chamberlain again told him to get up and walk toward him.

Guar got up leaving his belongings on the bench and started to walk toward OFC Chamberlain at the same time Guar was upset over being asked to get up and being placed under arrest and was yelling about it but I don't remember what all he was saying. I was now focused on the remainder of the group sitting in the bus shelter. I noticed movement out of the corner of my right eye which is where OFC Chamberlain was with Guar, I was watching the group but also trying to keep OFC Chamberlain in view. I saw him shove Guar up against the glass of the shelter face first at the same time telling him to get his hands behind his back. OFC Chamberlain was able to get him handcuffed and started to walk him back toward the squad.

I then explained to the group that we got a 911 call on several people smoking inside the shelter and that I could smell both marijuana and cigarette smoke, which the group verbally acknowledged but denied it was them. It should be noted that I did not observe anyone smoking when I first arrived on scene. While I was talking with the group of which they appeared to be teenagers, I heard Guar yelling and screaming about how he wasn't doing anything wrong and I observed OFC Chamberlain take Guar to the ground and apply a neck restraint on him. Guar was yelling and I walked over to where they were at and I told Guar to stop resisting and just to relax to stop struggling with OFC Chamberlain while they were both on the ground at this point. At some point OFC Chamberlain then got compliance and got Guar up to his feet and started to walk him back to the squad. I watched OFC Chamberlain walk Guar to the back of the squad on the passenger side and open up the door. I observed Guar being put up against the trunk of the squad with his face on the back windshield and I could hear Guar yelling about OFC Chamberlain but then Guar was placed in the rear of the squad.

I then noticed that OFC Baskin had arrived on scene and asked me if I needed anything in regards to the group that was still in the shelter. I was up by the group and they were yelling about OFC Chamberlain and his behavior and one asked if they could go. I told them that everything was ok with them and if they wanted to leave they could. At some point another person walked up and said something about "that officer and his behavior and that he has it on his cell phone".

I could hear Guar yelling while he was in the back of the squad because I had the back windows down because of how nice it was outside. I looked over and saw OFC Chamberlain in the backseat of the squad leaning inside and partially on top of Guar with his hands around Guar's neck. I then saw Guar being taken out of the backseat of the squad and being put on the ground and OFC Chamberlain was administering a neck restraint.

I immediately started over in their direction because now I could leave because the group had left the bus shelter unlike before I had to keep an eye on them and OFC Chamberlain and Guar dividing my attention making sure the group would not get involved because like I said earlier they were already upset over OFC Chamberlain's behavior. I have had past experiences where groups standing by and watching get "worked up" upset and start yelling and at some point will try to get involved.

When I got over the squad OFC Chamberlain was trying to get Guar back into the backseat but Guar was not going to go saying something about "he is trying to kill me" and stiffened his body upright which was making it hard for OFC Chamberlain to get him into the squad. I walked over to the driver side of the squad and opened the back door and crawled inside, knowing this goes against my comfort in officer safety placing myself in this position, but I did this to try and de-escalate the situation in getting Guar in the backseat. Once I was inside the back of the squad, I started to talk very calm and slow saying "honey just relax, breath and get inside" which Guar turned to his left looking at him and got inside the squad all the way. I was trying to calm Guar down over the situation and I told him that I was taking care of this and had called my sergeant. I closed the backseat door and noticed that the windows were now rolled up.

I then walked over to the guy that said initially that he had been taping the incident and was explaining to him that I had a sergeant coming out and that if he would be willing to stay she would like to view the video.

OFC Chamberlain then yelled at me that "we are leaving" and when I did not acknowledge him, he got on the PA system of the squad "loud speaker" and yelled "we are leaving get in the squad, he's going to jail". It was then that I walked over to OFC Chamberlain who was sitting in the front seat and told him that we are not leaving and Sgt. Nelson was coming out to the scene that I had called her to come out.

Sgt. Nelson arrived on scene and I spoke to her about what occurred. Sometime later Sgt. Nelson wanted to speak with Guar and take some photos and which point I took him out of the backseat of the squad took the handcuffs off. While Sgt. Nelson was asking him questions about the incident and if he needed medical attention, he mentioned that OFC Chamberlain put something to his throat at the same time he was making hand gestures in trying to describe what was used. He at first held his hands out in front to show how long the 'thing' and then said it was on his belt. I looked at my belt trying to figure out what Guar was talking about and then he made another gesture with his hands like a up and down motion at which point I took out my ASP and showed it to him and he stated that was it.

I was informed to go to the precinct to start my report which I started to and then realized when I got here and opened up the trunk that I had Guar property. I then returned to incident location and returned his property.

**END of Supplement 2**

Supplement number: 3

CCN: MP-12-351609

Author:

005040 - Patricia Nelson

Statement of Sgt P. Nelson #005040 on 11/10/2012 21:46  
12-351609: Disturbance

On 11/10/2012 at 1710 hours, I was called to 3rd St S/Hennepin Avenue S by Officer Appledorn. She was assigned Squad 160 with her partner, Officer John Chamberlain, and they were out on a disturbance call (CCN: 12-351609). When I arrived, I was met by Officer Appledorn, who informed me that Officer Chamberlain had used force against the male (TROKON GUAR) in their back seat. She then directed me to several witnesses that were in the bus stop on the Northeast corner of the intersection.

The following is a summary of what the witnesses told me:

When officers pulled up facing the bus shelter (in the parking lot, facing southwest), they had their spotlights and takedown lights on. Officer Appledorn was initially making contact with the group when GUAR told her the lights were bright. At that point, Officer Chamberlain walked up to GUAR with his taser out, started yelling at him that he was under arrest, then pushed him up against the walls in the bus shelter. Officer Chamberlain continued to yell at GUAR and wrenched his right arm behind his back, while still pushing him up against the bus shelter. Officer Chamberlain then put GUAR in a choke hold and they went down to the ground. Officer Chamberlain maintained the choke hold and finally handcuffed GUAR. Witness Bedford, Arceneaux, and Vaughn all demonstrated the choke hold by wrapping their arm around their neck while describing Officer Chamberlain's actions.

Once GUAR was up, and walked back to the squad car, once back at the squad car, the witnesses saw Officer Chamberlain put GUAR in a choke hold again, and try to slam him into the car door. Officer Chamberlain finally shoved GUAR into the back seat of the squad car. One of the witnesses (BENFORD) stated that Officer Chamberlain was using racially derogatory language, but did not want to repeat the exact phrases for me. BENFORD also has some of the incident captured on the video on his phone; however, he was having problems playing it back for me at the scene. He stated he would be preserving the video on his Blackberry Phone and would be able to access it better at home.

I spoke with the subject of the force, TROKON GUAR, who gave me an accounting of the incident that I recorded on my MVR in P#76371. The tape the statement was recorded on, P1-1323, was property inventoried at the precinct. I reviewed just a short portion of the video, and it appears that the entire statement was recorded. I did this because GUAR does not have a contact phone number, only a contact email: T\_Man1son@yahoo.com

Guar stated that he was standing in the bus shelter, but he was not affiliated with the original group that was smoking marijuana. When the officers pulled up, the lights on the squad were shining right at him and he made a comment about the lights being in his face. At that point, Officer Chamberlain walked up to him and put his flashlight in Guar's face. Guar also saw that Chamberlain had his taser out. Chamberlain yelled at him, and used racial slurs according to the victim, then slammed Guar up against the glass, stating that Guar was under arrest. Guar stated that he put his hands up and Officer Chamberlain wrenched his arms behind his back, pushing his right arm up into the middle of his back. Officer Chamberlain put him in a chokehold and then handcuffed Guar. Once back at the squad car, Officer Chamberlain again put Guar in a chokehold, and at some point, ripped Guar's necklace from his neck. Officer Chamberlain also grabbed Guar by the front of the throat with his hand and pinched, as well as using his ASP to push on Guar's neck. Guar stated that both techniques were extremely painful. Officer Chamberlain shoved Guar in the back of the squad car, continuing to yell at him and using racial slurs. Guar would also not tell me the exact racial slurs that Officer Chamberlain was allegedly using.

When GUAR was talking about the ASP, Officer Appledorn was standing near me, listening, and GUAR was attempting to describe the tool. He held his hands out about 12 inches apart, said it was black, and then made a flicking motion with his right wrist, while saying that the officer had it on his belt. He said that it was the thing you hit with, and then made a striking motion with his right hand, a motion that looked like a baton striking motion. At that point, Officer Appledorn removed her ASP baton from her belt, and GUAR immediately pointed at it, and said, "that's it."

Guar had a small cut over his left eye, but refused medical treatment when it was offered to him several times. I took photographs of the small cut, the broken necklace, and Guar's neck area. Guar was released from the scene. He was extremely upset, and although I had been able to calm him down enough to get a statement, he was enraged when I sent the officers back to the precinct to do their report. I explained to him that action was being taken that evening; however, I got the

impression that he thought I was not going to do anything. This suspicion was later confirmed when GUAR came to the station, upset, demanding that something be done, but he left before I could come downstairs to speak with him.

I spoke to Officer Appledorn, who was Chamberlain's partner, and she was so upset that she had to walk away from the squad car and could not even be in it with Chamberlain. She told me that he had been out of control, that he had been choking Guar. I did not have her elaborate further since I needed to make some phone calls to find out further steps. Officer Baskin was also on scene, but I did not get a chance to interview him in depth.

Officer Chamberlain offered to brief me on his use of force, but I purposely did not discuss it with him. I had all three officers return to the precinct to complete their CAPRS reports.

Squad 160 and Squad 110 did not have their MVR's recording. Squad 160 was pointed at the incident; however, Squad 110 was out on Hennepin Avenue, not pointing at the incident.

I contacted SIC to determine if there was any camera footage, there are no cameras at 3/Hennepin, however Officer Melissa Bjorklund was checking the other cameras to see if any were pointed in that direction. I requested that any possible footage be preserved.

Witness Benford stated he will be preserving his footage since he wants to make a formal complaint. He also called the precinct to make the complaint, and was informed by the desk officer to speak with me. He stated that he already had and wanted to make sure that action was being taken.

I attempted to contact security at the Minneapolis Central Library to check on possible footage from their cameras, but I have not had any success yet.

At the precinct, Officer Chamberlain showed me some red marks on both his right and left forearms that appeared to be scratches from the incident. He also had a drop of blood on his patch on his left arm. I took photographs of these injuries and the blood on a separate S/D card, and also properly inventoried it with the S/D card that had Guar's injuries, and the MVR with Guar's statement.

Officers Appledorn and Baskin, along with Officer Chamberlain, were directed to complete their reports as required by policy.

It was my decision to release GUAR at the scene without a citation or being booked because I did not believe that the criminal standards of disorderly conduct or obstruction had been met when I spoke to Officer Appledorn and the witnesses. Guar could always be charged by complaint. Officer Chamberlain had not been informed of this action before completing the public information in this report that is why Guar is still listed as A1. Also, I changed the public narrative, which was the same as the first paragraph in Officer Chamberlain's supplement, to the one sentence it currently reads. I felt that the current public information was all that was necessary at this time for the report.

**END of Supplement 3**

Supplement number: 4

CCN: MP-12-351609

Author:

000332 - Timothy Baskin

Supplement of Off T.Baskin #000332 on 11/10/2012 22:42

On 11-10-12 at about 1707 I was dispatched to Hennepin Ave. S/3rd St. S. along with Squad 160 on a disturbance call. Upon arrival I parked just north of 3rd St. on Hennepin and noticed that Squad 160 had already arrived and was parked in the surface lot by the bus shelter.

I observed Officer Chamberlain escorting a party later ID'd as Trokon Isaac Guar (05-14-69) towards his squad car. Upon arrival to his squad the back doors were locked so I unlocked them for Officer Chamberlain. Guar was yelling while being escorted and it appeared that Officer Chamberlain was struggling trying to control Guar during the escort. Officer Chamberlain placed Guar, in the rear of his squad.

I then met with Officer Appledorn who by the bus shelter and asked if there were was anything she needed assistance with and she said no. I could still hear Guar yelling and there were bystanders who were yelling in objection to the way they thought Guar was treated. I then noticed that Officer Chamberlain had the rear door to the squad open and Guar got out of the squad car and Officer Chamberlain unable to control him put him in a neck restraint and they both went to the ground. Officer Chamberlain gained control of Guar, got him up, and he was put back in the squad. It appeared that there was a good amount of struggling and effort to get Guar in the squad.

I was advised by Officer Appledorn that Sgt. Nelson was enroute. I met with the witnesses who wanted to make a complaint and advised them that a Sergeant was on the way. Sgt. Nelson arrived and met with the witnesses. I then gave Officer Chamberlain a ride back to the station to start on the report.

At about 1910 while at the front desk area, Guar came into the station and was yelling about being treated the way he was. I asked if he would like to speak to a Sergeant and he said that he didn't. He stated that his necklace was broken in the incident and that we would all be swept away by the flood.

**END of Supplement 4**





Supplement number: 5 CCN: MP-12-351609 Author: 005040 - Patricia Nelson

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Supplement of Sgt P. Nelson #005040 on 11/12/2012 00:10  
12-351609

On 11/11/2012, I went to Hennepin County Security Headquarter, located in the Government Center, and reviewed the exterior cameras on the Minneapolis Central Library. None of the exterior cameras were in a position to record the event at 3/Hennepin Avenue.

**END of Supplement 5**

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**End of report for case MP-12-351609. Print ID: a71c1a2d-1609-401e-b97a-af030d2c5d37**

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**Case Report**

**Minneapolis Police Department**

**CCN: MP-12-351609**



**Report Details**

<b>Reporting Officer:</b>	001075: John Chamberlain	<b>Approval Status:</b>	Approved
<b>Assisting Officer:</b>	000214: Sherry Appledorn	<b>Approval Date:</b>	Nov 10, 2012
<b>Supervising Officer:</b>	005040: Patricia Nelson	<b>Date Returned:</b>	
<b>Approving Supervisor:</b>	005040: Patricia L Nelson	<b>Return Count:</b>	0
<b>Call/Sqd:</b>	160	<b>Date Printed:</b>	Nov 13, 2012
<b>Precinct:</b>	01	<b>Last Uploaded:</b>	Nov 10, 2012
<b>Related CCN :</b>	--	<b>Solvability:</b>	100
<b>Reported Date:</b>	Nov 10, 2012 18:00	<b>Primary Routed Unit:</b>	4116 - Assault
<b>Entered By:</b>	001075		

**Incident Details**

<b>Offense1:</b> OBSTRU	<b>Desc:</b> Obst Legal Process	<b>Statute:</b> 609.50	<b>Attempted:</b>
<b>Offense2:</b> DISCON	<b>Desc:</b> Disorderly Conduct	<b>Statute:</b> 609.72	<b>Attempted:</b>
<b>Offense4:</b> FORCE	<b>Desc:</b> Use Of Force	<b>Statute:</b>	<b>Attempted:</b>
<b>Address:</b>	3 ST S MINNEAPOLIS, MN 55401		
<b>Intersection:</b>	Hennepin AV S		
<b>Occurred From:</b>	11/10/2012 17:05	<b>Dispatched:</b>	17:07:00
<b>Occurred To:</b>	11/10/2012 17:58	<b>Arrived:</b>	17:14:00
<b>Location:</b>		<b>Cleared:</b>	19:00:00
<b>Minor Involved:</b>	No		

**Public Data**

Officers responded to a disturbance at the listed location.

REC: FURTHER INVESTIGATION.

 **Asstee**

**Role / Role #:** A001  
**Name:** Guar, Trokon Teddy  
**Residence:** 10765 Scott AV  
 Fridley, MN 55443  
**Telephone:** H:none  
**Drv Lic #:** XXXXXXXXXX  
**Date of Birth:** 12/25/1990  
**Race:** Black  
**Sex:** Male  
**Height:** 509  
**Build:** ME  
**Email:** T\_MAN1SON@YAHOO.COM

**MPD#:**

**Event Age:** 21      **Est. Age:** 21 - 21  
**Medical Treatment:** No


**Arrest Information**

**Arrest Address:** 3 ST S  
 MINNEAPOLIS, MN  
**Intersection:** Hennepin AV S  
**Arrest Date:** Nov 10, 2012 17:16  
**Arrest Location:**  
**Disposition:** Other  
**Arresting Officer:** 000214: Appledorn, Sherry R  
**Arresting Officer:** 001075: Chamberlain, John Paul

**Precinct:** 01

**Call/Sqd:** 160  
**Call/Sqd:** 160

**Charges**

<u>Status</u>	<u>Type</u>	<u>Charge Code</u>	<u>Statute</u>	<u>Citation</u>	<u>Related CCN</u>
	Misdemeanor	DISCON - Disorderly Conduct	609.72		
Other	Misdemeanor	OBSTRU - Obst Legal Process	609.50		

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Appearance	Mad/Angry	DISCON	
Appearance	Mad/Angry	OBSTRU	
Appearance	Drunk	DISCON	
Appearance	Drunk	OBSTRU	
Appearance	Drugged	DISCON	
Appearance	Drugged	OBSTRU	
Appearance	Uncooperative	DISCON	
Appearance	Uncooperative	OBSTRU	
Complexion	Dark	DISCON	
Complexion	Dark	OBSTRU	
Employment Status	Unknown		
Eye Color	Brown		
Force Used	Yes		
Hair Color	Black		
Hair Length	Short		
Hair Style	Afro/Natural		
Type of Resistance Encountered	Commission of Crime		

**Police Victim**

**Role #:** PV001  
**Name:** Chamberlain, John

MPD CAPRS Case Report With Force - MP-12-351609

Residence: 19 4 ST N  
 Minneapolis, MN 55401  
 Telephone: W:612-673-5701  
 Date of Birth:  
 Race:  
 Sex:  
 Height:  
 Build:  
 Victim of: OBSTRU  
 Off. Badge:  
 Activity Type:  
 Weapon Type:  
 Victim of:  
 Off. Badge: 001075  
 Activity Type: Attempting Other Arrest  
 Weapon Type: Hands  
 Asst. Officer: 000214  
 Assaulted by: A001 - Guar, Trokon

Event Age: 0  
 Medical Treatment: No  
 Est. Age: 0

Assignment Type:  
 Injury Type:  
 Assisted:  
 Assignment Type: 2 Person Vehicle  
 Injury Type: Apparent Minor Injury  
 Assisted: Y

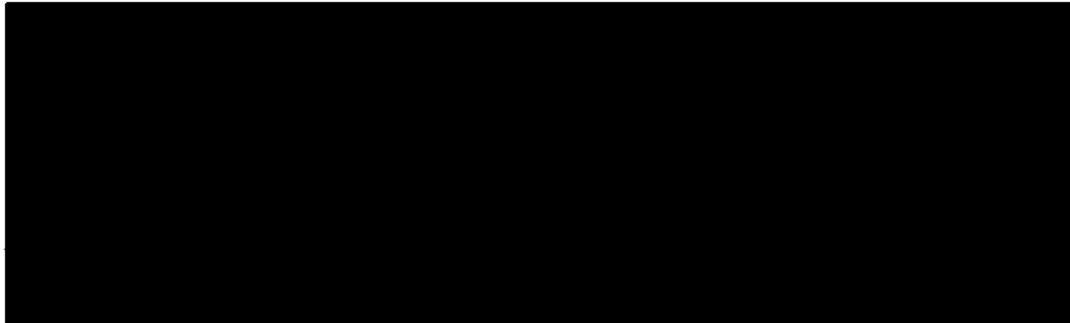
**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Employed		
Force Used	No		

**Witness**

Role / Role #: W001  
 Name: Kaler, Justin Arthur

Relationship:



Telephone:  
 Drv Lic #:  
 Date of Birth:  
 Race:  
 Sex:  
 Height:  
 Build:  
 Email:

**Employment Information**

<u>Employer/School</u>	<u>Address</u>	<u>Telephone</u>	<u>Occupation</u>
Minneapolis Downtown Improvement District	600 9 ST S Minneapolis, MN 55404	332-1113	Operations Supervisor

Availability:

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Employed		

**Witness**

Role / Role #: W002  
 Name: Benford Jr, Woodrow  
 Relationship: 6540 River RD E Apt. 337  
 Fridley, MN 55432  
 Telephone: C:952-406-1129

Drv Lic #: [REDACTED]  
Date of Birth: 11/14/1948      Event Age: 63      Est. Age: 63 - 63  
Race: Black  
Sex: Male  
Height: 511  
Build: ME

---

**Witness**

Role / Role #: W003  
Name: Edwards, Johnny Phillip  
Residence: 173 Glenwood AV Apt. 316  
Minneapolis, MN  
Telephone: C:612-910-4071  
Date of Birth: 12/14/1957      Event Age: 54      Est. Age: 54 - 54  
Race: Black  
Sex: Male  
Height:  
Build:

---

**Witness**

Role / Role #: W004  
Name: Arceneaux, Erica Arneise  
Residence: 1041 County Rd D E Apt. 303  
Vadnais Heights, MN 55109  
Telephone: C:612-396-6520  
Date of Birth: [REDACTED]      Event Age: 19      Est. Age: 19 - 19  
Race: Black  
Sex: Female  
Height: 504  
Build: ME

---

**Witness**

Role / Role #: W005  
Name: Vaughn, Shawntrel  
Residence: 2723 Knox AV N  
Minneapolis, MN 55411  
Telephone: C:612-578-7648  
Date of Birth: 06/23/1994      Event Age: 18      Est. Age: 18 - 18  
Race: Black  
Sex: Male  
Height:  
Build:

---

**Witness**

Role / Role #: W006  
Name: Mitchell, Marquel Joseph  
Residence: 3307 Russell AV N  
Minneapolis, MN 55412

Telephone: 0:612-396-6520  
 Drv Lic #: [REDACTED]  
 Date of Birth: 01/14/1993 Event Age: 19 Est. Age: 19 - 19  
 Race: Black  
 Sex: Male  
 Height: 511  
 Build: ME

**Relationships**

None Defined

**Modus Operandi**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Crime Elements	Drugs	DISCON	
Crime Elements	Drugs	OBSTRU	
Crime Elements	Comments	DISCON	
Crime Elements	Comments	OBSTRU	
Crime Location	Park Lot/Ramp	DISCON	
Crime Location	Park Lot/Ramp	OBSTRU	
Crime Location	Mtc Property	DISCON	
Crime Location	Mtc Property	OBSTRU	
Criminal Activity	Using/Consuming	DISCON	
Criminal Activity	Using/Consuming	OBSTRU	
Suspect Action	Comments	DISCON	
Suspect Action	Comments	OBSTRU	
Type of Drugs	Marijuana/Hash	DISCON	
Type of Drugs	Marijuana/Hash	OBSTRU	

**Force**

**Force Report # 1**

Involved Officer:	001075 : Chamberlain, John	Force Subject (Victim):	A001: Guar, Trokon
Supervisor Notified:	Yes	Resp. to CIT Situation:	No
Subject UI drugs/alcohol:	Yes	Medical Treatment:	No
Report Complete:	Yes	Report Locked:	Yes
Electronic Signature:	JOHN CHAMBERLAIN	Last Changed ID:	001075
Last Changed Date:	Nov 10, 2012 18:50		
Involved Force Types:	Bodily Force		

**Bodily Force Details**

Bodily Force Type: Joint Lock  
 Bodily Force Type: Push Away  
 Bodily Force Type: Body Weight to Pin  
 Bodily Force Type: Conscious Neck Restraint  
 Force Directed: Head/Neck  
 Force Directed: Torso  
 Compliance: No  
 Injured: Yes

**Force Supervisor Review**

MPD CAPRS Case Report With Force - MP-12-351609

Responded To Scene:	Yes	Reason not responded:	
Evidence Collected:	Yes	IAU Notified:	Yes
Witnesses Identified:	Yes	Was Event Critical:	No
Form Discharged:	No	Subject Observed:	Yes
Spoke With Subject:	Yes	Subject Injury:	Yes
Subject Transported Hosp:	No	Subj. Admitted Hospital:	No
Is there video of force:	Yes	Is video prop. inventoried:	No
Supervisor review complete:	Yes	Reason not complete:	
Electronic Signature:	Patricia Nelson		
Last Changed Date:	Nov 10, 2012 21:31	Supervisor ID:	005040
Supervisor's Narrative:	On 11/10/2012 at 1710 hours, I was called to 3rd St S/Hennepin Avenue S by Officer Appledorn. She was assigned Squad 160 with her partner, Officer John Chamberlain, and they were out on a disturbance call (CCN: 12-351609). When I arrived, I was met by Officer Appledorn, who informed me that Officer Chamberlain had used force against the male (TROKON GUAR) in their back seat. She then directed me to several witnesses that were in the bus stop on the Northeast corner of the intersection.		

The following is a summary of what the witnesses told me:

When officers pulled up facing the bus shelter (in the parking lot, facing southwest), they had their spotlights and takedown lights on. Officer Appledorn was initially making contact with the group when GUAR told her the lights were bright. At that point, Officer Chamberlain walked up to GUAR with his taser out, started yelling at him that he was under arrest, then pushed him up against the walls in the bus shelter. Officer Chamberlain continued to yell at GUAR and wrenched his right arm behind his back, while still pushing him up against the bus shelter. Officer Chamberlain then put GUAR in a choke hold and they went down to the ground. Officer Chamberlain maintained the choke hold and finally handcuffed GUAR.

Once GUAR was up, and walked back to the squad car, once back at the squad car, the witnesses saw Officer Chamberlain put GUAR in a choke hold again, and try to slam him into the car door. Officer Chamberlain finally shoved GUAR into the back seat of the squad car. One of the witnesses (BENFORD) stated that Officer Chamberlain was using racially derogatory language, but did not want to repeat the exact phrases for me. BENFORD also has some of the incident captured on the video on his phone; however, he was having problems playing it back for me at the scene. He stated he would be preserving the video on his Blackberry Phone.

I spoke with the subject of the force, TROKON GUAR, who gave me an accounting of the incident that I recorded on my MVR in P#76371. The tape the statement was recorded on, P1-1323, was property inventoried at the precinct. I reviewed just a short portion of the video, and it appears that the entire statement was recorded. I did this because GUAR does not have a contact phone number, only a contact email: T\_Man1son@yahoo.com/ Guar stated that he was standing in the bus shelter, but he was not affiliated with the original group that was smoking marijuana. When the officers pulled up, the lights on the squad were shining right at him and he made a comment about the lights being in his face. At that point, Officer Chamberlain walked up to him and put his flashlight in Guar's face. Guar also saw that Chamberlain had his taser out. Chamberlain yelled at him, and used racial slurs according to the victim, then slammed Guar up against the glass, stating that Guar was under arrest. Guar stated that he put his hands up and Officer Chamberlain wrenched his arms behind his back, pushing his right arm up into the middle of his back. Officer Chamberlain put him in a chokehold and then handcuffed Guar. Once back at the squad car, Officer Chamberlain again put Guar in a chokehold, and at some point, ripped Guar's necklace from his neck. Officer Chamberlain also grabbed Guar by the front of the throat with his hand and pinched, as well as using his ASP to push on Guar's neck. Guar stated that both techniques were extremely painful. Officer Chamberlain shoved Guar in the back of the squad car, continuing to yell at him and using racial slurs.

Guar had a small cut over his left eye, but refused medical treatment when it was offered to him several times. I took photographs of the small cut, the broken necklace, and Guar's neck area. Guar was released from the scene.

I did not directly speak with any of the officers about the use of force on the scene, I let them complete their own CAPRS statements.

There is no squad video of this incident. I contacted SIC to see if there is any safezone camera footage and there is nothing at this time. I attempted to contact the Minneapolis Central Library Security with no response to see if they have camera footage.

The S/D cards with both GUAR's and Chamberlain's injuries were property inventoried, along with my MVR tape with GUAR's statement.

The use of force in this case requires further review.

**Force Witnesses**

Name:	Kaler, Justin	Role / Role #:	W001
Residence:	[REDACTED]		
Phone:	[REDACTED]		
Witness Narrative:	Please see my statement for the synopsis of the witness rec		

# MPD CAPRS Case Report With Force - MP-12-351609

**Name:** Benford, Woodrow **Role / Role #:** W002  
**Residence:** 6540 River RD E Apt. 337  
Fridley, MN 55432  
**Telephone:** C:952-406-1129  
**Witness Narrative:** Please see my statement for the synopsis of the witness rec

**Name:** Edwards, Johnny **Role / Role #:** W003  
**Residence:** 173 Glenwood AV Apt. 316  
Minneapolis, MN  
**Telephone:** C:612-910-4071  
**Witness Narrative:** Please see my statement for the synopsis of the witness rec

**Name:** Arceneaux, Erica **Role / Role #:** W004  
**Residence:** 1041 County Rd D E Apt. 303  
Vadnais Heights, MN 55109  
**Telephone:** C:612-396-6520  
**Witness Narrative:** Please see my statement for the synopsis of the witness rec

**Name:** Vaughn, Shawntrel **Role / Role #:** W005  
**Residence:** 2723 Knox AV N  
Minneapolis, MN 55411  
**Telephone:** C:612-578-7648  
**Witness Narrative:** Please see my statement for the synopsis of the witness rec

**Name:** Mitchell, Marquel **Role / Role #:** W006  
**Residence:** 3307 Russell AV N  
Minneapolis, MN 55412  
**Telephone:** O:612-396-6520  
**Witness Narrative:** Please see my statement for the synopsis of the witness rec

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## Non-Inventoried Property

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## Property and Evidence

PI#	Item #	Description	Owner	Qty	Make/Mod/Ser #	Auth ID	Dsp Dt	Dsp Mnr
2012-42821	1	DIGITAL PHOTOGRAPHIC EVIDENCE		1				
2012-42821	2	DIGITAL PHOTOGRAPHIC EVIDENCE		1				
2012-42822	1	MVR, P#76371, SQUAD #106, TAPE #P1-1318		1				

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End of report for case MP-12-351609. Print ID: {BAA50E7A-1E6A-4724-9C21-C32EF9303EC9}

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# Incident Detail Report

Data Source: Data Warehouse  
 Incident Status: Closed  
 Incident number: 12-351609  
 Incident Date: 11/10/2012 17:06:10  
 Last Updated: 11/13/2012 20:44:33

**Incident Information**

<b>Incident Type:</b>	2 Officer Response - Pct Car	<b>Alarm Level:</b>	Disturbance (P)
<b>Priority:</b>	2	<b>Problem:</b>	POLICE
<b>Determinant:</b>		<b>Agency:</b>	MPD/MFD/HCMC
<b>Base Response#:</b>		<b>Jurisdiction:</b>	Precinct 1
<b>Confirmation#:</b>		<b>Division:</b>	P1 Sec 1
<b>Taken By:</b>	Jones,Robin-CT	<b>Battalion:</b>	P1 2 Officer Response
<b>Response Area:</b>	110	<b>Response Plan:</b>	
<b>Disposition:</b>	RPT-Report	<b>Command Ch:</b>	
<b>Cancel Reason:</b>		<b>Primary TAC:</b>	
<b>Incident Status:</b>	Closed	<b>Secondary TAC:</b>	
<b>Certification:</b>		<b>Delay Reason (if any):</b>	
<b>Longitude:</b>	93270188	<b>Latitude:</b>	44981281

**Incident Location**

<b>Location Name:</b>	HENNEPIN
<b>Address:</b>	3 St S / Hennepin Av S
<b>Apartment:</b>	
<b>Building:</b>	
<b>City, State, Zip:</b>	MINNEAPOLIS MN 55401
<b>County:</b>	HENNEPIN
<b>Location Type:</b>	
<b>Cross Street:</b>	
<b>Map Reference:</b>	101E

**Call Receipt**

<b>Caller Name:</b>	DOWNTOWN IMPROVEMENT
<b>Method Received:</b>	
<b>Caller Type:</b>	
<b>Call Back Phone:</b>	(612) 333-0422
<b>Caller Location:</b>	350 5 ST S

**Time Stamps**

Description	Date	Time	User
1st Key Stroke	11/10/2012	17:05:31	
In Waiting Queue	11/10/2012	17:06:13	
Call Taking Complete	11/10/2012	17:06:13	Jones,Robin-CT
1st Unit Assigned	11/10/2012	17:07:43	
1st Unit Enroute	11/10/2012	17:07:51	
1st Unit Arrived	11/10/2012	17:14:26	
Closed	11/10/2012	21:58:11	VisiNetMobileInterface

**Elapsed Times**

Description	Time
Received to In Queue	00:00:03
Call Taking	
In Queue to 1st Assign	00:01:30
Call Received to 1st Assign	00:02:22
Assigned to 1st Enroute	00:00:08
Enroute to 1st Arrived	00:06:35
Incident Duration	04:52:50

**Resources Assigned**

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
110	17:07:43	RPT-Report	17:07:51		17:15:48	17:18:14		20:19:39	25075.0	25075.0	
160	17:07:43	RPT-Report	17:07:51		17:14:26	17:18:14		21:58:11	24719.6	24719.6	
952	17:14:37	AST-Assist	17:14:37			17:18:14		17:20:28			
106	17:55:17	AST-Assist	17:55:17		17:59:56			20:00:29	5473.8	5473.8	

**Personnel Assigned**

Unit	Name
110	Baskin, Timothy S (000332)
160	Appledorn, Sherry R (030214); Chamberlain, John P (001075)
952	Fahey, Thomas P (030277)
106	Nelson, Patricia L (005040)

**Pre-Scheduled Information**

No Pre-Scheduled Information

**Transports**

No Transports Information

**Transport Legs**

No Transports Information

**Comments**

Date	Time	User	Type	Conf.	Comments
11/10/2012	17:06:13	CT064075	Response		NE CORNER GRP OF 10 SMOKING POT

160 - TO: MPB168-00103967 20121110 17:46:33 084F01961F FROM:

# VisiNet Browser 4.5 - Reports - Incident Report

A36MPQ43-12233220 20121110 17:46:32 084F005E90 TXT  
 NAM/GUAR.TROKON ISAAC.\*RECORD DISSEMINATION RESTRICTED\*

11/10/2012	17:46:57	160	Response	Y
11/10/2012	17:46:57	160	Response	Y
11/10/2012	17:46:57	160	Response	Y
11/10/2012	17:48:35	160	Response	
11/10/2012	17:54:02	VisiNET	Response	
11/10/2012	17:56:05	VisiNET	Response	
11/10/2012	18:34:45	600	Response	

160 - EMAIL T\_MAN1SON@YAHOO.COM NO PHONE HOMELESS  
 Secondary Location for 160: PCT 1, 19 4 ST N,MINNEAPOLIS, MN 55401.  
 Secondary Location for 160: PCT 1, 19 4 ST N,MINNEAPOLIS, MN 55401.  
 600 - PER 106'S REQUEST TO REVIEW VIDEO, NOTHING FOUND ON CAMERA

**Address Changes**  
 No Address Changes

**Priority Changes**  
 No Priority Changes

**Alarm Level Changes**  
 No Alarm Level Changes

## Activity Log

Date	Time	Radio	Activity	Location	Log Entry	User
11/10/2012	17:06:13		ANI/ALI Statistics		INT Insert:Nov 10 2012 17:05:19 / INT SendNP:Nov 10 2012 17:05:19 / WS RecvNP: / WS Process:Nov 10 2012 17:06:13	CT064075
11/10/2012	17:06:13		Incident in Waiting Queue			
11/10/2012	17:06:14		Incident in Waiting Queue			
11/10/2012	17:06:21		Timer Clear			
11/10/2012	17:06:21		Read Incident		Incident 099 was Marked as Read.	065649
11/10/2012	17:06:21		Read Comment		Comment for Incident 099 was Marked as Read.	065649
11/10/2012	17:06:28		Read Comment		Comment for Incident 099 was Marked as Read.	112741
11/10/2012	17:06:30		UserAction		User clicked Exit/Save	112741
11/10/2012	17:07:43	110	D Dispatched	3 St S / Hennepin Av S		065649
11/10/2012	17:07:43	160	D Dispatched	3 St S / Hennepin Av S		065649
11/10/2012	17:07:51	110	E EnRoute	3 St S / Hennepin Av S	Responding From = 1 AVE N4 ST N	065649
11/10/2012	17:07:51	160	E EnRoute	3 St S / Hennepin Av S	Responding From = CENTRAL AVE NE7 ST SE	065649
11/10/2012	17:14:26	160	A Arrived	3 St S / Hennepin Av S		065649
11/10/2012	17:14:37	952	D Dispatched	3 St S / Hennepin Av S		VisiNET
11/10/2012	17:14:37	952	E EnRoute	3 St S / Hennepin Av S	Responding From = ROYALSTON AVE N/HOLDEN ST N	VisiNET
11/10/2012	17:15:48	110	A Arrived	3 St S / Hennepin Av S		VisiNET
11/10/2012	17:18:14	110	C4 Code 4	3 St S / Hennepin Av S		065649
11/10/2012	17:18:14	160	C4 Code 4	3 St S / Hennepin Av S		065649
11/10/2012	17:18:14	952	C4 Code 4	3 St S / Hennepin Av S		065649
11/10/2012	17:20:28	952	__ Available	3 St S / Hennepin Av S		VisiNET
11/10/2012	17:32:51		Read Comment		Comment for Incident 099 was Marked as Read.	109664
11/10/2012	17:32:53		UserAction		User clicked Exit/Save	109664
11/10/2012	17:48:05		Read Comment		Comment for Incident 099 was Marked as Read.	065649
11/10/2012	17:48:44		Read Comment		Comment for Incident 099 was Marked as Read.	065649
11/10/2012	17:54:03	160	E2 EnRoute 2nd Loc	PCT 1	Incident ID = 2847099, 19 4 St N 44980556, 93271667,	VisiNET
11/10/2012	17:54:06		Read Comment		Comment for Incident 099 was Marked as Read.	065649
11/10/2012	17:55:17	106	D Dispatched	3 St S / Hennepin Av S		VisiNET
11/10/2012	17:55:17	106	E EnRoute	3 St S / Hennepin Av S	Responding From = HENNEPIN AVE S13 ST S	VisiNET
11/10/2012	17:55:53	160	A2 Arrived 2nd Loc	PCT 1	Incident ID = 2847099, 19 4 St N 44980556, 93271667,	VisiNET
11/10/2012	17:56:05	160	A2 Arrived 2nd Loc	PCT 1	Incident ID = 2847099, 19 4 St N 44980556, 93271667,	VisiNET

# VisiNet Browser 4.5 - Reports - Incident Report

11/10/2012	17:57:14		Read Comment			Comment for Incident 099 was Marked as Read.	065649
11/10/2012	17:59:56	106	A Arrived	3 St S / Hennepin Av S			VisiNET
11/10/2012	18:34:50		Read Comment			Comment for Incident 099 was Marked as Read.	065649
11/10/2012	18:56:35		Read Comment			Comment for Incident 099 was Marked as Read.	80849
11/10/2012	18:56:54		UserAction			User clicked Exit/Save	80849
11/10/2012	20:00:29	106	__ Available	3 St S / Hennepin Av S			VisiNET
11/10/2012	20:19:39	110	__ Available	3 St S / Hennepin Av S			068353
11/10/2012	21:58:11	160	__ Available	19 4 St N [PCT 1]			VisiNET
11/10/2012	21:58:11		Response Closed	3 St S / Hennepin Av S			VisiNET

## Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
11/10/2012	17:05:21	Address	(Blank)	350 5 ST S	New Entry	Response_Master_Incident F03	F03	CT064075
11/10/2012	17:05:36	Address	(Blank)	3/HENNEPIN	New Entry	Response_Master_Incident F03	F03	CT064075
11/10/2012	17:05:41	Address	3/HENNEPIN	3 ST S / HENNEPIN AV S	Entry Verified	Response_Master_Incident F03	F03	CT064075
11/10/2012	17:05:41	Latitude	0	44981281	Entry Verified	Response_Master_Incident F03	F03	CT064075
11/10/2012	17:05:41	Longitude	0	93270188	Entry Verified	Response_Master_Incident F03	F03	CT064075
11/10/2012	17:06:08	Caller_Nam		DOWNTOWN IMPROVEMENT	(Response View)	Response_Master_Incident F03	F03	CT064075
11/10/2012	17:06:13	Pickup_Map		101E		Response_Transports	F03	CT064075
11/10/2012	17:06:13	Map_Info		101E		Response_Master_Incident F03	F03	CT064075
11/10/2012	17:06:21	Read Call	False	True	(Recall Window)	Response_Master_Incident P03	P03	065649
11/10/2012	17:06:21	Read Comme	False	True	(Recall Window)	Response_Master_Incident P03	P03	065649
11/10/2012	17:06:28	Read Comme	False	True	(Response View)	Response_Master_Incident I01	I01	112741
11/10/2012	17:32:51	Read Comme	False	True	(Response View)	Response_Master_Incident S01	S01	109664
11/10/2012	17:48:05	Read Comme	False	True	(Recall Window)	Response_Master_Incident P03	P03	065649
11/10/2012	17:48:44	Read Comme	False	True	(Recall Window)	Response_Master_Incident P03	P03	065649
11/10/2012	17:54:06	Read Comme	False	True	(Recall Window)	Response_Master_Incident P03	P03	065649
11/10/2012	17:57:14	Read Comme	False	True	(Recall Window)	Response_Master_Incident P03	P03	065649
11/10/2012	18:34:50	Read Comme	False	True	(Recall Window)	Response_Master_Incident P03	P03	065649
11/10/2012	18:56:35	Read Comme	False	True	(Response View)	Response_Master_Incident I02	I02	80849

## Custom Time Stamps

No Custom Time Stamps

## Custom Data Fields

No Custom Data Fields

## Attachments

No Attachment

CCN 12-351609	DATE 11/13/2012	NAME, RANK, DIVISION OR UNIT, PHONE # Sgt. Melissa Chiodo, IAU x2748	DATE OF OFFENSE: 11/10/2012, Obstruct
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**Field Operations/MAFIN Section**

Process Item(s) for Latents  Enter Latents in MAFIN  Compare Latents to Suspect(s)  Evaluate Latents  OTHER (Explain in comments)

PROP INVENTORY NO: (Required) LINE #	<input type="checkbox"/> BLS <input type="checkbox"/> DNA	Suspect Name, DOB, & MPD #
PROP INVENTORY NO: (Required) LINE #	<input type="checkbox"/> BLS <input type="checkbox"/> DNA	Suspect Name, DOB, & MPD #
PROP INVENTORY NO: (Required) LINE #	<input type="checkbox"/> BLS <input type="checkbox"/> DNA	Suspect Name, DOB, & MPD #
PROP INVENTORY NO: (Required) LINE #	<input type="checkbox"/> BLS <input type="checkbox"/> DNA	Suspect Name, DOB, & MPD #

**Firearms & Tool Marks**  Determine Caliber (for bullets)  Function Test Firearm  Distance Determination (gun required)

IBIS entry  Comparative exam  Serial number restoration  Tool mark comparison (i.e. pry bar)  Other (explain in comments)

CCN:	PI# (s)(required):	Line #:	Comments:
CCN:	PI# (s)(required):	Line #:	Comments:
CCN:	PI# (s)(required):	Line #:	Comments:

**Photo Lab**  Prints from Digital Media  Burn CD  Duplicates Size: X Qty:

PROP INVENTORY NO: (Required) 2012-42821	ITEM NO: 1	PROP INVENTORY NO: (Required) 2012-42821	ITEM NO: 2
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**Forensic Garage**  Fingerprint  Recover Evidence  Search Warrant  OTHER (Explain in comments)

VEHICLE YEAR/MAKE	VEHICLE MODEL/COLOR	LICENSE NO:	STATE	PROP INVENTORY NO: (Required)	ITEM NO:
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**COMMENTS/ SPECIAL INSTRUCTIONS:**

Please make 2 prints of each photo that was taken and are found on the SD card that was inventoried and make 2 disc's of the photos as well. Thank you!



**Chiodo, Melissa**

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 **From:** Crime Lab Work Order  
**Sent:** Tuesday, November 13, 2012 7:50 PM  
**To:** Chiodo, Melissa  
**Subject:** RE: Form Returned: wcms1q-010776.pdf

**Your Work Order has been received and assigned.**

# Investigator's Request for Video Service

MPD Crime Lab, Room 316 City Hall Fax: 612-673-3647

FAILING TO FULLY FILL OUT THIS FORM MAY DELAY REQUEST OR CAUSE REQUEST TO BE RETURNED PENDING MISSING INFORMATION. CALL x3439 or x5452 WITH QUESTIONS.

REQUEST DATE <u>11/13/2012</u>	NAME/RANK <u>Sgt. Melissa Chiodo</u>
UNIT <u>IAU</u>	PHONE <u>673-2748</u>

CCN <u>12-351609</u>	OFFENSE <u>Obstruct</u>
OFFENSE DATE <u>11/10/2012</u>	OFFENSE TIME <u>1758 Hours</u>

PI# <u>2012-42822</u> Lines <u>1</u>	PI# _____ Lines _____	PI# _____ Lines _____
PI# _____ Lines _____	PI# _____ Lines _____	PI# _____ Lines _____

## Request Information

<input type="checkbox"/> <b>Video Analysis</b>	
<input type="checkbox"/> Make Viewable Copy (incident only)	<input type="checkbox"/> Video Comparison (Homicide/Critical Incident Only)
<input type="checkbox"/> Isolate Still Images	<input type="checkbox"/> Create Time Line of Events
<input type="checkbox"/> To CD	<input type="checkbox"/> Print Out Isolated Stills

<input checked="" type="checkbox"/> <b>Video Copy</b>			
<input checked="" type="checkbox"/> VHS Squad Video	<input type="checkbox"/> To VHS	<input checked="" type="checkbox"/> To DVD	
<input type="checkbox"/> Digital Squad Video	P# _____	P# _____	P# _____
<input type="checkbox"/> Disc Copy/Other media forms copied to disc (surveillance discs may not be viewable on City network computers)			

<input type="checkbox"/> <b>Safe Zone Video</b>	
Time Frame _____ Date _____	Intersection _____
Intersection _____	Intersection _____

<input type="checkbox"/> <b>Audio Analysis</b>	
<input type="checkbox"/> Clarify	<input type="checkbox"/> Convert Format

<input type="checkbox"/> <b>Video Recovery</b>	Please note, all businesses with liquor or small grocery licenses are required by City ord. 259.230 to create and supply MPD with surveillance video within 8 hours or be subject to a fine. Licensing will be notified of failure to comply.
Location _____	Hours of Operation _____
Contact Name _____	Contact Phone _____
Make/Model of DVR _____	Time Frame/Date _____
Suspect/Incident Info _____	

<input checked="" type="checkbox"/> <b>Other/Comments</b>
It is MVR P#76371, Squad 106, Tape # P1-1318 and the incident occurred shortly after 1800 hours.
I will need 2 copies of the DVD please. Thank you.
_____
_____
_____

Submit

**Chiodo, Melissa**

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**From:** Crime Lab Work Order  
**Sent:** Tuesday, November 13, 2012 7:55 PM  
**To:** Chiodo, Melissa  
**Subject:** RE: Form Returned: wcms1q-010646.pdf

**Your Work Order has been received and assigned.**

**Chiodo, Melissa**

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**From:** Bjorklund, Melissa  
**Sent:** Tuesday, November 13, 2012 8:27 PM  
**To:** Chiodo, Melissa  
**Subject:** 12-351609

On Nov 10, 2012 I was working at the Strategic information Center when Sgt. Patricia Nelson called me regarding an incident at 3st/Hennepin Av. I informed her that we do not have a camera at that location but we do have one at 4th st/Hennepin. She asked me to review the 4th/Hennepin camera from the time the call was dispatched until an hour after. I reviewed the 4th/Hennepin camera and did not find any evidence of the incident captured.

At 18:34 hours I added the following remarks to the call for CCN 12-351609.

"Per 106's request to review video nothing found on camera."



# Phone Call Log

Date: MPD CCN 12-351409

Name: Chioldo

Department: I AU Case 12-250

Name: <u>Woodrow Benford</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>952-406-1129</u>	<u>11/12/12</u>	<u>Video</u>	
Notes: <u>I called and asked if he had video of the incident on 11/10 and he said there was no audio or video.</u>				
Name: <u>Woodrow Benford</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>952-406-1129</u>	<u>11/13/12</u>	<u>Set up interview</u>	
Notes: <u>I called and scheduled his interview for 11/15/12 at 10:30am in room 112.</u>				
Name: <u>Erica Arceneaux</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>412-396-6520</u>	<u>11/13/12</u>	<u>Set up interview</u>	
Notes: <u>scheduled her interview for 11/15/12 @ 2pm. she will speak to her live in boyfriend Marguel Mitchell to see if he will come and give a statement</u>				
Name: <u>Justin Kaler</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>612-718-7271</u>	<u>11/13/12</u>	<u>Schedule interview</u>	
Notes: <u>spoke with him. Interview scheduled for 11/15/12 at 1pm in room 112.</u>				
Name: <u>Kim Heyda</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>x3700</u>	<u>11/13/12</u>	<u>Video</u>	
Notes: <u>I asked Kim if she had any video footage from 11/10 incident she said she would check</u>				
Name: <u>Kim Heyda</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:		<u>11/13/12</u>		
Notes: <u>Kim called and said Melissa Bjorklund couldn't locate any video.</u>				
Name: <u>Melissa Bjorklund</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>612-702-7637</u>	<u>11/13/12</u>		<input checked="" type="checkbox"/>
Notes: <u>I called Melissa and asked her to send me an e-mail when she works tomorrow documenting that there was no video and reference the CCN.</u>				
Name: <u>Woody Benford</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>952-406-1129</u>	<u>6:55pm</u>		
Notes: <u>he called left a voicemail 11/14 asking to change interview to 2:30 due to employment</u>				
Name: <u>Woody</u>	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:	<u>952-406-1129</u>	<u>1831 on 11/14</u>		
Notes: <u>I called him back and asked if we could do the interview at 3:00pm, he agreed.</u>				
Name:	Phone Number:	Time of Call:	Purpose:	Follow-up:
Company:				
Notes:				

### 5-103 USE OF DISCRETION

The police profession is one that requires officers to use considerable judgment and discretion in the performance of their daily duties. Officers have a large body of knowledge from Department policies and procedures, training, their own professional police experience and the experiences of their fellow officers to guide them in exercising proper judgment and discretion in situations not specifically addressed by Department rules and regulations. In addition, officers must always adhere to the following principles in the course of their employment with the Minneapolis Police Department:

**POLICE ACTION - LEGALLY JUSTIFIED:** Officers must act within the limits of their authority

### 5-105 PROFESSIONAL CODE OF CONDUCT

3. Officers shall use reasonable judgment in carrying out their duties and responsibilities. They need to weigh the consequences of their actions.

14. Employees shall not use any derogatory language or actions which are intended to embarrass, humiliate, or shame a person, or do anything intended to incite another to violence

### 5-303 AUTHORIZED USE OF FORCE

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

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

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

In addition to Minn. Stat. §609.06 sub. 1, MPD policies shall utilize the United States Supreme Court decision in *Graham vs Connor* as a guideline for reasonable force.

The *Graham vs Connor* case references that:

Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, its proper application requires careful attention to the facts and circumstances of each particular case, including:

- The severity of the crime at issue,
- Whether the suspect poses an immediate threat to the safety of the officers or others, and;
- Whether he is actively resisting arrest or attempting to evade arrest by flight.

The "reasonableness" of a particular use of force must be judged from the perspective of the reasonable officer

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation."

Authorized use of force requires careful attention to the facts and circumstances of each case. Sworn MPD employees shall write a detailed, comprehensive report for each instance in which force was used.