

### **Police Department**

June 16, 2015

Janeé L. Harteau Chief of Police

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

612 673-2735 TTY 612 673-2157

> Officer Timothy Devick Mounted Patrol Minneapolis Police Department

Officer Devick,

RE: OPCR Case Number #14-06920 LETTER OF REPRIMAND

The finding for OPCR Case #14-06920 is as follows:

MPD P/P 5-105 (10) Professional Code of Conduct - Language.... <u>SUSTAINED</u> (Category B) MPD P/P 5-306 Use of Force - Reporting......<u>SUSTAINED</u> (Category B)

You will receive this Letter of Reprimand. This case will remain a B violation and can be used as progressive discipline for three years until 04/13/2017, which is from the date of incident. The case will remain in the OPCR files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in more severe disciplinary action up to and including discharge from employment.

Sincerely,

Janee Harteau Chief of Police

BY:

Kristine Arneson Deputy Chief

Call Minnespols
City Information

I, Officer Timothy Devick, acknowledge receipt of this Letter of Reprimand.

Limsty Devick

Date of Receipt

Inspector Kins

Data

CC: Inspector Kjos Personnel OPCR/IAU

### The Office of Police Conduct Review **Review Panel Session**

Sign-in Sheet

Case #

#14-06920

Date

April 16, 2015

Time

3:00 p.m.

Location

City Hall Room 239

PANELISTS	NAME	SIGNATURE
Civilian 1	Donald Bellfield	Done Bujuel
Civilian 2	Phillip Trebatoski	The the
Sworn 1	Melissa Chiodo	M me
Sworn 2	Timothy Mattsson	T.J.Mall-

Chair is: SWORN

Chair's Name: 

MATTSS ON

### OPCR Case #14-06920 Anthony Seemann PANEL RECOMMENDATION

Complaint Number 14-06920

Complainant:

**Anthony Seemann** 

Officer:

Timothy Devick, #1526

Jurisdiction:

M.C.O. §§ 172.20

Date of Incident:

April 13, 2014

Date Filed:

April 13, 2014

Date of Panel:

April 16, 2015

Panelists in Attendance (Sign below)

Panelist 1

**Donald Bellfield** 

Civilian 1

Panelist 2

Phillip Trebatoski

Civilian 2

Panelist 3

Melissa Chiodo

Sworn 1

Panelist 4

**Timothy Mattsson** 

Sworn 2

The Chair is

**Timothy Mattsson** 

Civilian/Sworn

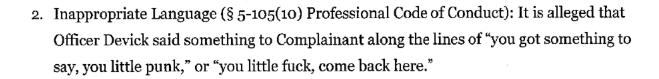
Allega	tion 1 (2A)	<u> </u>
[Filled in	by OPCR Staff]	
Civilian 1 Vote	No Merit	
Civilian 2 Vote		
Sworn 1 Vote	No Merit	1994
Sworn 2 Vote	No Merit	
All	egation 2	
[Filled in	by OPCR Staff]	
Civilian 1 Vote	Merit_	
Civilian 2 Vote	Merit	
Sworn 1 Vote	Merit	
Sworn 2 Vote	Merit	
Alle	gation 3	
[Filled in	by OPCR Staff]	
Civilian 1 Vote	Merit	
Civilian 2 Vote	Merit	
Sworn 1 Vote	Merit	
Sworn 2 Vote	Merit	

### Incident Summary

Complainant alleges that he was walking past officers during the riot situation in the 2nd Precinct. Complainant alleges that he passively gave some officers the finger while walking past the situation. Complainant alleges that an officer "attempted to intimidate [him]" and Complainant alleges that he continued to walk away, ignoring the officer. Complainant alleges that the officer blocked his way with his horse and "violently smacked [Complainant] across the face, demanding that [Complainant] respond to him." Complainant alleges that he

approached another group of officers and explained what happened, asking for an officer to accompany him to get a badge number. Complainant alleges the officers refused.

### Allegations



3. Violation of the Policy and Procedure Manual (§ 3-306 Use of Force – Reporting): No CAPRS report documenting this alleged use of force could be found.

Allegation #2: Inappropriate Language (§ 5-105(10) Professional Code of Conduct): It is alleged that Officer Devick said something to Complainant along the lines of "you got something to say, you little punk," or "you little fuck, come back here."

Supportive Findings:

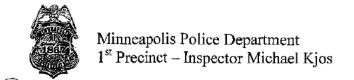
The panel found Allegation #2: Inappropriate Language, The officer admitted that he "possibly called him a little fuck" or "a punk". Of the witnesses interviewed, at least one was a "100% sure" that the officer used the words "you little fuck". This witness stated that being a "pre-diebetic" she only had one drink. The other witnesses stated that they had more to drink than this witness. This witness also was not a friend of the complainant.

YES 🔳	NO 🗆	REMAND [	SPLIT
This allegation	This allegation does	Remand to investigation for	There is no
has merit.	not have merit.	additional information.	majority vote.

Allegation #3 Violation of the Policy and Procedure Manual (§ 3-306)Use of Force – Reporting): No CAPRS report documenting this alleged use of force could be found. Supportive Findings:

Allegation #3, Violation of the Policy and Procedure Manual, Use of Force Reporting, the panel found that the officer clearly did not contact a supervisor to complete a supervisor use of force report and did not complete a FORCE report. Therefor the panel the panel finds merit in Allegation #3.

YES	NO 🗆	REMAND [	SPLIT
This allegation	This allegation does	Remand to investigation for	There is no
has merit.	not have merit.	additional information.	majority vote.



### Case Finding Memorandum IAU Case #14-06920

To:

Assistant Chief Clark

From: Inspector Michael Kjos (Panel Chair)

Subject: Internal Affairs Case #14-06920 (Case Finding Memorandum)

Involved Employee: Officer Timothy Devick, Badge 1526

Date: May 29th, 2015

### Alleged MPD Policy Violations:

5-105 (10) Professional Code of Conduct - Language

Category B

5-306 Use of Force – Reporting

Category B-D

### **Discipline Panel Members:**

Inspector Michael Kjos Lieutenant Erick Fors Lieutenant James Novak

(Panel Chair)

### Summary of Case and IAU Investigation:

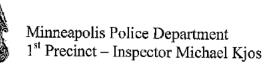
### Discipline Panel Preliminary Findings:

Discipline Panel met on May 12<sup>th</sup>, 2015 at 1730 hours in the 1<sup>st</sup> Precinct Inspector's office. Prior to this panel taking place all three panel members had an opportunity to review the Internal Affairs Unit investigative file on this case.

Panel members discussed the investigative findings as reported in the IAU case file:

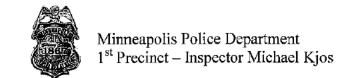
### **Discussion Points:**

- 1. Assessment of the situation at hand.
  - a. Uncontrolled environment with aggressive and at times violent behavior demonstrated towards officers. Objects had been thrown at officers and this was accompanied with a significant amount of verbal bashing.
  - b. Officer Devick was assigned as a member of the mounted patrol unit to assist with crowd control during this anticipated riotous event.



- c. Enforcement activities were underway when this incident occurred. Arrests and other tactics were being implemented to disperse the crowd and to minimize severity of riotous behavior.
- d. Complainant alleges to have been confronted by a mounted officer after he had displayed a negative hand gesture directed at the officers.
- e. Complainant alleges a mounted officer directed profanity towards him, pursued him on horseback and slapped him across the face.
- f. No CAPRS police report describing this situation and the use of force was written or approved.
- 2. Officer Devick's involvement in this situation.
  - IAU case Investigator Sgt. Jason Walters conducted a thorough investigation and identified Officer Devick as the described officer in this case.
  - b. Officer Devick made admissions and acknowledgements that he is in fact the involved officer.

3. MPD Policies alleged to have been violated



- b. 5-105 (10) Professional Code of Conduct Language
  - i. Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.
    - Several civilian witnesses gave statements suggesting that Officer Devick used profanity in addressing this complainant.
    - 2. Officer Devick did not deny using profanity. When asked specifically if he had used profanity in ordering the complainant to leave the area he said, "probably."
    - 3. When asked more specifically if he had referred to the complainant as a "little fuck" and/or a "punk" Officer Devick said "That's possible" and "That's possible, too."
- c. 5-306 Use of Force Reporting
  - i. Force used as described requires a "Use of Force" CAPRS report be written by the officer who used the force.
  - ii. Force used as described requires supervisor notification.

The panel determined the facts presented in this case met the standard of "preponderance of the evidence" to move forward with Sustained Violations for two of the three alleged violations.

### **Panel Preliminary Finding:**

5-105 (10) Professional Code of Conduct - Language	Sustained Category (B)
5-306 Use of Force – Reporting	Sustained Category (B)

### Loudermill Hearing Notice Delivery:

On May 19<sup>th</sup>, 2015, written notice of the Loudermill hearing was delivered to Officer Devick by his immediate supervisor, Sgt. Fischer. The notice listed the sustained allegations including the Category Level.

### Loudermill Hearing:

On May 28, 2015, at 1545 hours, in the First Precinct Inspectors Office. All three panel members were in attendance along with Officer Devick, Federation Representatives Lt.Kroll and Sgt. Sauvageau.

Inspector Kjos conducted the meeting and recorded it on a digital recorder. Officer Devick was informed this meeting was convened for IAU Case #14-06920 and involves Category (B) violations.

### Officer's Statement:

Officer Devick described the chaotic situation that was taking place with riotous behavior and objects being thrown at line officers just before this incident occurred. He said it was the mounted patrols duty to keep the crowd back and protect the arresting officers. Officer Devick described the behavior of the complainant and his refusal to back away or comply with verbal commands. He said he likely used profanity in an attempt to gain compliance from this individual and have him back off, but it did not work. He admitted to slapping the complainant, because the individual kept trying to get near the arresting officers.

Officer Devick said he had intended to make a police report on this encounter, but forgot as a result of the chaos they were dealing with. He accepts responsibility for this mistake and was contrite and apologetic in his tone and speech.

### **Federation Statement:**

Lt. Kroll spoke to Officer Devik's honesty throughout this investigation and discipline process. He praised Officer Devick's work history and reputation. Lastly, he spoke with regard to how chaotic situations create an atmosphere where things get missed and it isn't the intent to not complete the report, it just happens at times.

### **Panel Review Following Loudermill:**

Panel discussed the statement of Officer Devick, several mitigating factors, the discipline matrix with regard to the two violations

### Factors Discussed:

- 1. Discipline Matrix review and interpretation.
  - a. Both policies involved are under examination as (B) violations. Therefore the panel is using a baseline of (10 hour suspension) as the starting point for the discipline recommendation discussions with regard to the before mentioned policies.

### 2. Mitigating Factors:

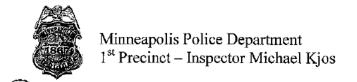
- a. Commendations:
  - i. Decorated Officer
- b. Prior Discipline:
  - i. Sustained (B) violation within reckoning period for failing to obey a lawful order. Received a suspension in that case. Panel determined it is not relevant to this situation.
- c. Seniority:
  - i. High seniority, within 2 years of retirement, presently yrs of age.

### d. Circumstances:

- i. Performing official duties and protecting officers making a lawful arrest during riotous situation.
- ii.
- iii. Profanity appears to have been used as an attempt to gain compliance and in the interest of public safety.
- e. Culpability:
  - i. With regard to the reporting of force violation it does not appear to have been an intentional violation.
  - ii. With regard to the language violation it appears to have been intentional, but with intent on gaining compliance without escalation of force, but it failed to work until force was used.
- f. Employee Attitude:
  - i. Officer has accepted full responsibility for his actions and failures in this situation.
  - ii. Apologetic in tone and speech.
- g. Performance Evaluations:
- h. Training considerations none, he knows he made a mistake with regard to the reporting violation.
- i. Liability
  - i. Possibly a civil liability potential, but no different than any night mounted is used for crowd control measures.

### 3. Additional Discussion Points:

- a. Officers complete honesty and forthcoming in this investigation. Without his admissions and acknowledgement of responsibility this case likely would not have been sustainable. The complainant and witnesses were unable to identify the officer (actually selected a different officer), no other officer's witnessed the incident, and no video captured it with both MPD Crime Lab and private recordings of the situation.
- b. Panel's Preliminary Findings
  - i. No change resulting from information presented during the Loudermill Hearing.
- c. Discipline Recommendation:
  - Mitigating factors moved the panel in direction of a Letter of Written Reprimand for these sustained violations
    - 1. In compliance with Matrix
    - 2. In-line with department standard of professionalism
    - 3. Sufficient to steer employee down correct path and maintain trust with both officers and citizens.



### Panel Findings on Policy Violations related to IAU Case# 14-06920:

5-105 (10) Professional Code of Conduct - Language Sustained Category (B) 5-306 Use of Force – Reporting Sustained Category (B)

### Panel Recommendation for Discipline:

This Discipline Panel recommends a <u>Letter of Written Reprimand</u> be issued to Officer Timothy Devick as discipline in this case.

Employee has been informed of this panel recommendation and the fact that it is only a recommendation. Employee was informed that the final determination on discipline will come from the Chief of Police.

MTK-3713

Respectfully Submitted,

Inspector Michael 7. Kjos

Inspector Michael Kjos (Panel Chair)

CC: Panel Members and Internal Affairs Unit



City of Lakes

### Police Department

### NOTICE OF DISCIPLINE PANEL MEETING

Janeé L. Harteau Chief of Police 350 South 5th Street - Room 130 Minneapolis MN 55415-1389

Date: May 13, 2015

612-673-2735 TTY 612 -673-2157

Officer Timothy Devick Minneapolis Police Department, Mounted Patrol 19 N. 4<sup>th</sup> Street Minneapolis, MN 55401

Officer Devick,

Re: IAU Case Number 14-06920

This letter is to inform you the Discipline Panel has reviewed OPCR Case #14-06920 and recommends the finding(s) as follows:

MPD Policy 5-105 (10), Professional Code of Conduct - Language MPD Policy 5-306, Use of Force - Reporting

Category (B) Sustained Category (B) Sustained

The Discipline Panel will meet on May 28th, at 1600 hours, in the First Precinct Inspectors Office. At this time, you will be given an opportunity to address the Discipline Panel. If you choose not to attend the Discipline Panel meeting you are ordered to notify the panel chair in writing by May 22nd, 2015.

You may have a union/federation representative or an attorney present during the meeting. You are also entitled to review this case file prior to your Discipline Panel Meeting. Contact Internal Affairs for further information at 612-673-3074.

cc: Internal Affairs Unit

Lt. Erick Fors Lt. James Novak Respectfully

Inspector Michael Kjos, Panel Chair Minneapolis Police Department



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# MINNEAPOLIS PULICE DEPARTMENT INTERNAL AFFAIRS UNIT

### DISCIPLINE WORKSHEET Category B-C Violations

Officer Timothy Devick, Badge #1526	04/13/2014	14-06920
Employee's Name and ID Number	Date of Incident	OPCR Case Number
	STEP 1 - CHARGES	

### 

Policy Number	Description	Category (A-D)
5-105 (10)	Professional Code of Conduct - Language	8
5-306	Use of Force – Reporting	B-D

# STEP 2 - PRECINCT PANEL HEARING Compose Findings Letter

Date of Hearing	5	Time of Hearing	aring	Location of Hearing
Policy Number	. Description			Category S NS E U P
5.405 (40)	Professional Code of Con	of Conduct - Language		Σ
5-306	Use of Force - Reporting			
S = Şustained	/ NS = Not Sustained	E = Exonerated	U = Unfounded	P = Policy Failure
Last flat				5/12/2015
Commander's	Commander's Signature/Employee Number	ər		/ Date
3	F 5219		Jin'l	77
Panel Member	Panel Mémber in Attendance 《Concur □ Not Concur		Panel Mera &Concur	Panel Member in Attendance

Minneapolis Louce Department Internal Affairs Unit Disciplinary Worksheet, page 2 of 3

## STEP 3 - LOUDERMILL HEARING

Compose Discipline Letter

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/5/PCT よいSPECTはRS OFACE Location of Hearing	ON 🗆	FACTORS	DETHILS	Category S NS E U P		nded P = Policy Failure	900	ON 🗆	1 MAY 28TH 2015	J Date	gnerwember ih Attendance Goncur 🗆 Not Concur
1545 hanes Time of Hearing	hearing? ∕X∖Yes	AGGRAVATING AND/OR MITIGATING FACTORS	DE MEMORANDUM FOR		Professional Code of Conduct - Language Use of Force - Reporting	ained E = Exonerated U = Unfounded	Recommended Discipline LETTEL OF WRITIND REPRINAJO	if the final recommendation? 女Yes	- 1-	ie Number	Pamerinem
MAY 28 <sup>TL</sup> 2015 Date of Hearing	Was the employee present at the hearing?		566 CASE FINDING	Policy Number Description	5-105 (10) Professional Code of Col 5-306 Use of Force - Reporting	S = Sustained NS = Not Sustained	Recommended Discipline $LE^{\gamma}$	Has the employee been advised of the final recommendation?	May May	Commanger's Signatural Employee	Panel Member in Attendance

### Minneapolis Louce Department Internal Affairs Unit

Disciplinary Worksheet, page 3 of 3

## STEP 4 - BUREAU HEAD REVIEW

Policy Number	Description	ססוממה - דמווממממ		Cafedory S NS F 11 P
5-306	Use of Force - Reporting			
S = Sustained	NS = Not Sustained	E = Exonerated	U = Unfounded	P = Policy Failure
Comments	(New)			
Bureau Head	Bureau Head Signature/Employee Number		06-08-15 Date	

# STEP 5- CHIEF- FINAL DISPOSITION

Per OC Arneson Sustained at a R love 1- Conductor	Per DC Arnoson Suctioned at a Reveland	1000 MOTO	735471		
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Per	Per				
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to vallar	<b>)</b> ,				De Klong

Date

Chief of Police Signature MP-1408 (Revised 12/13)

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- 07- Statement of Kelli Burstein (witness)
- 08- Statement of Rahwa Weldeabzghi (witness)
- 09- Statement of Jordan Thomas (witness)
- 10- Statement of Officer Joshua Domek
- 11- Statement of Officer Kelly Kasel
- 12- Statement of Sgt. Lindsay Herron
- 13- Statement of
- 14- Statement of Sgt. Thomas Ryan
- 15- Statement of Officer Rebecca Madich
- 16- Statement of Sgt. Molly Fischer
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### CAPRS CCN 14-118365 / Booking Sheet / Booking Photo

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- 23- NCAA Men's Ice Hockey Frozen Four Tournament bracket
  and News Media Stories Related to Dinkytown Frozen Four Events
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- 25- Tennessen Warnings
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- 39- Correspondence with Minneapolis Police Department Personnel
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- 42- Employee Profile

Case Number	Precinct	CCN	Date of Incid	ent	Time	Preference
14-06920	2	NA	April 13, 201			No Preference
Location of incide	nt , ,,,	City/Sta	te/Zip	· · · · · · · · · · · · · · · · · · ·	Date of	f Complaint
1300 4thST			olis 55414	· · · · · · · · · · · · · · · · · · ·	April 13	3, 2014
Complainant Nam	e (Last, First, N	I .		Sex	Race	DOB
Seemann, Anthony				Male	White	May 13, 1993
Home Address		City/Stat	te/Zip	<del> </del>	Prir	mary Telephone
16870 Judicial Ro	ad{?}		, MN 55044			2) 208-5411
BADGE/NAME	**.	ALLEGE	POLICY VIOLATIC	ONS	<del></del>	
1526; Devick, Timo	othy	use index performa 5-306 US REQUIRE Required	cent, profane or u ince of official dut SE OF FORCE – RE MENTS: CAPRS R I: All other force, ii	innecessities or in EPORTING eport Re- njuries or	arily harsh la the presence 3 AND POST quired- Supe alleged inju	of the public.
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### ALLEGATION SUMMARY

14-06920 Anthony Seemann: Complainant alleges that he was walking past officers during the riot situation in the 2nd precinct. Complainant alleges that he passively give some officers the finger while walking past the situation. Complainant alleges that an officer "attempted to intimidate [him]" and Complainant alleges that he continued to walk away, ignoring the officer. Complainant alleges that the officer blocked his way with his horse and "violently smacked [complainant] across the face, demanding that [Complainant] respond to him." Complainant alleges that he approached another group of officers and explained what happened, asking for an officer to accompany him to get a badge number. Complainant alleges that the officers refused.

MEDIATION  ☐ Refer to Mediation  COACHING ☐ Refer to Precinct INVESTIGATIONS ☐ Preliminary Investigation: Investigator  Admin Investigation: Investigator  FINAL APPROVED INVESTIGATIVE REPORT ☐ Refer to Panel	DISMISS   Reckoning Period Expired   No Basis   Failure to State a Claim   Failure to Cooperate   Exceptionally Cleared   Lack of Jurisdiction   Withdrawn   Duplicate
M. Commander Storge	Date 7-26
Director - Office of Police Conduct Review	Date 9, 26, 14

Case Number	Precinct	CCN	Date of Incid	ent	Time	Preference	
14-06920	2	NA	April 13, 201	et 1955/2 (20.2) i decida.	12:15 AM	No Preference	
Location of Incider	nt .	City/Sta	ite/Zip	4.44.4.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.	Date of C	Complaint	
1300 4thST	the control of the co		polis 55414	lis 5541 <b>4</b>		April 13, 2014	
Complainant Name (Last, First, Middle Initi				Sex	Race	DOB	
Seemann, Anthony (?)				Male	White	May 13, 1993	
Home Address		City/Sta	ite/Zip	Zip Primary Telepl		ary Telephone	
16870 Judicial Ro	ad{?}	Lakevili	e, MN 55044	(612		) 208-5411	
BADGE/NAME		ALLEGED POLICY VIOLATIO		ONS			
		OPCR O OPCR O Manual	ord. § 172.20(2) – ord. § 172.20(8) –	Inapprop Violation	oriate Languag of the Policy a	e and Procedure	
1526; Devick, Tim	othy	5-105(: use ind	ord. § 172.20(8) -	Violation  L CODE Cunnecess sties or in	of the Policy a  OF CONDUCT: Esarily harsh land	end Procedure Employees shall not aguage in the of the public.	

### ALLEGATION SUMMARY

14-06920 Anthony Seemann: Complainant alleges that he was walking past officers during the riot situation in the 2nd precinct. Complainant alleges that he passively give some officers the finger while walking past the situation. Complainant alleges that an officer "attempted to intimidate [him]" and Complainant alleges that he continued to walk away, ignoring the officer. Complainant alleges that the officer blocked his way with his horse and "violently smacked [complainant] across the face, demanding that [Complainant] respond to him." Complainant alleges that he approached another group of officers and explained what happened, asking for an officer to accompany him to get a badge number. Complainant alleges that the officers refused.

SUPERVISOR ASSESSMENT	
MEDIATION  Refer to Mediation  COACHING Refer to Precinct INVESTIGATIONS Preliminary Investigation: Investigator Admin Investigation: Investigator INVESTIGATIONS Refer to Panel	DISMISS  Reckoning Period Expired No Basis Failure to State a Claim Failure to Cooperate Exceptionally Cleared Lack of Jurisdiction Withdrawn Duplicate
IAU Commander Her Auch	Date 01-20-15
Director - Office of Police Conduct Review	Date 2.26.15

### Patrick, Ryan P

From:

no-reply@minneapolismn.gov

Sent:

Sunday, April 13, 2014 2:05 AM

To:

Police Review

Subject:

Office of Police Conduct Review Complaint

Follow Up Flag:

Flag Status:

Follow up Flagged

### City of Minneapolis

First Name \*

Anthony

Last Name \*

Seemann

Email

ajseemann@gmail.com

Phone

(612) 208-5411

Phone Type

Cell

Phone 2

Phone Type 2

Address \*

16870 Judicial Road

Apt/Suite

City

Lakeville

State

MN

Zip

55044

Location of Incident \*

13th Ave and SE 4th St, Minneapolis

**CCN** 

Date \*

04/13/2014

Time \*

12:15

AM/PM

AM

Description of Incident \* Walking back from my friend's apartment back to my girlfriend's apartment with my friends, access through Dinkytown was of most convenience. Coincidentally, this was when police were at Dinkytown trying to control what was remaining of the riot. At 13th Avenue and SE 4th Street, I saw a man being thrown to the ground and arrested for no reason I could see. Upset, I indirectly flipped off the group of policemen while I was walking away, which is protected by my first amendment right. An officer on a white horse attempted to intimidate me for what I did. Seeing that he was upset, I clearly ignored him, continued to disengage and proceeded to walk away. The officer cut in front of me with his horse and violently smacked me across the face, demanding that I respond to him. Continuing to disengage and walk away, I reminded him that what he did was clearly unlawful. Realizing that I wouldn't be able to humanely ask for the officer's identification without being arrested, I approached a

group of officers at 5th Street SE and 15th Avenue SE. I explained the situation and they agreed that the officer's actions were extremely inappropriate. They told me to go back and ask for the officer's identification. I explained that this wasn't possible because if I approached him alone, it would be likely that I would be assaulted and arrested, as I would be seen as a threat. I suggested that a policeman escort me to the area of the incident instead, as I was afraid for my safety. They were obviously reluctant and refused to send an officer to escort me. I explained that they should be happy and willing to root out any such corruption from their system. After about 3 minutes of vain discussion, I left, violated, humiliated and infuriated by this state's service. Given pictures, I could identify the officer. I was not part of this riot. Actions like this should not be tolerated by a superior force trying to set an example for society, and I am willing to assist the state in exposing corruption such as this. I did not break the law in any way and was assaulted.

Officer Name

Badge#

Squad#

Witness

Kelli Burstein, Jordan Haskett Thomas

Witness Phone

(612) 708-2462

Witness Phone Type

Cell

Witness Address

2508 Deleware St SE, Minneapolis

Witness Apt/Suite

488

Witness City

Minneapolis

Witness State

MN

Witness Zip

55455

Investigator Preference \* None

Gender

Male

Date of Birth

05/13/1993

Race

White

Signature:

This is an email generated from the City of Minneapolis website. \* Required fields are indicated with an asterisk.

### Office of Police Conduct Review Investigative Report

Complaint Number

14-06920

Investigator

Sgt. Jason Walters

Officer

Officer Timothy Devick

Jurisdiction

M.C. O. §§ 172.20

Date of Incident

04/13/2014

Complaint Filed

04/13/2014

### CASE OVERVIEW

The University of Minnesota Gopher Hockey Team played in the National Championship Game of the 2014 NCAA Hockey Tournament. This game was against Union (N.Y.), and it was played on 04/12/2014 in Philadelphia, PA. Police from several agencies were assigned to the Dinkytown area near the University of Minnesota in anticipation of large crowds and potential riot situations experienced in years past.

During this evening and after the hockey game, Anthony Seemann was walking through the Dinkytown area with his girlfriend and a group of others. The time was approximately 0015 hours on 04/13/2014. Anthony Seemann saw Police arrest a young man near the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> Street SE. He was upset with what he witnessed, so he admittedly "indirectly flipped off the group of policemen while I was walking away." Seemann alleges that a Minneapolis Police Department mounted officer then rode up to him and "violently smacked" him across the face in response to Seemann's obscene gesture. Seemann described this MPD mounted officer as a white male riding a white horse.

Anthony Seemann filed an on-line complaint to the Office of Police Conduct Review on 04/13/2014 at 0205 hours.

### SUMMARY OF ALLEGATIONS

2. **Use of Force Reporting**: No CAPRS report documenting this alleged use of force could be found.

### Allegation: Language

3. It is alleged that a Minneapolis Police Department Mounted Patrol Officer said something to Anthony Seemann along the lines of "you got something to say, you little punk" or "you little fuck, come back here."

### **EVIDENCE**

### 1. Statements

- a) Complainant Anthony Seemann
- b) Witness Kelli Burstein
- c) Witness -- Rahwa Weldeabzghi
- d) Witness Jordan Thomas
- e) Officer Joshua Domek (Badge #1573)
- f) Officer Kelly Kasel (Badge #3647)
- g) Sgt. Lindsay Herron (Badge #6939)
- h)
- i) Sgt. Thomas Ryan (Badge #6231)
- j) Officer Rebecca Madich (Badge #5867)
- k) Sgt. Molly Fischer (Badge #2023)
- 1) Officer Christopher Humphrey (Badge #3188)
- m) Officer Timothy Hanks (Badge #2660)
- n) Officer Roger Smith (Badge #6689)
- o) Officer Timothy Devick (Badge #1526)

### 2. Records

- a) Email correspondence with Sgt. Molly Fischer
- b) Mounted Patrol Unit roster from Sgt. Molly Fischer
- c) Email correspondence with Sgt. Beth Mota
- d) Email correspondence with MPD SIC regarding mobile cameras
- e) NCAA Men's Ice Hockey Frozen Four Tournament bracket
- f) News media stories related to Dinkytown Frozen Four events
- g) Line-up of the nine male members of MPD Mounted Patrol Unit
- h) Map used during Anthony Seemann interview
- i) Emails and photos sent by Anthony Seemann
- j) Photos from the Minneapolis Mounted Police Foundation's Facebook page
- k) Maps used during Kelli Burstein interview
- 1) Maps used during Rahwa Weldeabzghi interview
- m) Master CAPRS CCN 14-120606
- n) CAPRS CCN 14-118365 arrest of Michael Juberian
- o) Michael Juberian booking photo and booking sheet
- p) Booking Sheets from arrests during Frozen Four events
- g) Workforce Director records

### 3. Video / Photographic Evidence

- a) Seven (7) Discs, marked Exhibits A through G, containing video footage shot by MPD Crime Lab personnel during the Frozen Four events.
- b) Disc containing photographs taken by MPD Crime Lab personnel during the Frozen Four events, marked Exhibit H.

### CASE INVESTIGATION

This investigator was assigned this case on 6/11/2014.

### **News Stories**

Several news media outlets across the Twin Cities metro area reported on events in the Dinkytown area near the University of Minnesota surrounding the NCAA Frozen Four Hockey Tournament events.

According to the Kare 11 News story on 04/12/2014 entitled "U of M: No tolerance for bad behavior after championship," 300 officers were set to patrol the streets of Dinkytown as the University of Minnesota Gopher Hockey Team played in the championship game. Also mentioned in this story was that fans had converged on Dinkytown after the Gophers won the semifinal Frozen Four game against North Dakota, and these fans "got rowdy, throwing bottles, jumping on a police car and damaging property." University Vice President Pam Wheelock was cited as saying, "There are no bystanders or spectators in a riot or a disturbance. If you are here, you are part of the incident, and you are subject to arrest." Nine university students were said to have been arrested for disorderly conduct and unlawful assembly after the North Dakota game. Wheelock also said that a couple of officer did go to the hospital (on the night of the North Dakota game).

The Star Tribune article entitled "U: Cops will be out in force Saturday for hockey title game," stated: "In response to the rambunctious and at times destructive mayhem that erupted in Dinkytown after the Minnesota Gophers' NCAA semifinal hockey victory over archrival North Dakota, university President Eric Kaler told students Friday that a substantial law enforcement presence will be in place to stymie a repeat when the team plays Saturday night for the national championship.

Thursday night's unrest, a milder reprise of the Frozen Four mayhem in 2002 and 2003, drew police in riot gear as Gophers fans converged, with some climbing on light poles and cars and taking selfies as the crowd grew. According to social media reports, some were belligerent toward police officers as they arrived to disperse the crowd.

Minneapolis police said two of its officers were slightly hurt and required medical attention after helping quell the two hours of unrest that also left "an undetermined amount of public and police property" damaged. Nine students were arrested on misdemeanor charges."

This article went on to cite Minneapolis Police spokesman John Elder as stating that some students threw beer bottles and cans at officers and a couple of squad cars were damaged. One video shows several young men climbing on a squad car and jumping on its trunk, roof and hood.

Myfoxtwincities.com article entitled "Gophers win FrozenFour semifinal, Dinkytown celebrates" included a message from the Minneapolis Police Department.

The Minneapolis Police Department released the following message regarding Saturday night at the University of Minnesota:

The Minneapolis Police Department supports the University of Minnesota as we celebrate the Gopher's Mens Hockey Semi-Finals win. We hope that people celebrate responsibly and lawfully following the Gopher's appearance in the national championship game on Saturday night.

If celebrations escalate into criminal behavior, the MPD will act to ensure public safety and protect property. Anyone told to disperse from an assembly that has been declared unlawful must immediately leave the area. Failure to do so may result in an arrest.

Again, MPD supports and encourages lawful, responsible, and safe celebrations.

The Pioneer Press website, <u>www.twincities.com</u>, posted an article dated 04/13/2014 entitled "Postgame riot in Dinkytown leads to 19 arrests." In part, the article stated, "Minneapolis police said in a statement that at least 19 people were arrested Saturday night and early Sunday morning in and around the Dinkytown area near the Minnesota campus. There were two reported incidents of arson and an undetermined amount of property damage, police said. No officers were injured.

Hundreds of people flocked to Dinkytown and poured out of University of Minnesota-area bars after the game -- a 7-4 loss to Union in Philadelphia -- ended around 9:20 p.m. Roughly 30 minutes later, young people moved from sidewalks to the streets, chanting "USA!", hurling profanities at police officers and throwing rocks and bottles. Some lay down in the intersection of Fourth Street Southeast and 14th Avenue Southeast.

Police formed a line, brandished pepper spray, warned the crowd about unlawful assembly and ordered them to disperse or be arrested. A helicopter hovering overhead repeated the warning.

Roughly a half-hour later, police forces pushed much of the crowd into residential areas west and north of Dinkytown."

There were reports of officers shooting rubber pellets and beanbags to target the most unruly.

"With all the sirens and helicopters, it felt like a war zone," said recent Minnesota graduate Austin Duket, 22, who ventured out after watching the game at his Dinkytown home to see what the crowds would do. "There shouldn't be riots right now."

Articles from MPR News and CBS local news, WCCO, contained similar information on events surrounding the 2014 Frozen Four Tournament and are included in this case file.

### <u>Correspondence</u>

The Mounted Patrol Unit is supervised by Sgt. Molly Fischer. Upon request, Sgt. Fischer provided a line-up, via email, of mounted officers that worked during the Frozen Four event in Dinkytown on 04/12/2014 into 04/13/2014. This list included the horses that each officer rode that evening. When asked if any horses are white, Sgt. Molly Fischer responded that Diego and Kristo are white.

Mounted Patrol-Frozen 4-April 12 line-up

Kristo(T. Hanks)

Jesse(Domek)

Cabo(Kasel)

Schafer(Ryan)

Onyx(Herron)

Frozen 4 Teak (Smith) Downtown bar close Sampson (Smith)

Goliath (Fischer)

Diego (Devick)

Sampson(Smith)

Teak (Madich) worked only downtown bar close

Further email correspondence with Sgt. Molly Fischer revealed that the Minneapolis Police Department Mounted Patrol Unit was the only mounted patrol at the Frozen Four detail. Also, exact assignment locations for each Minneapolis Police Department Mounted Officer were not available because mounted teams mixed as the event evolved.

Lieutenant David Wilske of the University of Minnesota Police Department was called by phone. He confirmed that the University of Minnesota Police Department has not had a Mounted Patrol Unit since 2013. He also confirmed that St. Paul Police Department's Mounted Patrol did not participate in the 2014 Frozen Four event.

Lt. Kevin Stoll was one of the commanding officers during the Frozen Four event. He was contacted in regards to staffing and line-ups, and he referred the request to Sgt. Beth Mota who helped with staffing for the event. According to Sgt. Beth Mota, the Mounted Patrol line-up was:

	Sergeant Fischer, M #2023
156	Hanks, T #2660
156	Madich, R #5867
156	
156	Smith, R #6689
157	Sergeant Herron, L #6939
157	Ryan, T #6233
157	Domek, J #1543
157	Devick, T #1526
157	Kasel, K #3647

### **Frozen Four Booking Sheets**

Lt. Melissa Chiodo was the Booking Team Commander during the Frozen Four events. She was contacted, and she supplied the booking sheets filled out for each arrest during the Frozen Four events. Upon review of these records, it was found that Michael Conley Juberian, DOB 06/20/1991, was arrested at 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE at 0021 hours. This arrest was the closest to the location and time of the alleged misconduct of this investigation. This booking sheet for Juberian also documented that force/takedown was used during the arrest, and the CCN for this arrest is 14-118365.

### Frozen Four Booking Sheet

### A (Arrestee Identifying Number)

APINFO
NAME Michael Confey Juberian

DOB 06/20/1991
HOME ADDRESS 7009 Mccauler Trail, Edina, MN 55459

SCHOOL ADDRESS Augburg

CELL PHONE

OTHER PHONE

ID TYPE

CCN 14-118365 ARREST LOCATION 13 HAVSE / 4 ST SE ARREST TIME 002-1 CHARGE PC ABLT & / GM Niof CHARGE PC ABLT & / GM Niof ARREST OFFICER NAME/BADGE Tay LOW 7139 TRANPORT OFFICER NAME

FORCE USED AN

TYPE OF FORCE USED Take aloa on

INJURY W

TREATMENT Y D

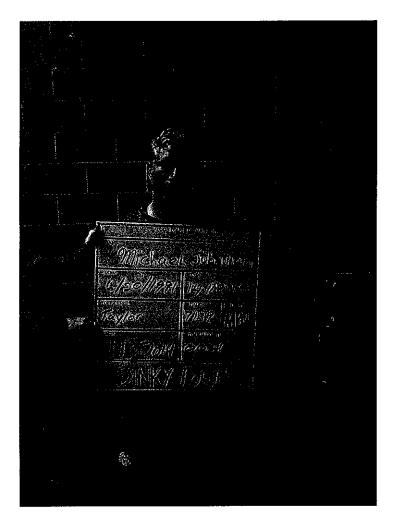
TYPE OF TREATMENT

FORCE REVIEW COMPLETED Y OF

FORCE SUPERVISOR

PROPERTY Y / N
FIELD XO/ BOOKING SERGEANT
U of M Student Y / N

Lt. Melissa Chiodo also supplied photographs of each defendant taken at the 2<sup>nd</sup> Precinct. Here is the booking photo of Michael Juberian.



### **CAPRS Reports**

The Minneapolis Police Department Records Management System (RMS), called CAPRS, was checked for documentation of the alleged force used upon Anthony Seemann. No report could be found that documented Anthony Seemann or force used against him. Also, no report could be found documenting any force used by any member of the Mounted Patrol Unit on duty during the Frozen Four events.

CAPRS CCN 14-118365 documented Michael Juberian's arrest. In supplement #1 written by arresting Officer Craig Taylor, it states that Juberian was arrested near the entrance of The Library Bar. It also mentions the Mounted Patrol assisting in the arrest. It is believed that Michael Juberian's arrest is the arrest Complainant Anthony Seemann described witnessing prior to his alleged encounter with a male mounted patrol officer.

The master case number in CAPRS for the Frozen Four event is 14-120606. This case was opened as an administrative case for the purpose of holding property. Two video discs and two USB flash drives containing video footage were property inventoried under this case number. This video footage was viewed by this investigator, and it did not contain any relevant footage. The two video discs contained the same footage from MPD mobile SIC camera #13 which was stationary at the intersection of 4<sup>th</sup> St SE and 14<sup>th</sup> Ave SE and ran from 2125 hours to 2330 hours. The two USB flash drives contained video footage from traffic cameras; one was located at 4<sup>th</sup> St SE and 10<sup>th</sup> Ave SE, and the other was located at 5<sup>th</sup> St SE and 15<sup>th</sup> Ave SE.

### <u>Video Evidence</u>

The Minneapolis Police Department Crime Lab had shot video footage in Dinkytown during the Frozen Four events. Seven discs of footage were viewed, but none contained footage of the alleged incident or slap. Here is a breakdown of the discs as they were marked as Exhibits A through G by this investigator. Also, the date of the footage shown on the menu screens of discs A, B, and G is 04/13/2014. This date is believed to be incorrect; this investigator believes that the actual date of this footage is 04/12/2014.

### Exhibits:

- A) Contains footage from the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE. This disc was used during some officer interviews in order to refresh their memories and recollections of events during the timeframe in question. This disc will be referred to from here on out as disc "A" or "Exhibit A." Disc "A" has a time stamp of 9:40PM on the menu screen; however it does not have a timestamp visible during playback of the footage. The footage shows what appears to be eight mounted patrol officers at this intersection. The mounted patrol officers eventually head southbound along 13<sup>th</sup> Ave SE towards University Ave SE, four horses on each side of 13<sup>th</sup> Ave SE. The footage continues at the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE, and it runs approximately 18 minutes total.
- B) Contains footage of events at 4<sup>th</sup> St SE and 14<sup>th</sup> Ave SE and eventually moves to 5<sup>th</sup> St SE and 14<sup>th</sup> Ave SE. Later footage on this disc shows 4<sup>th</sup> St SE from 14<sup>th</sup> Ave SE to 13<sup>th</sup> Ave SE. Time stamp on menu screen of 8:24PM. The footage runs approximately 57 minutes.
- C) Time stamps on menu screen for two clips are 10:01PM and 10:17PM. Contains footage of events at 4<sup>th</sup> St SE and 14<sup>th</sup> Ave SE, and eight mounted patrol officers can be seen all together on this video. The footage is approximately 24 minutes long.
- D) Time stamps on menu screen for two clips are 10:38PM and 10:51PM. The footage is of events at 4<sup>th</sup> St SE and 14<sup>th</sup> Ave SE eventually moving down 4<sup>th</sup> St SE to 13<sup>th</sup> Ave SE. The footage is approximately 26 minutes long. Eight mounted officers can be seen together in one group on this footage.
- E) Time stamps on menu screen for two clips are 11:16PM and 11:34PM. The Mounted Patrol can be seen riding southbound along 13<sup>th</sup> Ave SE from 4<sup>th</sup> St towards University Ave SE, four horses on

- each side of 13<sup>th</sup> Ave SE. There is footage of the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE after the Mounted Patrol Unit leaves. The footage is approximately 5 minutes and 23 seconds long.
- F) Time stamps on menu screen for three clips are 10:17PM, 10:20PM, and 10:25PM. This footage is shot along 14<sup>th</sup> Ave SE between 4<sup>th</sup> and 5<sup>th</sup> Streets SE and northbound past 5<sup>th</sup> St SE on 14<sup>th</sup> Ave SE. Eight mounted patrol officers all together in one group can be seen on this video. Bottles and bricks are seen and heard being thrown at Police while at the intersection of 14<sup>th</sup> Ave SE and 6<sup>th</sup> St SE. SWAT officers are recorded as they patrol through the streets. A street sign is seen shoved through a vehicle's windows, and what appears to be a recliner is burning in the street. The total length of these video clips is unknown.
- G) Time stamp on menu screen of 11:34PM. This footage is of a SWAT team in an unknown location just standing in an intersection with no one around them. The total footage is only a few seconds long.

This investigator called The Library Bar by telephone. According to the General Manager Joe Berg, their video is only retained for approximately three weeks. No video related to this event was preserved by The Library Bar staff, and therefore was not available.

The Minneapolis Police Department SIC (Strategic Information Center) was contacted via email regarding any mobile cameras that they had positioned in the Dinkytown area for the Frozen Four events in an attempt to locate any potential video footage captured by SIC cameras. It was found that no cameras were in position to capture events related to the allegations in this investigation. The footage captured by the mobile camera that SIC had placed at 14<sup>th</sup> Ave SE and 4<sup>th</sup> St SE was property inventoried under master case number 14-120606. (see CAPRS Reports section below) This footage was viewed and found to have no relevant footage.

### Photographic Evidence

During his formal statement, Anthony Seemann had stated that the mounted patrol officers he had seen on the night in question were wearing the same exact uniforms as the photos in the news articles he had seen regarding the anticipated riots in Dinkytown after the Frozen Four Tournament. He was asked to send examples of these photos that he referred to, and he later emailed two photos of mounted officers that are clearly Minneapolis Police Department officers.

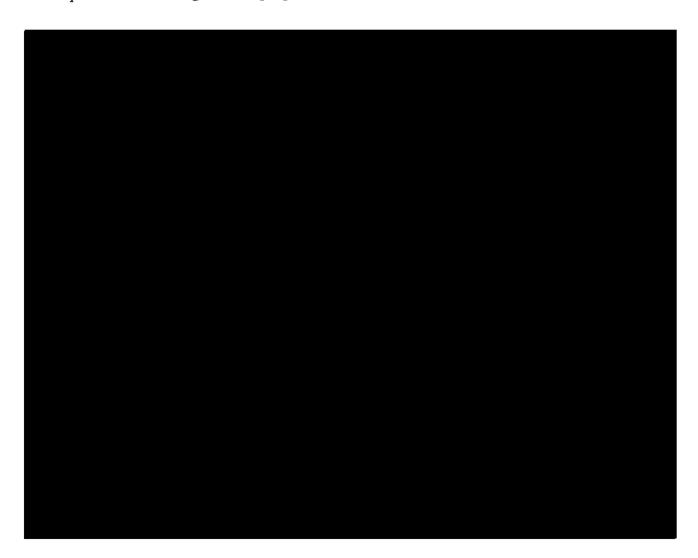
1) The first photo was named <u>Screen-Shot-2014-04-13-at-10.16.12-AM.png</u> This was a small photo of three mounted patrol officers on horseback on the sidewalk in front of Goldy's Locker Room at the intersection of 14<sup>th</sup> Ave SE and 4<sup>th</sup> St SE.



2) The second photo was named <a href="http://stmedia.startribune.com/images/ows\_139736310384953.jpg">http://stmedia.startribune.com/images/ows\_139736310384953.jpg</a> The date of this photo is unknown, but the two white horses in the Mounted Patrol Unit are present in the center of this photo. Officer Timothy Hanks is clearly riding the white horse on the left, and Officer Timothy Devick is clearly riding the white horse on the right.



The Crime Lab also shot still photos of during the night in question. These photos were provided to this investigator on a disk. Of the photos, only one was of value to this investigation. This one photo shows Officer Timothy Hanks mounted atop of a white horse on the right side of the photo. In this photo, Officer Hanks can clearly be seen wearing a stocking cap under his helmet. No one has ever mentioned that the officer in question was wearing a stocking cap under his helmet.



# Complainant Anthony Seemann Statement

Complainant Anthony Seemann was interviewed in person at the Minneapolis Police Department Internal Affairs Unit on 06/24/2014. Seemann is currently 21 years of age, but he was only 20 years old at the time of the Frozen Four event. Seemann identified Kelli Burstein (his girlfriend), Jordan Thomas, and Jordan Thomas' friend as being with him at the time of the alleged slap.

In his formal statement, Anthony Seemann stated the following:

- "Um, uh, there was just this, uh, there was this kid and then I saw the police just, uh, just knock him down and, uh, uh, pretty roughly, and then I was just like- we were all just like whoa. And then, um..." Seemann described this arrestee as a white male approximately 21 years of age.
- When asked if he had been drinking that night, Seemann stated, "I had like, like a shot, like
  an hour before, but that was it, like nothing really like..." Seemann didn't consider himself
  intoxicated.
- Seemann believed that the arrest he had witnessed occurred on the curb on the northeast corner of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE. Later in the interview, however, he stated that the incident may have happened one block to the east.
- "Then, um, when, when-, I don't know there was probably, like, a collection of, like, probably five, five policemen. So then, um, I'm hanging around and I just flip the bird and everything and, but I, I, I'm not like looking at like one specific policeman. I'm just-, I'm just turning around like that...(indicating he flipped the bird over his shoulder behind himself towards police officers) And then I, I'm walking away."
- "I'm, I'm very sure that, that I was-, I was flipping the bird while I walking away. I wasn't engaged with anyone... It was very indirect. And then, uh, started to walk away, and, uh, the policeman on the horse, uh, he just starts to like yell at me like, um, like hey, you got something to say, like you got something to say, you little punk, or something like that."
- When asked if he knows for sure the officer called him a punk, Seemann responded, "I, I, I'm not a 100 percent sure he started calling me names, but, you know, it felt like that, but I can't-, I can't specific-, I can't like 100 percent tell you that he did." He added, "But, but I can quote that he-, he said, like, 'you got somethin' to say'."
- "And stuff like that. Uh, and then-, so then at that point I, uh, I just-, I just turned and I just, I, I, I stand there and I just, you know, just looking at the policeman just, you know, taking what, what he's saying to me, and I'm, like, wasn't gonna do anything. I'm just gonna let him do what he wants to do, and then he gets his horse like within probably a foot or two away from me, and then he swipes down and, like, just slaps me across the face pretty hard. And then, at that point, I'm like whoa, like, like you can't do that, and..."

O: Did you say that?

"Yeah, I'm like-, I'm like you can't do that, like, that's illegal, and then so I, I'm really upset, like, I'm, I'm riled up now. And then my friends start pulling me back because they don't want me to like start, you know, like getting, you know, right in front of this policeman. I mean I don't think I would've done anything nuts or anything I was just really upset. So then, uh, I just kind of submit and I just, you know, start walking away, just like, um, just really angry."

- Seemann described the mounted officer that slapped him as a white male, a bigger guy/stocky build, probably around 40 years old or in his late 30s, "he looked like a superior, kind of...He looked like he's been there for a while."
  - Q: Tattoos? Anything?
  - A: He, he was bald.
  - O: Bald. OK.
  - A: Um...
  - Q: Did he have a helmet on or anything?

- A: No.
- O: No helmet. OK. Was he shaved bald?
- A: I think so.
- Q: OK. Shiny head then?
- A: Yeah.
- Q: OK.
- A: Um, uh, yeah, he had no facial hair. Um.
- Seemann described the slap as an open-handed slap with a gloved hand to the left side of his face on the cheekbone. He said that this caused soreness and hurt for a couple of days, but he did not seek medical attention.
- Seemann was asked about the horse that mounted officer was riding. Photos from the Minneapolis Mounted Police Foundation's Facebook page were printed and used during the following line of questioning.
  - Q: You said there was a horse. What did the horse look like?
  - A: Oh, it, it was a white horse. I, I went on to the, uh, website, and I, I identified who the horse was.
  - Q: Oh.
  - A: It was the only white horse.
  - O: What's the horse's name?
  - A: I, I don't know the name, but it, it's, uh, on the site and it's the only white one, so I was lucky in that.
  - Q: OK. Which site did you go on?
  - A: Uh, um, Minneapolis Police Department one. I mean that's...
  - Q: Did it bring you to the Facebook page?
  - A: No, it, it was the .gov site.
  - Q: The .gov site.
  - A: Yeah.
  - Q: OK.
  - A: And then I went to the…
  - Q: Now, we have a white, white horse and then we have a blonde horse. I have a picture here. Now, these horses are interchangeable with the officers.
  - A. Veah
  - Q: So do not look at this picture and try to identify the cop sittin' on the horse, OK?
  - A: Yep.
  - Q: Because they use different horses every shift.
  - A: Yep.
  - Q: All right. So don't look at the cop.
  - A: Yeah.
  - Q: Just look at the horse here. All right. This is a picture from our Facebook website and you can see there's two lighter horses; one I would call white and one I would call like a real light tan.
  - A: Yeah. It, it was that one.
  - Q: It was the white horse?
  - A: It was the white one.

Q: OK. And also from that same website, I've got a particular horse here. Do you remember anything about his face before I show this picture? Anything about the horse's face.

A: Oh, it probably had like kind of gray spots maybe, maybe like kind of around the eyes a little bit.

Q: OK. Are you getting that from your memory of the incident or from the website page that you looked at?

A: From the incident.

Q: OK. I'm gonna show you this picture here. Does that look like the horse?

A: Yeah, that-, I, I went to the-, um, there was a mounted officer's subpage on the .gov site.

Q: OK.

A: And, uh, you know, I, I saw this picture and then I saw a couple pictures of the...

Q: So you saw the entire fleet of horses. You saw that on the website.

A: Mm-hmm (indicating yes).

Q: And showed this lighter brown one and this white one?

A: Yeah, I, I think I kind of disregarded that one. I mean...

Q: So you've always been centered on this white one?

A: Yeah, cause, you know, I'm 99 percent sure, like I'm almost 100 percent sure that was, that was the one not that one.

Q: OK. And so this here is a close up. Clearly the name is visible and written on the picture, Cristo, and you believe that this is the horse?

A: Yes.

• The Minneapolis Police Department Mounted Patrol Unit has 20 officers assigned to it; some are full-time and some are part-time. Of these 20 officers, nine of them are male. Anthony Seemann was shown individual photos of these nine male mounted officers, including the officers that were not on duty at the Frozen Four event. After viewing the nine photos, Anthony Seemann chose Officer Roger Smith, stating "OK. Um, the one that I have the most confidence in is probably that one." This decision was not completely confident:

A: Um, it's-, it, it would not be any of these, no, but it would be probably that one.

Q: Well, to get it this far. Just put your initials on there. Now, that doesn't mean you've selected him. It just means that that's one that jumped out at you at first, right?

A: Yes.

Q: OK. Why don't you go ahead and put your initials on there. All right. Now, you were wanting to pull some out that say definitely not. What was your factor that you were using to eliminate those? Too much hair or what?

A: Yeah, too much hair, and uh, uh, the age and um, just the-, their body mass, and uh....

Q: OK.

A: Cause I, this, this guy really stands out to me.

Q: OK.

A: So.

Q: Do any of the other ones jump out at you at all?

A: Um, this guy's too young. It wasn't him. I don't think it was this guy. I mean they, they look pretty similar, but this guy is more of a-, he stands out more to me.

Q: All right. And that's the one you have initialed there.

A: Yeah.

### Kelli Burstein Statement

Kelli Burstein was interviewed in person on 07/10/2014 in the Internal Affairs office. Burstein is the girlfriend of Anthony Seemann, and she was with Seemann at the time of the alleged slap by the mounted patrol officer. Also with them at the time, according to Burstein, were Jordan Thomas, Rahwa, and Christina. Burstein admitted that she had consumed one beer during the hockey game even though she was only 20 years old, adding "And-, but I mean there's no way that I-, we were in any way like intoxicated..." Burstein said that Anthony Seemann had consumed the same amount of alcoholic beverages as she had.

Burstein believed that the incident occurred along 13<sup>th</sup> Ave SE between 4<sup>th</sup> St SE and 5<sup>th</sup> St SE. She described the incident as, "Um, we were just walking. There was some bar. We passed some bar, can't remember which bar, but I remember there was like this kid getting arrested and we didn't know what it was about. It ju-, it looked really weird and strange to us... So as we're walking past, um, and this kid is getting arrested, we're just walking past and we're all looking back, and I think Anthony must've like saw a struggle happening and didn't think the kid did anything and just kind of as we're walking by put his middle finger in the air. Like wasn't at anyone. I didn't even see him do it really. I was just walking with him and then all of a sudden a police officer yells like hey. And he was on a horse and he starts riding out after us. And we're, we're just walking at this point like we're way past the whole situation. It wasn't even a situation for us. We were just walking past. And the police officer was riding his horse and jerked it right in front of Anthony, and slapped him in the face."

She described this slap as one open-handed slap to Seemann's left jawbone with the front/palm side of the hand. Burstein stated that she was standing right next to Seemann when this slap occurred.

Burstein later added that after the slap, "Anthony turned around and he was just like hey, you can't do that. And then I started pulling Anthony away cause I didn't-, I knew, like, it wasn't a good night to be around like everyone was kind of tense, so I was trying to pull him away. And after a while he was trying to like, I think he was trying to like get the police officer to identify himself and just telling him that he can't hit him cause he didn't, you know, do anything criminal or anything. And so I'm pulling him away from the situation. Finally, I-, he just started walking with us again."

She described the striking officer as a white male, probably between 35 and 45 years old, no facial hair, wearing a helmet, and riding a white horse. She was shown individual photos of the nine male officers assigned to the Mounted Patrol Unit. Burstein first selected the photo of Officer Roger Smith, stating, "This one is sticking out the most to me." When asked if she was certain of this selection or if he just stands out to her the most, she added the photo of Officer Timothy Devick to her selection and stated, "He stands-, these two stand out to me the most."

- Q: Would you mind putting your initials on both of those pictures. Let's, let's talk about the first one. What about him causes you to recognize him?
- A: Um, he's like bigger. I just-, I just remember it was a white guy and he looked just-, he looks intimidating to me, and it was a very intimidating looking person with maybe...
- Q: What about the second guy? What about him stands out?

A: Just I think maybe the fact that they were wearing helmets makes it so that the, like, having less hair stands out to me, but this guy is really standing out to me (indicating her first selection of Officer Roger Smith).

Q: And can you just write that at the bottom. You, you keep pointing at that one, so I'm gonna have you make a note on the bottom.

A: Write down?

Kelli Burstein wrote "He really stands out to me. KB" on the photo of Officer Roger Smith.

## Rahwa Weldeabzghi Statement

Witness Rahwa Weldeabzghi was interviewed in person at the Internal Affairs office on 08/25/2014. She explained that she was with her best friend, Christina Manancero, on the night of the Frozen Four. They were walking through Dinkytown with Jordan Thomas, the complainant, the complainant's two friends, the complainant's girlfriend, and the complainant's girlfriend's friend. Weldeabzghi explained that this was the first and only time that she had met the complainant, and she doesn't even know his name.

Weldeabzghi stated that she was 100% certain that the incident occurred right outside the Library Bar, which is located on the northeast corner of the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE.

• "Uh, first of all, I know it's the Library Bar and what had caught the complainant's attention was the fact that there was a blatantly drunk man who was being, um, arrested, I'm guessing, because they had his-, the police had his arms behind his back and they were smashing his face into the cement. And apparently that made him extremely angry-, the complainant. It made him angry to see that kid's face being smashed in. He didn't know him. He had no idea who he was, but he still felt the need to say something like, what are you guys doing or why are you smashing his face, like that type of thing. So, that's how it all started. That's why the police officer said the things that he did and..."

Weldeabzghi recalls seeing the complainant's hand go up, but she did not actually see him give the finger to Police. Her friend, Christina Manancero, did tell Weldeabzghi that the complainant "made a gesture, like he flicked off the police, and said something along the lines of like, screw the police, or something."

• "And I was-, and then I turned and we were walking, and we started turning because they were making us turn to go around the bar or whatever. And then, um, I didn't hear him say anything, but all I know is the next thing there's a police officer yelling at the complainant. So, they were going back and forth and then thing with, um, the horse. He was on a white horse. I remember that. And then he almost trampled over some people and chased the complainant with his horse."

Weldeabzghi described that the mounted patrol officer was approximately three car lengths from the complainant when they began exchanging words. The mounted officer then rode his white horse to the complainant.

Q: OK. So, you said when, when they were exchanging words, three car lengths, um, he rode the horse right up to the complainant; is that right?

A: Yeah. He, uh, did not seem to care who was in his way. Um, there was a crowd of people, like I said, cause we were all being moved. Um, this one kid had did the gesture, the complainant, but it seemed like he didn't-, the mounted officer did not mind running into other people. And it was terrifying to be that close to a horse, like it was this far away from my face.

Q: OK. You're indicating like three inches?

A: Yes, it was super close to my face and I remember Christina grabbing me because I'm a ditz sometimes. And I didn't realize that he was coming full force on his horse at the kid, the complainant, so I didn't move or anything. And it seemed like people were getting out of the way or they were pulling out their cellphones to record. So, at that point, he came straight up to the boy, um, the complainant, and then they started saying things back and forth.

Q: Did you hear what they were saying?

A: The officer, I remember 100%, he said, "you little fuck, come back here." That's what he said to him. And that's when I was like what's going on. Because up until that point, I hadn't realized that something was actually happening as far as like going back and forth or anything like that. Um.

Q: Was the complainant making any, um, evasive actions?

A: He was saying-, he was like, what, what, like this. So, he had his arms out like this kind of asking for it.

Q: So, [laugh] to repeat this phrase and pardon me that I'm gonna do this, but I wanna make sure that I have it right, "you little fuck, come back here?"

A: Yes.

Q: OK. And you said you were 100% certain that's what he said?

A: Yes. Mm-hmm (indicating yes).

Q: And then the complainant was standing with his arms out to the side, like...

A: Saying what.

Q: with his palms up, saying, what, what.

A: Yes.

Q: OK. What happened next?

A: So, then he started, the complainant, started walking towards the officer and it took two girls. There were two of us and his guy friends, I don't know what they were doing, but they were holding. I wasn't involved in holding him back, but they were holding him back saying, stop, you don't wanna get involved in this.

Q: They're holding the complainant back?

A: Yes.

Q: He wants to go towards the officer?

A: He does. Yes.

Q: Um, in a-, an aggressive manner?

A: He-, it seemed like they were both equally as aggressive at that point. So I-, the complainant-, like I said, I don't know him very well. I don't know if he, um, is the type of person to get into a physical altercation with someone. I can't tell you honestly.

Q: Mm-hmm (indicating yes).

A: But it seemed like he did not-, he wasn't afraid of the police officer or the police officer's horse, which I found odd because I was terrified, but...

Q: Yeah. Tell me...

A: he was going towards him.

Q: was the complainant drunk?

A: He was intoxicated. Yes.

Q: Yeah.

A: Mm-hmm (indicating yes).

O: And you know the difference between, um, a little to drink, buzzed versus intoxicated.

A: Yep. Yes. No, I know. He was not like casually drinking that night. It was-, he was drinking from say watching the game, and then after they lost, he was still drinking and-, I mean he wasn't falling over or anything like that,...

Q: Right.

A: but he was...

Q: We use indicators like bloodshot eyes, bloodshot, watery eyes, um, slurred speech.

A: He had slurred speech. He did not have bloodshot eyes. It wasn't that bad.

Q: OK.

A: Um, I remember he had slurred speech because he was speaking to another police officer and the police officer commented on it. And I was like....

Q: What did he say?

A: He-, well, he was in the middle of making a complainant. We had gotten maybe a block away.

Weldeabzghi was asked about any force used by an officer against the complainant.

O: Did you ever see the officer use any force against the complainant?

A: He tried to slap him it seemed like. The officer had his hand out and he tried to backhand him, but when he came after him with the horse the first time that I told you about.

Q: Yeah.

A: He-, and he almost knocked me down, and I was right behind the horse at that point, so I could see exactly what he had done. And he had went like this with his arm to the back of the complainant's head and he didn't get him. He did not hit him, but he was close enough. I don't-, I-, maybe he did hit him, but from what I could see he didn't hit him, and he didn't like whip his head back or anything as to say I just got hit.

Q: He didn't react as if he had been hit?

A: No.

Q: But you saw the mounted officer swing his backhand...

A: Yes. Yes.

Q: towards the complainant?

A: At the kid's head-, the complainant's head.

Q: Yeah.

A: Yes.

Q: But in your, uh, recollection, he didn't hit him?

A: He did not make physical contact.

Q: And that was the only time that they were close enough that...?

A: That was the only time they were ever close enough because people got in the way. And then, like I said, the police officers then started flanking him each side and they started dispersing the crowd, so he kind of fell back, I'm guessing.

Q: They got separated?

A: Yes.

Weldeabzghi was asked about her level of intoxication on the night in question. She explained that she doesn't drink a lot because she is pre-diabetic, so she can't drink a lot. She said that she had only consumed less than one glass of wine, and that was early in the evening.

When I asked if Jordan drank, Weldeabzghi's response was, "Uh, Jordan drank."

**)** '

When I asked if the complainant's girlfriend (Kelli Burstein) was intoxicated, Weldeabzghi's response was:

A: She-, again, I don't know these people, but from what I saw that night I can only think that only an intoxicated person would act that way.

Q: Right. Let's use other, other factors. Uh, slurred speech, you know.

A: Yeah. Slurred speech. She was-, um, she wasn't using her judgment very well. When there-, when it was time to walk away from the situation or when it was time to stop, like for instance he was using words such as corrupt police which is not something you should be saying to people, um, and she was like, yeah, yeah, like kind of egging him on. And we were all like, come on, let's go, you can make a complaint tomorrow morning. That's what one of the officers was telling him over and over again.

Weldeabzghi described the mounted officer in question as a Caucasian male in his 40s with darker hair and riding a white horse. She was shown the nine photos of the male members of the Mounted Patrol Unit. After viewing the photos, she replied, "I could stare at these all day, and I know that I cannot tell you hon-, 100% which one it is. I can tell you which ones I like think it is." She then identified Officer Timothy Devick, Officer Roger Smith, and Sgt. Thomas Ryan.

Weldeabzghi had explained that she had seen approximately 12 mounted patrol officers earlier in the night, but at the time of the incident, she only recalls seeing about three or four mounted patrol officers. Of the latter group of only three or four mounted patrol officers, Weldeabzghi recalls one white horse with the remaining horses being darker.

# **Jordan Thomas Statement**

Jordan Thomas was interviewed over the telephone on 08/27/2014. According to her profile on the University of Minnesota web site, her phone number is (608)235-4714. This is the number at which she was reached for this interview. The below quotes were pulled out of her interview for this summary.

Jordan Thomas described the incident, "And then, uh, it was me, Christina, Rahwa, Anthony, and Kelly-, we all-, we all live in the same area, and so, we all decided to walk home together. Um, and so as we were walking home, um, we were walking past Dinkytown, and everything seemed to be pretty great-, well, compared to earlier anyways like quieted down and it didn't seem like there was much going on anymore. And we, we were walking just behind the apartment building 412, and, um, Anthony-, he just-, I don't know exactly what happened. I, um, at this point, I was walking in front of him and I was looking back and we're all kind of talking with each other. Um, and all of a sudden, I saw it was like Anthony wasn't-, he didn't look like he was in a very good mood. I wasn't exactly sure why. He and his girlfriend were talking.

"Um, then we walked past police officers. Um, some of which who were-, who were on horses, some weren't. And he-, I don't know why he decided to do this, but he flipped one of the officers off and as

we're-, and we were walking away and all of a sudden I heard-, I like turned around and all of us were like Anthony what are you doing, what are you doing, like you shouldn't do that, you're just. Like, we had no idea what was going on, what had caused that. Uh, Anthony maybe he was angry because we felt like-, or we had been talking earlier saying that we felt like, um, the amount of police that were there was a little bit of an overreaction. We weren't sure if he was annoyed or what, but, um, anyway, we were walking and he flipped him off, and the officer kind of yelled. It was an officer on a horse. An old-, maybe older man, um.

"Um, I'm guessing it was-, he was probably between the ages of like, uh, early 40s to 50s. Um, and he turned around on his horse and he was like, hey. He like yelled at them and he kind of came at us with, with his horse. He wasn't extremely far away at this point. Um, and he started coming towards us and I was like, Anthony, Anthony, come on. Like, we were trying to pull him away and officer called him-, he swore at him, um, and he called him a fucker [laugh].

"And he started coming at us with the horse, and we're all kind of freaking out at this point because there, there were still other people in the street. There weren't a lot, but there were enough to make it-, like to make it, it, it harder, harder to get away-, harder to walk away. And, um, oh, oh, OK, now, it-, I think it's earlier like maybe because there was some police behind. I think-, uh, I, I couldn't see what happened. I was told, but, um, a guy who was like maybe 100 feet behind us had said something to the officer, and so, there was something going on there. And then, I believe, Anthony flipped him off, and so, there was tension or something-, I'm not sure, but the officer came towards us and he started yelling at him. And he pushed Anthony and we were just-, I was up in front-, we were telling Anthony to get away. Anthony was freaking out, just saying he can't do that. You know, it's-, that's not fair. He can't do that. He's an officer."

When asked about her statement that the officer pushed Anthony, Jordan Thomas stated, "I, I guess in a way. Like he was on his horse and he was kind of like right next to him, so it looked like there was a little bit of shoving involved."

Thomas was later again asked about what happened between the officer and Anthony Seemann:

Q: OK. What happened between Anthony and the mounted officer when they got, uh, close to each other? Was Anthony trying to go towards the officer?

A: No. Anthony was trying to push away. We were all trying to get him to leave. We were kind of saying, Anthony, come on let's go. Let's go. We need to go. We need to go. I don't know what are you doing, and it looked like they close and I don't know if-, I don't know which happened first. I don't know if the officer touched Anthony first and Anthony was trying push away or if Anthony like was pushing away and the officer responded in that way. I-, it was kind of all-, it happened really fast.

Q: OK. Well, that's just-, let's focus on Anthony for a second. A: OK.

Q: You were saying he was trying to get away. Was he trying to get like go in the opposition direction of the mounted officer? Was he standing there looking at him? Was he going towards him? What exactly was he doing?

A: I think the officer-, I think the officer and the other officers on the horses were in the parking lot and the officer was moving away from them out of the parking lot. So, cause we were on the sidewalk, and so, we were trying keep walking on the sidewalk, um, away from the officer. So, we were trying to get him to keep going.

Q: OK. You said you were trying to get Anthony away?

A: Away.

Q: Were you pulling on his arm?

A: Um, I didn't pull on his arm. No. I think Kelly did, though.

O: OK. Were you close enough to Anthony at this point where you could've pulled on his arm?

A: Mmm, no. I wasn't. I didn't get that close.

Q: Did you, uh, ever see Anthony challenging the officer by saying, what, what, like that?

A: He might've, now that you say that. Yeah. If he-, I think-, cause the officer was saying, hey, get back here, and Anthony-, he might've and that might've-, ah shoot. Um.

Q: It's OK.

A: Yeah, that, that sounds right.

Q: OK. Did the officer riding the horse...

A: Like I said, we were all kind of shouting.

Q: Pardon?

A: Like I said, we were all kind of shouting saying like we need to go, let's go.

Q: OK.

A: We need to leave. So.

Q: Did the officer ride his horse right up to Anthony?

A: Yeah, they were very close.

Q: Did you ever see the officer touch Anthony?

A: I was like looking back and trying to move at the same-, and moving at the same time, um, but it looked like they-, they were close enough to touch. I think they could've, yeah.

Q: But you didn't actually see any physical exchange?

A: Well, like I said, I saw Anthony-, I don't know which happened first, but I either saw the officer touch Anthony in like in reciprocation of Anthony like touching him. I saw they were very close and Anthony was trying to like go away, so either way they touched at some point by accident or not.

Q: OK. [laugh] Um, did you ever see Anthony strike the police horse?

A: The horse?

Q: Yeah.

A: Like...

Q: In any manner?

A: Uh, consciously like...

Q: Push it, punch it, kick it, anything?

A: I don't think so. I didn't...

Q: Did you ever see the officer, uh, use force against Anthony?

A: Well, if you include like moving the horse towards him and like trying to nudge him, then yah.

Q: OK. So, you're saying he basically rode his horse up to him and was nudging Anthony with the horse?

A: He was-, well, cause we were all kind of in a group and there were other people like in the area at this point, so they were-, they got-, they got close to each other and it looked like he was like trying to intimidate him and-, or intimidate us, I don't know, and then move us and yelling. I don't know. It was-, it was scary and it all happened at once just trying to get away.

Q: OK. I understand that you're, you're not completely able to see clearly what was happening, but at any time did you see the officer slap or punch Anthony?

A: Slap or-, um, I don't believe so. I saw him like on the horse and he was-, they were like-, he was nudging him. They were like push-, they were like-, the horse was like right next to Anthony, so he could've been doing that on purpose to nudge him to get him to move or...

Jordan Thomas admitted that she had consumed one or two beers, but she was not intoxicated. She also said that "none of us were drinking super heavily or anything."

She described the mounted officer as a white male in his early 40s to 50s. She described the horse he was on as "Um, hmm, I think it was-, it could've been like a gray to a light brown, maybe."

## Christina Manancero

Prior to the formal interview with Rahwa Weldeabzghi, she stated that Christina Manancero is her best friend. She spoke to Christina about this incident, and Christina said that she was not interested in giving a statement about this incident because she was drunk at the time and can't really remember the incident. I had also asked Jordan Thomas about Christina, and she too relayed the message from Christina that she is not interested in getting involved.

### Mounted Patrol Officer Interviews

Minneapolis Police Department Mounted Patrol Officers that were working the Frozen Four events in Dinkytown on the night in question were interviewed as potential witnesses to this alleged misconduct. All eleven officers interviewed confirmed that they were on duty in the Dinkytown area on the night of 04/12/2014 into 04/13/2014. A few mounted patrol officers remained at the horse trailers during the night while the majority rode their horses in standard Mounted Patrol capacity.

As the night progressed, a few mounted patrol officers went to downtown Minneapolis. The remaining Mounted Patrol in Dinkytown eventually split up; some officers were assigned to the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE, and others were assigned to 14<sup>th</sup> Ave SE and 4<sup>th</sup> St SE. Eventually, all mounted patrol left Dinkytown and went to downtown Minneapolis for bar close.

Of the video discs containing footage of the Frozen Four events in Dinkytown shot by the Crime Lab, this investigator marked one disc as disc "A," as mentioned above. This disc contained footage of activities in and around the intersection of 4<sup>th</sup> St SE and 13<sup>th</sup> Ave SE. This footage was shown to some of the mounted patrol officers before and during their interviews in order to refresh their memories.

## Officer Joshua Domek Interview

Officer Joshua Domek was interviewed on 09/10/2014. Also present was Minneapolis Police Federation representative Cory Fitch. Officer Domek was riding Jessie, who Domek described as a horse with a "blondish color." I showed Officer Domek the Mounted Patrol photos from the Mounted Patrol Facebook page. Jessie is present in the small inset photo where Sgt. Mercil is holding the flag of the United States of America, and he is also the sixth horse from the left in the group picture.

Officer Domek was asked about where the Mounted Patrol Unit was assigned towards the end of their detail in the Dinkytown area:

Q: Did you guys all as a mounted unit pretty much stay in the same vicinity during the evening?

A: Um, for the most part, yeah. Um, towards the end of the night, we split up. I think it was-, was it four and four, maybe we only deployed-, um, I can't remember how many horses we actually deployed, but at one point we did split the horses in half. Um, one group went to, from what I recall, 14<sup>th</sup> and 4<sup>th</sup>, and the other group stayed at 13<sup>th</sup> and 4<sup>th</sup>.

Q: Which group did you stay with?

A: I believe I was at 14th and 4th.

Q: Do you know who was with you, the other mounted officers?

A: Officer Smith-, Roger Smith, um, Officer Hanks, I believe, and I don't recall the rest.

Q: And this was towards the end of your time in Dinkytown?

A: That was just prior to us, um, leaving that area and going downtown.

Q: What time do you think you went downtown?

A: Um, it was before bar close. I'd say maybe 12:30.

Also pertinent to the allegations:

Q: OK. Would it be unusual for a mounted officer to break the formation and ride off on their own to address an issue?

A: Um, unusual, I'd say, um, yes. Um, usually, um, in diff-, different situations, you know, somebody will see something and, um, they'll let the rest of the formation know. Sometimes, you don't have the time to-, it's faster sometimes to kind of break off of a formation and then refor-, or fall back into formation. Does that make sense?

Q: Yes.

A: Um, so, um, unusual, um, yes, in the, the fact that somebody-, we usually don't ride alone. So, for somebody to break off and go totally by themself, I would say that's unusual.

Q: Do you recall seeing any officer do that during the evening in Dinkytown, break off and go on their own to address any issue?

A: No, I don't, especially with the amount of people we had to stay together. It wasn't safe for us and the horse-, the horses are gregarious. So, if they get outside of their-, that pack ment-, the herd mentality, it can, um, cause problems for them because they wanna get back to the rest of the herd. So, generally, we wanna stay with two horses at least, so the horses are more comfortable and it's safer for us.

Q: Right. So, in your notification letter, I specifically mentioned the complaint that Anthony Seemann alleges that he was slapped by a mounted officer. Did you see any mounted officer slap anyone on the evening of April 12<sup>th</sup> into 13<sup>th</sup>?

A: No, I didn't.

Q: Did you yourself slap anyone?

A: No, I didn't.

## Officer Kelly Kasel Statement

Officer Kelly Kasel was interviewed in the Minneapolis Police Department Internal Affairs Unit on 09/11/2014. She rode Cabo, a brown horse. She stated that the Mounted Patrol broke up into two different groups right away in the beginning of the event, and she believed it was two groups of five officers each. She did not recall who was in her group. Officer Kasel stated that she did not remember seeing a young white male give the finger to Police, she did not remember seeing any mounted patrol officer break formation to address an individual by himself, nor did she see a mounted officer slap anyone that night.

## Sgt. Lindsay Herron Statement

Sgt. Lindsay Herron was interviewed in the Minneapolis Police Department Internal Affairs Unit on 09/11/2014. She rode several horses during her shift that night, but none of them were white. She stated that around midnight or 0100 hours, the mounted unit split up. Sgt. Herron remained in Dinkytown with her group until approximately 0100 before heading downtown. She was with a smaller group of mounted officers, and they were assigned to the area around the Library Bar to back the Library Bar's closing. She does not recall which other mounted officers were with her during this last portion of her patrol in Dinkytown. She does not recall seeing an arrest take place right in front of the Library Bar.

After viewing the Crime Lab video marked disc "A," Sgt. Herron identified herself in the video as riding Goliath, a black horse with a white tail. She stated that she only recognized herself in the video because of her sergeant stripes.

She also recalled that at some point in the night, around midnight sometime, Sgt. Molly Fischer split from her (Sgt. Herron) group. Sgt. Herron recalled that Officers Humphrey and Madich were stationed at the truck (and horse trailers) during the night.

Sgt. Herron was asked specific questions about the allegations:

Q: OK. Um, do you ever recall anytime during that evening in the Dinkytown area any of your mounted officers breaking away from the group of mounted officers to address an issue on their own?

A: We stay together the whole time that I remember because of just the nature of what was going on we couldn't separate. Our horses were-, um, it was a lot for them to see for one evening and this is the beginning of our riding season, so they hadn't seen any of this. So, we pretty much stayed really close together as much as we could. I can't remember any of them breaking off.

Q: Um, even if it were just a short maybe 30 feet away, would that be unusual or do you recall seeing, when I say breaking off I don't mean riding to the next block...

A: Mm-hmm (indicating yes).

Q: Just a short distance. Do you recall seeing anyone ride away from the group in a hurried manner in order to address an issue?

A: Not that I remember.

Q: OK. Do you recall ever seeing any of the mounted officers slap anyone?

A: Mm-mmm (indicating no). No.

Q: Even backhand type of slap?

A: No.

Q: OK.

A: We were very much crowd control on this-, on these incidents and I didn't see anybody make contact with anybody.

Q: Did you recall hearing a mounted officer ordering someone to get back here or come here?

A: No.



### Sgt. Thomas Ryan Statement

Sgt. Thomas Ryan was interviewed at the Minneapolis Police Department Internal Affairs office on 09/12/2014. He stated that he rode Schafer, who is "kind of brown." Sgt. Ryan was shown footage on disc "A," and he recognized himself in the video as riding the horse named Schafer.

- Q: Since it's been described to me, it's like a pack mentality. They like to stay together.
- A: Mm-hmm (indicating yes).
- Q: Do you ever recall seeing an officer separate from the group to address an individual on the street physically?
- A: I don't remember that.
- Q: Did you ever see any mounted officer slap a young man that night?
- A: No.
- Q: Backhand a young man?
- A: I don't remember that.
- Q: OK. Um, did you slap anyone that night?
- A: No, I didn't.

## Officer Rebecca Madich Statement

Officer Rebecca Madich was interviewed in the Minneapolis Police Department Internal Affairs office on 09/12/2014. She explained that she had stayed at the horse trailer with Officer Chris Humphrey and after only riding for about 45 minutes at the beginning of the event. She did not ride again after this point, which was approximately 2000 or 2100 hours.

#### Sgt. Molly Fischer Statement

Sgt. Molly Fischer was interviewed in the Minneapolis Police Department Internal Affairs office on 09/16/2014. Sgt. Fischer is assigned to the Mounted Patrol Unit full-time.

She described that there were ten horses that rode prior to the hockey game letting out, but only eight horses had riders after the hockey game let out.

Sgt. Fischer had viewed the footage on disc "A." She recognized herself in the video, and she said that the footage was shot during the time that all eight horses were together in one group. From that time on:

Q: Walk me through from that point on during your time in Dinkytown.

A: Um, my recollection of this point in time from this intersection when we started that you started the video was that there were numerous problem, um, people that the ground officers were dealing with and calling out that were specifically throwing, um, bricks and other, you know, hard objects at officers and actually striking some of them. So, there definitely was a lot of radio traffic, um, looking for this individual and trying to figure out where-, or individuals; I believe there was one main specific and then kind of two assistants of his apparently. So, there was a lot of time and energy spent on kind of figuring that stuff out as well as obviously, um, whoever was in command, Lt. Stoll, figuring out which direction we were still going to end up, you know, pushing people to make sure that we could clear, um, Dinkytown and make sure that it was back to a safe realm. So, we were pretty much standing by to wait to be given orders to be told what they would like us to do.

Q: Right. And once you left that intersection, do you recall where you went?

A: Uh, from that video that we watched, we pretty much didn't leave that intersection until we were ordered. Again, I'm-, I believe I'm remembering Sgt. Mosey, but that could be incorrect, who told us to go, um, down 13<sup>th</sup> towards University clearing, um, both sides of the sidewalks. So, at that point, we split up; four horses on one side and four on the other, clear down University. And at that point, we walked back to that 4<sup>th</sup> Street and 13<sup>th</sup> intersection. And, um, my recollection is Lt. Stoll asked if we could split four and four horses again, and asked a group of four us to go down to 4<sup>th</sup> Street and 14<sup>th</sup> and wait and then the other group stayed at 4<sup>th</sup> Street and 13<sup>th</sup> to wait. And I was the group that walked down to 4<sup>th</sup> Street and 14<sup>th</sup> Avenue.

Sgt. Fischer said that Officer Timothy Hanks, Officer Roger Smith, and possibly Officer Joshua Domek went with her to the intersection of 14<sup>th</sup> Ave SE and 4<sup>th</sup> St SE. She recalled that Officers Madich, and Humphrey had been at the horse trailers, so this left her to believe that Sgt. Thomas Ryan, Sgt. Lindsay Herron, Officer Tim Devick, and Officer Kelly Kasel would have been the group at 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE. They all rode until about midnight or 0030 hours when they left to go downtown for bar close.

Sgt. Fischer again confirmed that the only white horses in the Mounted Patrol Unit were Diego and Kristo. She clarified by saying, "Um, ultimately, the-, I mean to explain this a little further. I pretty much assumed I knew where you were going with it as far as that someone obviously had made a statement about a white horse, so I was given you a answer of who people would that don't know anything about horses would believe were white horses. The only actual really white horse we have is Kristo if you're going by technical terms of what is a white horse. Diego is technically a buckskin horse; however, definitely a lighter color than any other horse, so could be assumed by some people as being a white horse. That's why I threw his

name in there. Um, Jesse is a lighter colored horse as well. Um, he actually changes color throughout the year, um, when his coat is heavier or a lighter color, so he tends to be kind of a gold color. So, again, if somebody was not aware of what a white horse really is and they were just going with a lighter colored horse, technically, Jesse could fall in that realm. Otherwise, the rest of our horses are brown and black." She also later explained that Jessie changes color throughout the year, becoming lighter colored when he is holding a heavy coat which would have been the case given that this event occurred in April.

Sgt. Fischer was asked about the slap allegations and circumstances surrounding the allegation:

Q: I understand. Um, to be more specific, do you recall ever seeing a young white male make an obscene gesture towards police which caused a mounted officer to ride over to that person and address that situation?

A: I do not recall that.

Q: Do you recall seeing any arrest at the intersection of 4<sup>th</sup> Street and 13<sup>th</sup> Avenue, uh, that is the intersection at the Library Bar?

A: Correct.

Q: Do you recall seeing an arrest occur there other than the one on the video that we watched, Exhibit A?

A: No.

Q: OK. Do you recall seeing any mounted officer slap any individual from his mounted position?

A: No.

Q: Or her mounted position?

A: No.

Q: OK. Did you slap anyone that night?

A: Yes.

Q: OK. All right. Give me one second. [pause] Molly Fischer, uh, just for the record, please state your sex?

A: I'm a female.

# Officer Christopher Humphrey Statement

Officer Christopher Humphrey was interviewed at the Minneapolis Police Department Internal Affairs office on 09/17/2014. He stated that he did not ride a horse during the night in question. He had a support role, and his duties were to protect the Mounted Patrol vehicles and secure and properly maintain equipment. He did not recall hearing any office from the Mounted Unit mention that they had used force against a civilian, in particular slap a person.

### Officer Timothy Hanks Statement

Officer Timothy Hanks was interviewed at the Minneapolis Police Department Internal Affairs office on 10/06/2014. He stated that he rode the horse named Kristo during his duties in the Dinkytown area, and Kristo is a white horse. When asked, Officer Hanks identified his race as "black."

He also recalled that, towards the end of the evening in Dinkytown, the Mounted Patrol Unit split into two separate teams of four. His team of four officers, which included Sgt. Molly Fischer, was redeployed downtown, and the other team of four mounted officers was stationed at 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE.

Officer Hanks was asked if he happened to see any mounted officer slap any young white male in the face area while in the intersection of 13<sup>th</sup> and 4<sup>th</sup> or near that intersection, and his response was no. He also responded no when asked if he had slapped anyone in or near that intersection. He did not recall hearing anyone talk about a slap.

## Officer Roger Smith Statement

Officer Roger Smith was interviewed at the Minneapolis Police Department Internal Affairs office on 10/07/2014. He stated that he started the his ride in Dinkytown riding the horse named Sampson, and Sampson has a bay color that is dark brown or medium brown with dark black long hair. Later in the shift, Officer Smith switched horses and rode Teak for the remainder of his time in Dinkytown. Teak is black with one white sock on his lower leg.

Officer Smith recalled that sometime around midnight or earlier, the Mounted Patrol split into two separate groups. Officer Smith's group of mounted officers rode down to University Avenue and was going to patrol the rest of the outer area, and the other group was at the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE when the two groups of mounted officers split from each other. Officer Smith believes that his group included Sgt. Molly Fischer, but he didn't recall which other two officers were in his group.

Officer Smith answered no when asked if he saw any mounted officer address any individual on their own by riding up to them and addressing them verbally or physically while in or near the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE. He also answered no when asked if he saw any mounted officer slap any individual in or around that intersection that evening. He also answered no when asked if he had slapped anyone.

### Officer Timothy Devick Statement

Officer Timothy Devick came to the MPD Internal Affairs office with his Federation representative, Lt. Robert Kroll, to give a statement on 10/07/2014. Prior to giving this statement, Officer Devick was allowed to view the video "Exhibit A" that was described earlier in this summary. This was to refresh his memory regarding events of the night in question.

During this interview, Officer Devick explained the events in Dinkytown on the evening in question.

Q: OK. Officer Devick, could you please tell me about the events in the Dinkytown area on the night of April 12, 2014, leading into the early morning hours of April 13th?

A: It was, um, the final game, the Gophers Hockey Tournament, and, uh, earlier in the week, I think it was Thursday when they played the semifinal game. After that semifinal game, they-, uh, Dinkytown erupted, and they burned couches and they, uh, started what the department deemed a mini riot. So, prior to the finals game, they, um, had a action on how they were going to deal with the crowds and what not. And as part of the Mounted Unit, we were part of that solution.

Q: Do you recall what time you arrived in Dinkytown that evening?

A: Not precisely. I would say we were down there probably around eight o'clock or so, maybe earlier.

Q: Walk me through what you did from about 8:00 to about midnight. What were your duties? What did you see? What was happening down there?

A: Um, basically, we got our horses ready and then went out on patrol, and we wanted to get them exposed to as much, um, of the area as possible because they hadn't been used in several months because riding season was over and this is typically our first time downtown with our horses during the Frozen Four Tournament time. Um, so, we walked around and we had got them exposed to, um, the lights and all the different sensory stuff that they need to deal with, and then also took note of where the big-, bigger crowds were, what bars were-, had the largest crowds, and, um, then also the sergeants brought us over and we checked in with the command staff to what out what they wanted our assignment to be at that time.

Towards the end of the evening around midnight on April 12<sup>th</sup> into April 13<sup>th</sup>, Officer Devick recalled that all of the mounted patrol officers were sent to the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE with the SWAT officers. This was due to "a guy that was lobbin' large chunks of concrete and rocks and stuff over the building at the officers that were assigned to protect that intersection." Officer Devick described that these events were around the time that the video footage on the Exhibit A disc was captured.

The mounted patrol officers eventually split into two separate groups. Officer Devick did not recall which mounted patrol officers were in his group, but he knew that he was the only male officer in his group. His group of mounted patrol officers was stationed at the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE.

Officer Devick was riding the horse named Diego, which he described as being tan in color. Officer Devick identified himself in a picture of the entire Mounted Patrol Unit (Exhibit J). In this picture, there are two horses in the center of the picture that could be described as "white;" Officer Devick pointed himself out as the one on the right.

the one on the right.

While at the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE around midnight, officers spotted the male party that had been throwing rocks at the Police all night long. According to Officer Devick, this male party would throw rocks at Police and then disappear and hide. He had done this several times during the night, and Police spent a significant amount of time trying to identify him. Officers ultimately arrested and identified this male party in front of The Library bar at 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE. Officer Devick described the apprehension:

Q: Did you see that apprehension take place?

A: Um, yes, prior to the-, to that, um, the arresting officer-, officers requested our assistance in scene security cause they knew who their target was and he was standing out in front of the Library. And so, our goal was we were going to assist in scene security as soon as they started making the apprehension because, um, there was-, there were people everywhere and they-, and they were not happy with us. We had-, they were swearing at us nonstop and telling us that we didn't have any rights to be there, and all the usual stuff that the U of M students like to say to us. So, um, the arrest team was coming down would've been south on 13th...

Q: OK.

A: and they were coming south and they stopped just, um, just north of the Library...

Q: Is that the Library Bar?

A: The Library Bar.

Q: OK.

A: Got out and, uh, closed in on their suspect. At the same time, we were on the south end of 13<sup>th</sup> at 4<sup>th</sup> Avenue-, or 4<sup>th</sup> Street and we were moving towards that location. Um, you know, it was near riot conditions. I mean we had quite a few hours and they weren't lettin' up quite yet of, you know, doing whatever it was that they were doing.

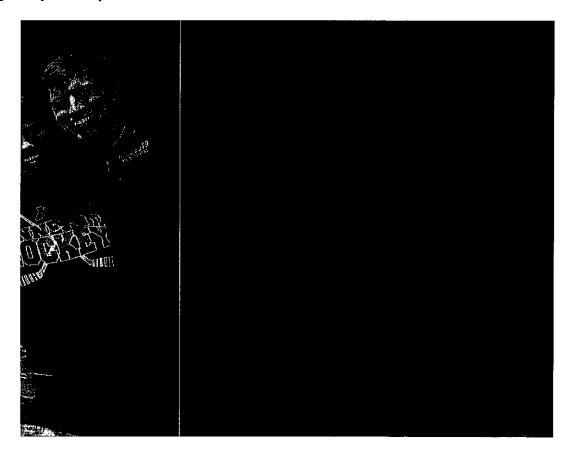
Q: And at this point, you were in your group of four mounted officers?

A: In, in our group of four.

Q: OK.

A: So, we went, and once they made contact with the party that they were going to arrest, we-, um, we're trained to circle the arrest team to protect 'em, and once they took that guy to the ground, the ground went berserk. They started just screaming and yelling at us, telling us that, you know, we're violating his rights and all that other stuff. And, um, there was a guy in particular that, um, was in front of me and it's that guy that right there.

Officer Devick pointed to photographs of Complainant Anthony Seemann marked Exhibit M and Exhibit N. Exhibits M and N are photos of Complainant Anthony Seemann, and these photos were provided to this investigator by Anthony Seemann via email.



Q: This is the same young man?

A: Yeah. He was standing there, and he's yelling at the police, you know, about our violating this guy's rights and we didn't have the right to arrest him, and you know, police brutality. And when I got into my position, which was right in front of him, um, I ordered him to leave the area, which is our, our, uh, what we're trained to do. We don't train to tell people to move or to step back. We-, because all they have to do is just then step back; I did what you told me I took one step back. Now, we tell them to leave the area, which means they have to turn and go where-, they need to leave the area, you know, and make an effort to do that. And he wasn't paying attention to me. And he was, you know, swearing like the rest of 'em were and barkin' at us about how we were treatin' this arrestee and that sort of thing. So, because they weren't moving back and the crowd was actually kind of moving towards the arrest site, um, and I felt that this guy right here was one of the main agitators I, uh, turned, turned to the side and got close to him and slapped him in the head and told him that he needs to leave the area. And, um, he went to the ground and then he got up and then he was really pissed off, and I told him-, I said, if you don't leave the area, I said, worse things are going to happen to you, meaning he's gonna get arrested. And then because of the arrest being taken place, I just turned my horse because he was moving off-, I turned my horse and put my focus on the arrest team and they-, once they got him in cuffs and, uh, searched and everything and they, they moved him to the-, um, to the squad then we moved with them to the squad and he was arrested at that time. (\*\*This arrest mentioned was referring to the rock thrower Michael Juberain, not Anthony Seemann.)

Officer Devick went on to say that Anthony Seemann had been an agitator, so Officer Devick rode his horse up to him to address him. He gave Seemann several verbal orders to leave the area, but Seemann did not leave. That is when Officer Devick slapped Seemann with a forehand, open hand slap with a gloved hand. Officer Devick intended this slap to get Seemann to move away from the arrest. After addressing Seemann in this manner, Officer Devick had no further interaction with Seemann.

Q: OK. Um, just backing up again. Your verbal commands didn't work to disperse this aggravator, so then you decided to go up, get his attention with a slap. Um, do you think that that use of force worked in getting him to stop being an agitator?

A: Yes, because he left the area after we had a few words and I explained to him that I was serious about my actions. I think that that, once, once he understood that I was serious and then he walked off, I think yeah. Prior to that, by me just telling him to leave the area, that had no effect on him whatsoever.

Q: So, your intent was to get him to leave the area and then your use of force actually got these results?

A: I'm sorry, what?

Q: Your intent was to get him to leave the area...

A: Yes.

Q: and then your use of force got the results that you were expecting and hoping for?

A: Yes.

Further questioning occurred to clarify interaction with Anthony Seemann and whether Officer Devick ever intended or attempted to arrest Anthony Seemann.

Q: All right. Explain to me because I'm not a mounted officer. I've never been. Um, in this situation, would it have been at all realistic to think that you could've obtained this person's information for a report or was the scene too chaotic, uh, your duties were diverted elsewhere, um, you would've not been able to carry out your duties in protecting the arrest team if you had further engaged this man to get his personal information?

A: Um, at the time of my encounter with him, I don't think it would've been possible. And it wouldn't've made any sense because I would've taken my-, taken my attention away from the arrest that was going on. And with all those people around, you don't know what, what they're doing. I mean they could-, I mean the sky's the limit on, on options on what they could or couldn't do with us. So, for me to stop and try to gain this guy's information, would've been-, in my opinion, it would've been unsafe for the arrest team, it would've been unsafe for the other officers on the scene, so, um, not getting his-, or getting his information, um, was a low priority for me at that time.

Q: Because your, your duty at that time was to protect that arrest team?

A: Correct.

Q: OK. So, at no time did you try to arrest him; your, your intent was to get him out of the area? A: Correct.

A. Correct.

Officer Devick was asked about his training.

Q: Are you trained at all to slap people from the mounted position?

A: Um, yes, we're trained to, uh, use the same tactics that we're trained on the street. Um...

Q: Are you somewhat limited or do you have an advantage over being on foot as an officer when you are on horseback?

A: I personally think that we are at a disadvantage because: A) We're on a horse, um, B) We don't know what that horse's response is going to be to the given situation. Um, getting close enough to them sometimes can be an issue. Um, even when we're trying to make an arrests, it's hard for us to get close enough to 'em to actually, um, reach them cause you-, I'm-, my horse is 16 hands high, which means at his withers he's about 6 feet tall, so I'm sitting on top of him. My shoulders are probably another, um, 4 feet, so I'm 12 feet in the air. So, I have to reach down below my waist which takes me off balance to do any kind of hands-on technique with, with anybody. So, it-, um, the arresting and the-, um, like the head slap puts me at a disadvantage. It puts me in jeopardy because, you know, I don't know what the horse is going to do and I don't know, um, the whole balancing thing on the-, on the horse.

Officer Timothy Devick was asked if he wrote any reports regarding his use of force:

Q: Did you-, did you write any reports regarding this use of force? A: No, I did not.

Q: Can you help me understand why, why you didn't write about this use of force?

A: OK. After, after they made the arrest, um, it was maybe another hour, hour and a half, um, the entire downtown area or Dinkytown area was pretty well secure, and the crowds had pretty much diminished because they all had been into the neighborhoods, and we had-, uh, excuse me, we had officers on virtually every intersection, so there was no way for, for anybody-, any agitators or any students or people-, young people, whoever-, whatever you wanna call them, to get back into Dinkytown cause they weren't, weren't allowing that to happen. Um, that was part of the action plan as I understand it. So, um, the Incident Commander, um, got a request from, um, downtown to have us, uh, deploy down there, so we had to ride back to our, uh, trailer, throw our horses in the trailer and then trailer them down to downtown. So, then once we got downtown, they had this big rap concert down there and, um, we were really busy and I just forgot.

Q: OK.

A: So, we went from one chaotic situation to another one, and I just didn't do it.

Q: Do you recall what time you eventually ended your shift that night?

A: Um, I am not positive, but I think we were probably 5:30ish.

Q: I have a copy of your time summary from Workforce Director. Does that help refresh your memory?

A: OK. Um, OK, started on 13 and we were done at eight o'clock. Is that right?

Q: OK. Let's look at this together. So, this date would be the 12<sup>th</sup>, you worked from 1330 to 2330 and then you did the last part of your shift here would be down here, um, from 2330 to 0430.

A: OK.

Q: Does that look correct?

A: Yes.

Q: So, you got done at about 0430?

A: Yes.

Q: What's your normal work schedule, Officer Devick?

A: My normal work schedule is 8 in the morning until 1600-,...

Q: So...

A: or 1800.

Q: So, getting off at 0430, that'd be pretty late for you?

A: Yes.

Q: Very unusual?

A: Yes.

Q: OK. You're saying you just forgot to write the report?

A: Yes.

#### He later added:

A: Um, during the night, um, we, we don't have-, or didn't at the time-, I don't think we had MECs [sic] in our trucks, so I had to put the, uh, um, the ability to do my report on hold. Um, and obviously with horses, we don't have compute-, computers on our horses, so I couldn't do it during any downtime. So, um, like I said, it just was, um, a mistake on my part. I just didn't do a report.

Q: You're saying the mistake was the not doing the report?

A: Right. I should've done the report,...

O: OK.

A: but because of the chaos and everything, you know, I just forgot about doing it.

#### Again, he later added:

Q: Are there any other, uh, facts concerning this incident that you have knowledge of, but have not disclosed?

A: Um, as far as the report goes, um, again, basically, going from one riot situation to another, um, you know, like I said I forgot to do the report and it was not-, um, at that time, it wasn't a priority because of what we were doing. We were moving from one, um, pretty hectic riotous situation to another. Um, that was farther down my, my list, so to speak. My concerns were to do my job first-, my physical job in-, at both locations.

Q: So you had no intent in not writing the report?

A: Correct.

# **SUMMARY OF EVIDENCE**

Based on a review of statements and evidence gathered during this investigation, the following occurred:

- 1. A large number of Minneapolis Police Department officers were assigned to the Dinkytown area during the night of 04/12/2014 into the early morning hours of 04/13/2014. This was in response to the anticipated crowds and events surrounding the Frozen Four NCAA Hockey Tournament.
- 2. The Minneapolis Police Department Mounted Patrol Unit was the only mounted (on horseback) unit on duty in the Dinkytown area for this event.
- 3. Minneapolis Police Department Mounted Patrol had eight riders during the main events of the evening, and the group of eight stayed together for the majority of their ride in the Dinkytown area.
- 4. Minneapolis Police Department Mounted Patrol was asked to split up towards the end of their ride in the Dinkytown area; four mounted officers went to the intersection of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE, and four went to the intersection of 14<sup>th</sup> Ave SE and 4<sup>th</sup> St SE.
- 5. Just after midnight, Complainant Anthony Seemann was walking through the area of 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE with his girlfriend, Kelli Burstein; they were also accompanied by their friends and acquaintances.
- 6. Complainant Anthony Seemann and Witness Kelli Burstein both admitted to consuming alcoholic beverages on the night in question.
- 7. Complainant Anthony Seemann reported witnessing officers appear to be arresting a man near 13<sup>th</sup> Ave SE and 4<sup>th</sup> St SE.
- 8. Complainant Anthony Seemann reported that he was upset by what he witnessed so he flipped off the group of Police.
- 9. A male member of the Mounted Patrol, who was riding a white horse, rode up to Anthony Seemann and slapped him across the face.
- 10. On the night in question, the two mounted patrol officers that were riding horses that could be considered "white" were Officer Timothy Devick and Officer Timothy Hanks.
- 11. Officer Timothy Hanks is a black male, and Officer Timothy Devick is a white male.
- 12. During his Internal Affairs interview, Officer Timothy Devick identified himself as the officer that slapped Anthony Seemann across the face.
- 13. Witnesses and complainant Anthony Seemann recalled the mounted officer calling Anthony Seemann a "punk" or a "fuck."
- 14. No CAPRS report documenting the force against Anthony Seemann was completed.
- 15. In all video and photos seen from the Frozen Four events, all mounted patrol officers were wearing helmets with face shields.



<u>Allegation #2</u>: It is alleged that the alleged force used against Anthony Seemann was not properly reported and documented as per the Minneapolis Police Department Policy and Procedure Manual. If this allegation is found to be true, it would violate the following:

### 5-306 USE OF FORCE - REPORTING AND POST INCIDENT REQUIREMENTS (08/17/07)

Any sworn MPD employee who uses force shall comply with the following requirements:

#### Medical Assistance:

As soon as reasonably practical, determine if anyone was injured and render medical aid consistent with training and request Emergency Medical Service (EMS) if necessary.

#### Supervisor Notification and CAPRS Reporting Requirements

#### -No CAPRS Report Required.

Unless an injury or alleged injury has occurred, the below listed force does not require a CAPRS report or supervisor notification.

- o Escort Holds
- o Joint Manipulations
- o Nerve Pressure Points (Touch Pressure)
- Handcuffing
- o Gun drawing or pointing

#### -CAPRS Report Required - No Supervisor Notification required.

The following listed force requires a CAPRS report, but does not require supervisor notification.

- o Takedown Techniques
- o Chemical Agent Exposures

#### -CAPRS Report Required- Supervisor Notification Required.

All other force, injuries or alleged injury incidents require both a CAPRS report and supervisor notification. The sworn employee shall remain on scene and immediately notify a supervisor by phone or radio of the force that was used.

- o Supervisors shall not conduct a force review on their own use of force. Any other supervisor of any rank shall conduct the force review. (04/16/12)
- O A CAPRS report entitled "FORCE" shall be completed as soon as practical, but no later than the end of that shift. A supplement describing the use of force incident in detail shall be completed and entered directly into the CAPRS reporting system (no handwritten force reports). Employees shall ensure that all applicable force portions of the CAPRS report are completed in full.
- o Sworn employees shall complete a CAPRS report entitled "PRIORI" for all incidents in which a person has a prior injury, or prior alleged injury, and there is actual physical contact or transportation by the police.

During his formal Internal Affairs interview, Officer Timothy Devick admitted that he did not write a report regarding his use of force against Anthony Seemann. He gave the following reasons:

- Officer Devick stated, "OK. After, after they made the arrest, um, it was maybe another hour, hour and a half, um, the entire downtown area or Dinkytown area was pretty well secure, and the crowds had pretty much diminished because they all had been into the neighborhoods, and we had, uh, excuse me, we had officers on virtually every intersection, so there was no way for, for anybody-, any agitators or any students or people-, young people, whoever-, whatever you wanna call them, to get back into Dinkytown cause they weren't, weren't allowing that to happen. Um, that was part of the action plan as I understand it. So, um, the Incident Commander, um, got a request from, um, downtown to have us, uh, deploy down there, so we had to ride back to our, uh, trailer, throw our horses in the trailer and then trailer them down to downtown. So, then once we got downtown, they had this big rap concert down there and, um, we were really busy and I just forgot....So, we went from one chaotic situation to another one, and I just didn't do it."
- Officer Devick also stated that his normal work schedule is 0800 to 1800 hours. According
  to WorkForce Director records for the day in question, Officer Devick worked from 1330 to
  0430 hours.
  - O Q: So, getting off at 0430, that'd be pretty late for you?
  - o A: Yes.
  - O Q: Very unusual?
  - o A: Yes.

- O Q: OK. You're saying you just forgot to write the report?
- o A: Yes.
- Officer Devick later added during his interview"
  - A: Um, during the night, um, we, we don't have-, or didn't at the time-, I don't think we had MECs in our trucks, so I had to put the, uh, um, the ability to do my report on hold. Um, and obviously with horses, we don't have compute-, computers on our horses, so I couldn't do it during any downtime. So, um, like I said, it just was, um, a mistake on my part. I just didn't do a report.
  - O Q: You're saying the mistake was the not doing the report?
  - A: Right. I should've done the report,...
  - O: OK.
  - A: but because of the chaos and everything, you know, I just forgot about doing it.

#### Again, he later added:

- Q: Are there any other, uh, facts concerning this incident that you have knowledge of, but have not disclosed?
- A: Um, as far as the report goes, um, again, basically, going from one riot situation to another, um, you know, like I said I forgot to do the report and it was not-, um, at that time, it wasn't a priority because of what we were doing. We were moving from one, um, pretty hectic riotous situation to another. Um, that was farther down my, my list, so to speak. My concerns were to do my job first-, my physical job in-, at both locations.
- O Q: So you had no intent in not writing the report?
- A: Correct.

<u>Allegation #3</u>: It is alleged that during the encounter between Anthony Seemann and the accused officer, this officer used profane or unnecessarily harsh language toward Anthony Seemann. Specifically, it is alleged that this officer, who was later identified as Officer Timothy Devick, called Anthony Seemann a "punk," a "fuck," or a "fucker."

The Minneapolis Police Department's Policy and Procedure Manual states in part:

#### 5-105 PROFESSIONAL CODE OF CONDUCT:

(10) Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.

- During Anthony Seemann's formal interview, he stated, "I'm, I'm very sure that, that I was, I was flipping the bird while I walking away. I wasn't engaged with anyone... It was very indirect. And then, uh, started to walk away, and, uh, the policeman on the horse, uh, he just starts to like yell at me like, um, like hey, you got something to say, like you got something to say, you little punk, or something like that."
- Also during Anthony Seemann's formal interview, he was asked if he knows for sure the officer called him a punk, Seemann responded, "I, I, I'm not a 100 percent sure he started calling me names, but, you know, it felt like that, but I can't-, I can't specific-, I can't like 100 percent tell you that he did." He added, "But, but I can quote that he-, he said, like, 'you got somethin' to say'."
- During Rahwa Weldeabzghi's formal interview, she stated, "The officer, I remember 100%, he said, "you little fuck, come back here." That's what he said to him. And that's when I was like what's going on. Because up until that point, I hadn't realized that something was actually happening as far as like going back and forth or anything like that. Um."
- During Jordan Thomas' formal interview, she stated, "Um, and he turned around on his horse and he was like, hey. He like yelled at them and he kind of came at us with, with his horse. He wasn't extremely far away at this point. Um, and he started coming towards us and I was like, Anthony, Anthony, come on. Like, we were trying to pull him away and officer called him-, he swore at him, um, and he called him a fucker [laugh]."
- Officer Timothy Devick was asked about the language that he used towards Anthony Seemann:
  - Q: Did you say anything to him other than your orders to leave the area, in particular did you use any language, uh, any foul language to him-, any swear words?

A: Probably.

Q: OK.

A: Do I know what they are? No.

Q: Is it possible that you would've said something along the lines of, you little fuck, come back here?

A: No, cause I wanted him to leave.

Q: OK.

A: Why would I want him to come back to me?

O: OK. Is it possible you would've called him a little fuck?

A: That's possible.

Q: Is it possible that you may have said, punk, as in P as in Paul, U-N-K?

A: That's possible, too.

Q: OK. But you don't recall exactly what you said?

A: No.

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

OPCR Investigator

Date

- 1 TODAY'S DATE IS OCTOBER 7, 2014. THE TIME IS 1155 HOURS. THIS IS
- 2 SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE
- 3 NUMBER 14-06920. WE ARE CURRENTLY IN THE INTERNAL AFFAIRS
- 4 OFFICE, ROOM 112 OF CITY HALL, WITH ME IS OFFICER TIMOTHY
- 5 DEVICK. ALSO, PRESENT IS LT. KROLL FROM THE POLICE FEDERATION.
- 6 TRANSCRIBED BY R. METCALF.

7 8

RE: OPCR Case Number #14-06920

9

- 10 Q: Officer Devick, could you please state your full name and spell, spell your last 11 name for me?
- 12 A: Timothy Eugene Devick; D-E-V-I-C-K.

13

- 14 Q: What is your present rank and work assignment?
- 15 A: I'm a Patrolman, and my present work assignment is the Mounted Patrol Unit.

16

- 17 Q: What is your employee number and date of appointment?
- 18 A: 1526, and I think September 28, 1993.

19

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

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

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- Q: Do you understand this warning?
- 32 A: Yes.

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

38 39

- 40 Q: Do you understand this?
- 41 A: Yes.

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- 43 Q: Is it correct that you have read, understood, and signed the Data Practices
- 44 Advisory, otherwise known as the Tennessen Warning?
- 45 A: Yes.

46

Q: And have I informed you that the purpose of this statement relates to an internal investigation, and specifically, an administrative review that is being conducted regarding allegations that complainant, Anthony Seemann, alleges on April 13, 2014, at approximately

0015 hours in the Dinkytown area near the University of Minnesota?

6 A: Yes.

8 Q:

- Q: And have I explained that you are being called to explain the circumstances regarding this allegation?
- 10 A: Yes.

- Q: Prior to this interview, did you have a chance to view a video on our laptop here marked as Exhibit A? This is a video from the intersection of 13<sup>th</sup> Avenue Southeast/4<sup>th</sup> Street Southeast, um, earlier in the evening, earlier than the allegation. Did you have a chance to view this video?
- 16 A: Yes.

- Q: Would you like to view it anymore at this time?
- 19 A: No.

- Q: OK. Officer Devick, could you please tell me about the events in the Dinkytown area on the night of April 12, 2014, leading into the early morning hours of April 13<sup>th</sup>?
- A: It was, um, the final game, the Gophers Hockey Tournament, and, uh, earlier in the week, I think it was Thursday when they played the semifinal game. After that semifinal game, they-, uh, Dinkytown erupted, and they burned couches and they, uh, started what the department deemed a mini riot. So, prior to the finals game, they, um, had a action on how they were going to deal with the crowds and what not. And as part of the Mounted Unit, we were part of that solution.

Q: Do you recall what time you arrived in Dinkytown that evening?A: Not precisely. I would say we were down there probably around eight o'clock or so, maybe earlier.

Q: Walk me through what you did from about 8:00 to about midnight. What were your duties? What did you see? What was happening down there? A: Um, basically, we got our horses ready and then went out on patrol, and we wanted to get them exposed to as much, um, of the area as possible because they hadn't been used in several months because riding season was over and this is typically our first time downtown with our horses during the Frozen Four Tournament time. Um, so, we walked around and we had got them exposed to, um, the lights and all the different sensory stuff that they need to deal with, and then also took note of where the big-, bigger crowds were, what bars were-, had the largest crowds, and, um, then also the sergeants brought us over and we checked in with the command staff to what out what they wanted our assignment

INT/

to be at that time.

6

Q: How many approximately?

A: We started with eleven and then two horses, um, didn't do very well with all the chaos, and we put them back in the trailer, so I think we ended up with nine.

7 8 9

- Q: Do you recall if all nine of you stayed together the whole evening or if you separated into separate groups?
- separated into separate groups?

  A: Initially, we were together. Um, when we were on our initial post, which was, um, south of I think Blarney's is the name of the bar, um, where they were
- 13 expecting the majority of the trouble, um, that's where we-, uh, they had all the
- 14 SWAT vans and all that stuff was in that area and we were south of that.

15 16

- Q: Would that be, uh, 4<sup>th</sup> Street and 14<sup>th</sup> Avenue?
- 17 A: Um.

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- Q: I think Goldy's Bar is right here on this northeast corner, is that theintersection you're referring to?
- 21 A: Uh, if I can-, well, I can't remember where the, uh...
  - Q: It, it doesn't matter. So, you're saying you were all together at that time?
  - A: Initially, yeah.

26 Q: Did you split up into separate groups? 27 A: At, um, one point, we did. Um, we wer

A: At, um, one point, we did. Um, we were-, this was towards the end of the night, um, midnight or whatever, and, and on 13<sup>th</sup> and 4<sup>th</sup>, right by the Library Bar, there's a apartment complex that's on the-, would be the northwest of the intersection, and periodically through the night, there was a guy that was lobbin' large chunks of concrete and rocks and stuff over the building at the officers that were assigned to protect that intersection. So, they sent us down there along with, um, the 1280 guys, so we were down on that intersection all together at one point.

34 35 36

- Q: Does that sound like what we saw in the video, Exhibit A?
- A: Yes. At that time, we were all, all still together.

37 38

- 39 Q: OK. After that point, you, uh, stated that you guys split up?
- 40 A: Yes.

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- 42 Q: Do you recall how many people-, how many mounted officers were in your group at that time once you split up?
- 44 A: I think there was four of us.

45 46

Q: Do you recall who they were?

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A: No, but I was the only male. It was all females, and I was the only male. 2 3 Q: OK. And where was your group stationed? A: We were, um, initially on the south-, this intersection right here, so it would be 4 the south side of the intersection of 13<sup>th</sup> and 4<sup>th</sup>. 5 6 7 Q: OK. Who were you riding that night? What horse? A: Diego. 8 9 10 Q: And what color is Diego? 11 A: He's tan. 12 13 Q: I'm going to show what I have here, uh, marked Exhibit J. 14 A: Mm-hmm (indicating yes). 15 16 Q: Is that a true representation of the entire Mounted Patrol Unit... 17 A: Yes. 18 19 Q: that was on duty that night? A: Yes. 20 21 22 Q: Do you see yourself in that photo? 23 A: Yes. 24 25 Q: Could you point yourself out, please? 26 A: I am the horse on the right. 27 28 [fire alarm can be heard in the background] 29 30 Q: Fire alarm. Uh, just for the record, we're going to stop the recording. It's 12-. 31 1203 hours. We'll resume in a minute. 32 All right the recorder is back on. Uh, Sgt. Walters, Officer Timothy Devick, Lt. 33 Robert Kroll present. Still in Room 112 of City Hall. The time is now 1245 hours. 34 35 and we'll resume after the fire alarm. 36 Officer Devick, we were talking about the horse you were riding on the night of 37 April 12<sup>th</sup> into the early morning hours of April 13<sup>th</sup>. I showed you what was 38 Exhibit J as in John. It's a picture of eight mounted members atop horses. Do 39 40 you see eight in that picture? A: One, two, three, four, five, six, seven, eight. Yep. 41 42 43 Q: OK. And you were... 44 LT. KROLL: Explain the background here. 45 46 Q: Yeah. You were explaining, uh, you were riding Diego?

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A: Yes.

Q: And you said Diego's color was tan?

A: Yeah.

Q: Could you explain tan to me?

A: Um, technically, his coloring is called buckskin. It means he is a light brown, um, on his body. He's got-, it gets darker towards his feet, you know, from about his knees down and then his mane is, uh, darker brown.

Q: And I see next to you is, uh, another light-, very light colored horse, but that horse is much stockier. Could you identify that horse for me?

A: That horse is Kristo.

Q: And who is atop Kristo?

A: Uh, Officer Tim Hanks.

Q: Thank you. OK. Um, could you please explain-, uh, towards the end of the evening you said that you were the only male officer in a group of four mounted officers at the intersection of 13<sup>th</sup> Avenue and 4<sup>th</sup> Street, could you elaborate as to what was happening there?

A: Well, first, I wanna say that at-, when, when the game ultimately got over, the bulk of the-, our work was at the intersection of 4<sup>th</sup> and 14<sup>th</sup> and that was, um, the intersection where that massive crowd poured out of that bar and then they, um, basically occupied the intersection. And there was officers on the east and west intersection-, or at the east and west entrance on 4<sup>th</sup> Street and then there were, um, a lot of officers that were on the south end of 14<sup>th</sup>, so that would be like in that area here.

Q: OK.

A: And then this was all open here cause that's where they poured out of the bar. So, they gave their-, the Administration or the Incident Commander gave multiple, I think they went-, technically, they're supposed to give three and I think at that-, I think they gave probably five or maybe even more, um, orders to disperse and they didn't. And then, they opened the skirmish line and the horses came through, and basically, at the pace that they were-, that the crowd was going, we moved at that pace. They were runnin', and so, we were moving pretty fast cause we wanted to move them as fast as we could, um, out of Dinkytown cause that was the action plan was to just basically lock down Dinkytown, push all the agitators into the neighborhoods, and that's what we did. So, we pushed them north on 14<sup>th</sup>, I think, all the way to 6<sup>th</sup>, and then once they all the officers that were at 6<sup>th</sup>, they opened their skirmish line, let them all go runnin' past, and then they locked down their intersection. And that was pretty much the plan for the entire Dinkytown area was allow the agitators to go wherever they wanted. but once they were outside the parameter they weren't allowed back in, so that's what their, their plan was. So, then, um, like we discussed earlier, there was a

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guy behind the apartment building. It's a low, like a two-story apartment building on the corn-, it would the northwest corner of 13<sup>th</sup> and 4<sup>th</sup> and that's across the street from the Library Bar. And he was throwing-, all night long, he was pitching rocks and stuff over that building at the officers that were on that intersection.

Q: If I could draw your attention to the third page of the four page packet, Exhibit I, is that the apartment building you're talking about?

A: Yes, sir.

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Q: OK. And there was a person throwing, what did you call it rocks or bricks? A: Rocks, bricks, anything he could find, and then he would-, um, the helicopters 11 12 had him-, you know, they had him visually a few times, but he'd disappear 13 because he would go into buildings and what not and they would just lose track 14 of him. So, that guy started pitching rocks relatively early, like right after the 15 game ended, and then just started throwing rocks. Periodically, he'd come-, you 16 know, get back to his little hide back there and, uh, they spent-, the police spent 17 a significant amount of time trying to identify that guy. It took hours for that to 18 happen because he kept coming back and throwing rocks, and then as soon as 19 the helicopter would come over and light him up, he'd disappear into the...

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Q: Did they ultimately identify him?

A: Yes, ultimately, they did identify him.

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Q: Did you see that apprehension take place?

A: Um, yes, prior to the-, to that, um, the arresting officer-, officers requested our assistance in scene security cause they knew who their target was and he was standing out in front of the Library. And so, our goal was we were going to assist in scene security as soon as they started making the apprehension because, um, there was-, there were people everywhere and they-, and they were not happy with us. We had-, they were swearing at us nonstop and telling us that we didn't have any rights to be there, and all the usual stuff that the U of M students like to say to us. So, um, the arrest team was coming down would've been south on 13<sup>th</sup>...

33 34 35

Q: OK.

A: and they were coming south and they stopped just, um, just north of the Library...

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39 Q: Is that the Library Bar?

40 A: The Library Bar.

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42 Q: OK.

- A: Got out and, uh, closed in on their suspect. At the same time, we were on the
- 44 south end of 13<sup>th</sup> at 4<sup>th</sup> Avenue-, or 4<sup>th</sup> Street and we were moving towards that
- 45 location. Um, you know, it was near riot conditions. I mean we had quite a few

hours and they weren't lettin' up quite yet of, you know, doing whatever it was
 that they were doing.

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Q: And at this point, you were in your group of four mounted officers?

A: In, in our group of four.

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Q: OK.

A: So, we went, and once they made contact with the party that they were going to arrest, we-, um, we're trained to circle the arrest team to protect 'em, and once they took that guy to the ground, the ground went berserk. They started just screaming and yelling at us, telling us that, you know, we're violating his rights and all that other stuff. And, um, there was a guy in particular that, um, was in front of me and it's that guy that right there.

13 14 15

Q: OK. And you're referring to Exhibit M as in Mary?

A: Yes.

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Q: Also, Exhibit N as in Nora?

A: Yes.

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Q: This is the same young man?

A: Yeah. He was standing there, and he's yelling at the police, you know, about our violating this guy's rights and we didn't have the right to arrest him, and you know, police brutality. And when I got into my position, which was right in front of him, um, I ordered him to leave the area, which is our, our, uh, what we're trained to do. We don't train to tell people to move or to step back. We-, because all they have to do is just then step back; I did what you told me I took one step back. Now, we tell them to leave the area, which means they have to turn and go where-, they need to leave the area, you know, and make an effort to do that. And he wasn't paying attention to me. And he was, you know, swearing like the rest of 'em were and barkin' at us about how we were treatin' this arrestee and that sort of thing. So, because they weren't moving back and the crowd was actually kind of moving towards the arrest site, um, and I felt that this guy right here was one of the main agitators I, uh, turned, turned to the side and got close to him and slapped him in the head and told him that he needs to leave the area. And, um, he went to the ground and then he got up and then he was really pissed off, and I told him-, I said, if you don't leave the area, I said, worse things are going to happen to you, meaning he's gonna get arrested. And then because of the arrest being taken place, I just turned my horse because he was moving off-. I turned my horse and put my focus on the arrest team and they-, once they got him in cuffs and, uh, searched and everything and they, they moved him to the-, um, to the squad then we moved with them to the squad and he was arrested at that time.

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Q: Did this, uh, this is Anthony Seemann. This is the complainant. Just for the record, M as in Mary and Exhibit N as Nora, Anthony Seemann, so that I can

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- refer to him as Anthony Seemann. Uh, once you turned your focus back towards 2 the arrest, did you have any more, uh, conflict with this young man?
- 3 A: I don't recall. You know, he could've stayed in the area cause I mean like I
- said there was-, I felt once, once I saw him leave or walk away from us I needed
- 5 to turn my focus back on the arrest. Um, typically in these situations, they, you
- 6 know, if, if it's organized, that's what they do. They try to get one of the-, one of
- 7 the arresting officers to focus on that one specific agitator and leave their position
- and-, which opens up the arresting officers to, you know, potential harm. So, I 8
- 9 didn't want to follow him. I just stayed with my group and we kept our scene
- 10 secure and then when they moved-, when they moved the arrestee off to the,
- 11 um, the booking van or I think it was the booking van then we went with them.

- 13 Q: OK. So, let's back up just a little bit. Where did you see the apprehension?
- 14 I'm going to show you Exhibit L. Uh, do you believe this is the young man that
- 15 was the rock and brick thrower all night that was eventually apprehended, the
- 16 one we just got done talking about?
  - A: I never saw...

17 18

- 19 Q: OK.
- 20 A: I wouldn't be able to identify him.

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- 22 Q: Can vou tell me...
- 23 A: I just know that, um, they had their target, and when they took him to the
- ground, we surrounded that arrest, so I'm just assuming that they knew who they 24 were arresting.
- 25

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- 27 Q: Could you explain to me exactly where that arrest took place?
- 28 A: It would've been right-, um, it would've been right here on this intersection.
- 29 Right here on this corner.

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- 31 Q: So, you're indicating on fourth page of Exhibit I, the, uh, the very corner of the 32 intersection right in front of the Library Bar on the sidewalk?
  - A: Yeah, it would be the northeast corner of that intersection.

33 34

- 35 Q: OK. And where did you say the young man, Anthony Seemann, was 36 located?
- 37 A: He was just north of that, so he would've been north of the front door just 38 slightly.

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- 40 Q: OK. And you said he was yelling at you. Uh, do you have any quotes for 41 me? What he was saying to you?
- 42 A: No, it was the typical stuff that they-, that the protestors yell at us and, you
- 43 know, whenever we make an arrest it's, you know, profanity ways through
- diatribes, you know, the usual stuff. I wouldn't be able to quote anything. 44

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Q: That's OK. Do you recall any gestures that he may have done?

A: No. 2 3 Q: Do you recall him giving, uh, either you the finger or police in general the 4 finger? 5 A: It's possible. 6 7 Q: OK. 8 A: I don't recall. 9 10 Q: And you addressed him, you saw him as an agitator, so you addressed him 11 specifically, is that correct? 12 A: Yes. 13 14 Q: Did you have to ride your horse up to him? 15 A: Yes. 16 17 Q: How far away do you think he was when you rode your horse up to him? 18 A: Um, he was right-, just north of the front door. He wasn't very far down the-, 19 uh, maybe he could've been a little bit further past the door. I'm not sure exactly 20 how-, what the distance was,... 21 22 Q: Just a few... 23 A: but he was fairly-, he was fairly close to my position where I was and the 24 arrest team. 25 26 Q: And you said you gave him several verbal orders to leave the area? 27 A: Yes. 28 29 Q: And that was prior to your slapping him? 30 A: Yes. 31 32 Q: And did he obey those orders? 33 A: No. 34 35 Q: And when you rode up to him and you slapped him, was it an open-hand 36 slap? A: Yes. 37 38 39 Q: Backhand, forehand? A: Forehand. 40 41 42 Q: Did you have a glove on your hand? A: Yes. 43 44 45 Q: OK. And what was the intent of the slap? A: To get his attention and to get him to move away from our arrest. 46

INT A

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      Q: OK. You said he fell to the ground?
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      A: Yes.
 4
 5
      Q: Do you recall him being with anyone else?
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      A: Um, I think there was a girl with him,...
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 8
      Q: OK.
 9
      A: but I don't know.
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11
      Q: And you clearly recognize him in these photos, um, M as in Mary, N as in
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      A: I don't recognize him specifically, but I'm just assuming that that's,...
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15
      Q: OK.
      A: that's who we're talking about.
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      Q: Is he the only person you slapped that night?
      A: Yes.
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      Q: Did you say anything to him other than your orders to leave the area, in
      particular did you use any language, uh, any foul language to him-, any swear
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23
      words?
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      A: Probably.
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      Q: OK.
     A: Do I know what they are? No.
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      Q: Is it possible that you would've said something along the lines of, you little
30
     fuck, come back here?
     A: No, cause I wanted him to leave.
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      Q: OK.
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     A: Why would I want him to come back to me?
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     Q: OK. Is it possible you would've called him a little fuck?
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     A: That's possible.
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     Q: Is it possible that you may have said, punk, as in P as in Paul, U-N-K?
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     A: That's possible, too.
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     Q: OK. But you don't recall exactly what you said?
43
     A: No.
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     Q: Did you-, did you write any reports regarding this use of force?
46
     A: No. I did not.
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INT JW

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2 Q: Can you help me understand why, why you didn't write about this use of 3 force?

A: OK. After, after they made the arrest, um, it was maybe another hour, hour and a half, um, the entire downtown area or Dinkytown area was pretty well secure, and the crowds had pretty much diminished because they all had been into the neighborhoods, and we had-, uh, excuse me, we had officers on virtually every intersection, so there was no way for, for anybody-, any agitators or any students or people-, young people, whoever-, whatever you wanna call them, to get back into Dinkytown cause they weren't, weren't allowing that to happen.

11 Um, that was part of the action plan as I understand it. So, um, the Incident

Commander, um, got a request from, um, downtown to have us, uh, deploy down 12 13 there, so we had to ride back to our, uh, trailer, throw our horses in the trailer and then trailer them down to downtown. So, then once we got downtown, they had 14 15 this big rap concert down there and, um, we were really busy and I just forgot.

16 17

Q: OK.

A: So, we went from one chaotic situation to another one, and I just didn't do it.

18 19 20

Q: Do you recall what time you eventually ended your shift that night? A: Um, I am not positive, but I think we were probably 5:30ish.

21 22

23 Q: I have a copy of your time summary from Workforce Director. Does that help

refresh your memory? 24 25 A: OK. Um, OK, started on 13 and we were done at eight o'clock. Is that right?

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Q: OK. Let's look at this together. So, this date would be the 12<sup>th</sup>, you worked from 1330 to 2330 and then you did the last part of your shift here would be down here, um, from 2330 to 0430.

30 A: OK.

31 32

Q: Does that look correct?

33 A: Yes.

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35 Q: So, you got done at about 0430? 36

A: Yes.

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38 Q: What's your normal work schedule, Officer Devick?

39 A: My normal work schedule is 8 in the morning until 1600-....

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41 Q: So...

42 A: or 1800.

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44 Q: So, getting off at 0430, that'd be pretty late for you?

45 A: Yes.

Q: Very unusual? 2 A: Yes. 3 4 Q: OK. You're saying you just forgot to write the report? 5 A: Yes. 6 7 Q: OK. Um, just backing up again. Your verbal commands didn't work to 8 disperse this aggravator, so then you decided to go up, get his attention with a slap. Um, do you think that that use of force worked in getting him to stop being 9 an agitator? 10 11 A: Yes, because he left the area after we had a few words and I explained to him 12 that I was serious about my actions. I think that that, once, once he understood 13 that I was serious and then he walked off, I think yeah. Prior to that, by me just 14 telling him to leave the area, that had no effect on him whatsoever. 15 16 Q: So, your intent was to get him to leave the area and then your use of force 17 actually got these results? 18 A: I'm sorry, what? 19 20 Q: Your intent was to get him to leave the area... 21 A: Yes. 22 23 Q: and then your use of force got the results that you were expecting and hoping 24 for? 25 A: Yes. 26 27 Q: OK. Is there anything else that you'd like to add about that? 28 A: Um, during the night, um, we, we don't have-, or didn't at the time-. I don't think we had MECs in our trucks, so I had to put the, uh, um, the ability to do my 29 30 report on hold. Um, and obviously with horses, we don't have compute-, 31 computers on our horses, so I couldn't do it during any downtime. So, um, like I 32 said, it just was, um, a mistake on my part. I just didn't do a report. 33 34 Q: You're saying the mistake was the not doing the report? 35 A: Right. I should've done the report,... 36 37 Q: OK. 38 A: but because of the chaos and everything, you know, I just forgot about doing 39 40 41 Q: All right. Explain to me because I'm not a mounted officer. I've never been. Um, in this situation, would it have been at all realistic to think that you could've 42 43 obtained this person's information for a report or was the scene too chaotic, uh, 44 your duties were diverted elsewhere, um, you would've not been able to carry out 45 your duties in protecting the arrest team if you had further engaged this man to

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get his personal information?

- A: Um, at the time of my encounter with him, I don't think it would've been 2 possible. And it wouldn't've made any sense because I would've taken my-, 3 taken my attention away from the arrest that was going on. And with all those 4 people around, you don't know what, what they're doing. I mean they could-, I 5 mean the sky's the limit on, on options on what they could or couldn't do with us. 6 So, for me to stop and try to gain this guy's information, would've been-, in my 7 opinion, it would've been unsafe for the arrest team, it would've been unsafe for 8 the other officers on the scene, so, um, not getting his-, or getting his information, 9 um, was a low priority for me at that time.
- 11 Q: Because your, your duty at that time was to protect that arrest team?

12 A: Correct.13

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- 14 Q: OK. So, at no time did you try to arrest him; your, your intent was to get him out of the area?
- 16 A: Correct.

18 Q: Are you trained at all to slap people from the mounted position?

A: Um, yes, we're trained to, uh, use the same tactics that we're trained on the street. Um...

Q: Are you somewhat limited or do you have an advantage over being on foot as an officer when you are on horseback?

A: I personally think that we are at a disadvantage because: A) We're on a horse, um, B) We don't know what that horse's response is going to be to the given situation. Um, getting close enough to them sometimes can be an issue.

Um, even when we're trying to make an arrests, it's hard for us to get close enough to 'em to actually, um, reach them cause you-, I'm-, my horse is 16

hands high, which means at his withers he's about 6 feet tall, so I'm sitting on top of him. My shoulders are probably another, um, 4 feet, so I'm 12 feet in the air.

So, I have to reach down below my waist which takes me off balance to do any

kind of hands-on technique with, with anybody. So, it-, um, the arresting and

the-, um, like the head slap puts me at a disadvantage. It puts me in jeopardy

because, you know, I don't know what the horse is going to do and I don't know, um, the whole balancing thing on the-, on the horse.

um, the whole balancing thing on the-, on the horse.

Q: Are there any other, uh, facts concerning this incident that you have knowledge of, but have not disclosed?

A: Um, as far as the report goes, um, again, basically, going from one riot situation to another, um, you know, like I said I forgot to do the report and it was not-, um, at that time, it wasn't a priority because of what we were doing. We were moving from one, um, pretty hectic riotous situation to another. Um, that was farther down my, my list, so to speak. My concerns were to do my job first-, my physical job in-, at both locations.

Q: So you had no intent in not writing the report?

INT The

1	A: Correct.		
2 3	Q: Is there anything else you would like to add to this statement that I have not		
4	asked you concerning this incident?		
5	A: No, I think it's pretty clear.		
6			
7	Q: Is this a true and accurate statement?		
8 9	A: Yes, sir.		
10	PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO		
11	DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE		
12	OTHER THAN YOUR FEDERATION, UNION REPRESENTATIVE, OR		
13	ATTORNEY.		
14			
15	Q: Do you understand?		
16 17	A. Yes.		
18			
19	STATEMENT CONCLUDED AT 1311 HOURS		
20			
21			
22	Tanothe Werik 10.28.2014		
23	Officer Timothy Devick Date		
24 25			
26			
27	Witness		
28	· · · · · · · · · · · · · · · · · · ·		
29			
30	Job #: 16457		
31			
32			

INT The

```
THIS IS A TAPE-RECORDED STATEMENT OFANTHONY JAMES SEEMANN
 1
 2
     TAKEN ON JUNE 24, 2014, AT APPROXIMATELY 0904 HOURS. THIS IS
 3
     SGT. WALTERS. TRANSCRIBED BY R. METCALF.
 4
 5
     RE: OPCR Preliminary Case Number #14-06920
 6
 7
     Q: Anthony, could you please give me your full name and spell your last name
 8
     for me?
 9
     A: Anthony James Seemann. My last name is spelled S-E-E-M-A-N-N.
10
11
     Q: And what's your date of birth, please?
12
     A: May 13, 1993.
13
14
     Q: What's your current address?
15
     A: 16870 Judicial Road, Lakeville, Minnesota.
16
17
     Q: And what's the zip code down there in case I have to mail you anything?
18
     A: 55044.
19
20
     Q: What's your primary cell phone number?
21
     A: 612-208-5411.
22
23
     Q: And do you have a home number down there in Lakeville?
24
     A: Yeah, 952-892-6542.
25
26
     Q: What's your email address?
27
     A: aj and then my last name at gmail.com (ajseemann@gmail.com).
28
29
     Q: And are you current employed?
30
     A: Uh, yeah, I work in Hudson at Resolution Products.
31
32
     Q: Can I contact you there or no?
33
     A: Uh, yeah.
34
35
     Q: Do you have a phone number?
     A: Oh, it's my cell phone.
36
37
38
     Q: OK. That's Hudson, Wisconsin?
39
     A: Yep.
40
41
     Q: And are you a student anywhere?
42
     A: Yeah, I'm a student at the U of M.
43
44
     Q: OK. And just for the record, did you bring anyone with you as a counselor or
     a witness or anything today?
45
     A: No. Was I supposed to bring a witness?
46
```

INT A S

1		
2	Q:	No
3	A:	Oh

Q: Absolutely not. I'm just for the record because this is an audio recording...

6 A: OK.

7

Q: and they're not going to be able to see us, so they don't know if someone is 8 9 here.

A: OK. 10

11

- 12 Q: OK. That's just standard.
- 13 A: Mm-hmm (indicating yes).

14

Q: All right. So I understand that you had gone on the website and filled out a 15 16 form filing a complaint about- against an officer of the MPD; is that correct?

17 A: Yes.

18

- Q: OK. And you submitted this, this complaint on, I believe, it came in on April 19 13<sup>th</sup>, which was a Sunday. Does that sound about right to you? 20 21
  - A: Mm-hmm (indicating yes).

22 23

24

- Q: OK. And it says here that you were in the U of the M area and something happened to you. Let's start there. Where were you that night?
- A: Um, I was, well I, I, I was on the- the Twin Cities campus, but, um. At like 25 what time specifically? 26

27 28

- Q: Yeah, like where were you, who were you with, what you were doing, what time was it, things. Let's start with that.
- 29 A: Oh, um, well, I'll start at the beginning of the night. We, uh, I was at my, uh, 30 girlfriend's apartment, um, at Stadium View, and we were watching, uh, the 31 hockey game, the U of M versus Union. Uh, it ended and, um. Do you want me 32 to go kind of slow for you to write? 33

34 35

36

37

38

39

40

41

42

43

- Q: No, just go.
- A: OK. Um, so it ended and we're like well let's just go and like see what's up. So, we go down and we see this huge crowd and then we're like oh OK that was cool, so we leave. We go to my friend's apartment, um, and then we, uh. It started-, it started to get late and, uh, I was with two of my friends and, uh, plus my girlfriend. And we, uh, we were heading back to my girlfriend's apartment cause it was late and we wanted to just go to bed. And then, uh, so then we were walking back. We have to go through Dinkytown, and, uh, that's when that whole thing happened like when that kid was getting arrested and then that all started.

INT AS

Q: The apartment that you were at. A: Um, his name is Luke Horsager.

Q: I'm sorry, go ahead and spell the last name for me.

43

44 45

```
A: H-O-R-S-A-G-E-R.
 2
 3
     Q: And was Luke with you walking?
     A: No.
 4
 5
 6
     Q: You just left his apartment. What's your girlfriend's name?
 7
     A: Kelli, K-E-L-L-I, B-U-R-S-T-E-I-N.
 8
 9
     Q: Burstein?
10
     A: Yep.
11
12
     Q: And she was with you walking?
13
     A: Yeah.
14
15
     Q: Who else was with you walking?
16
     A: Um, Jordan Thomas.
17
18
     Q: And that's just...
     A: Uh, I think J-O-R-D-A-N, uh, T-H-O-M-A-S.
19
20
21
     Q: OK. Is Kelli, Luke, and Jordan, are they all U of M students?
22
     A: Yeah.
23
24
     Q: OK. And do you have your phone with you, maybe you could give me some
     numbers for this people?
25
     A: Oh, yeah. And there was one other person, but I, I wasn't well acquainted
26
27
     with them. It was Jordan's friend, I think.
28
29
     Q: Do you know Jordan's friend's name?
30
     A: I don't.
31
32
     Q: OK.
33
     A: OK. Kelli's phone number...
34
35
     Q: Mm-hmm (indicating yes).
     A: 612-708-2462.
36
37
38
     Q: OK.
     A: Luke's is 952-334-4788.
39
40
41
     Q: Mm-hmm (indicating yes).
     A: Um, let's see..., come on... OK. Jordan's is 608-235-4714.
42
43
44
     Q: 4714?
45
     A: Yeah, sorry.
```

INT AS

46

4

.

.

-

Q: OK. All right. So you guys are all walking eastbound on Southeast 4th Street and you're headed back down towards the McDonald's way. 3 A: Yeah. 4 Q: And where were you at about 13<sup>th</sup> Avenue when things started happening? 5 6 A: Yeah, like right here. 7 8 Q: OK. 9 A: Um, uh, there was just this, uh, there was this kid and then I saw the police 10 just, uh, just knock him down and, uh, uh, pretty roughly, and then I was just likewe were all just like whoa. And then, um... 11 12 13 Q: What did that kid look like? A: I have no idea, but he, he was, um, probably around my age and he was 14 15 white. 16 17 Q: OK. A white male about 21 years old. 18 A: Yeah. 19 20 Q: And then... 21 A: That's, that was all I can say. I, I, I know that, um, I think that he, he got 22 arrested for jumping on the horse. I think. 23 24 Q: He jumped on a horse? A: Yeah. I think he jumped on the white horse. 25 26 27 Q: Oh. 28 A: Yeah. I, I learned that afterwards. 29 30 Q: Who told you that? 31 A: I think that was Jordan, but I'm, I'm not sure. 32 33 Q: And Jordan claimed to have seen this? 34 A: Uh, I'm, I'm guessing so. I mean I don't think she would have like heard from 35 someone else, so. 36 37 Q: And Jordan's a girl? 38 A: Yep. 39 40 Q: OK. I had assumed it was a boy. Sorry. A: That's OK. 41 42 43 Q: All right. When you asked me if I'm gonna charge you with anything? 44 A: Yeah. 45

INT AS

Q: And I told you no. I am sticking to that, and I will always stick to that.

```
A: OK.
 2
 3
     Q: Unless something heinous...
     A: Yeah.
 5
 6
     Q: comes out of your mouth, like you murdered somebody or...
 7
 8
 9
     Q: something really bad. OK?
10
     A: Yeah.
11
12
     Q: I need to know. Were you drinking that night?
13
     A: I had like, like a shot, like an hour before, but that was it, like nothing really
14
     like...
15
16
     Q: So you wouldn't consider yourself intoxicated?
     A: No.
17
18
     Q: All right. A little buzzed, maybe?
19
20
     A: No, not, not even.
21
22
     Q: Not...
23
     A: Like I was...
24
     Q: Of sound mind and judgment?
25
26
     A: Yeah.
27
28
     Q: OK. So then you're walking and you saw this white male approximately 21
29
     years of age get arrested by the police, and you said that this happened right
30
     near that intersection. Do you recall like what corner it happened?
     A: It, it was on this corner right here.
31
32
33
     Q: So that would be the northeast corner there?
     A: Mm-hmm (indicating yes). It, it was on this curb.
34
35
36
     Q: Right on the curb, there...
37
     A: Yeah.
38
     Q: Along 13<sup>th</sup> Avenue Southeast. OK. Can you maybe draw where, were there
39
     police in a line?
40
     A: Yeah, they, they were kind of, um, kind of barricading around here-ish.
41
42
     Q: OK. East to west along 4<sup>th</sup> Street on the south side.
43
44
     A: Yeah. I, I, I think.
45
     Q: OK. How about the horses? Where were they?
46
                                              6
```

```
A: I think there was only one horse, if not two, but-, and that was just the white
 2
     one.
 3
 4
     Q: OK.
     A: And he, he was just kind of galloping around here.
 6
 7
     Q: In the intersection?
 8
     A: Yeah.
 9
10
     Q: OK. And so you saw this kid get arrested. Now, you say he's a white male
11
     21 years of age, but give me some more, short hair, long hair, black hair, white
12
     hair...?
13
     A: Um, he, he had short hair, I think.
14
15
     Q: What color hair?
16
     A: Uh, probably brown.
17
18
     Q: Was it dark out there?
     A: Yeah, it was, I, I, I can't remember the exact time, but it was, yeah, it was
19
20
     pretty late.
21
22
     Q: Yeah.
23
     A: It, it was when things started to kind of wind down.
24
25
     Q: Wind down?
26
     A: Mm-hmm (indicating yes).
27
28
     Q: So after the big crowds?
29
     A: Yeah.
30
31
     Q: OK. On the complaint here, you said it was about 12:15 a.m. Does that
32
     sound about right?
33
     A: Probably.
34
35
     Q: OK. Street lights were on?
36
     A: Yeah.
37
38
     Q: You could see everything...
39
     A: Yeah.
40
41
     Q: but it was dark out.
42
     A: Mm-hmm (indicating yes).
43
44
     Q: OK.
45
     A: I mean that, that's probably more accurate then, you know, cause I, I went
```

INT A S

46

back and, like, did it, like, on the night of.

```
Q: OK.
 3
     A: So...
 4
 5
     Q: So when it was fresh in your mind.
     A: Mm-hmm (indicating yes).
 6
     Q: So that's probably a pretty good time. All right. So you saw this kid get
     arrested. What happened next?
     A: Then, um, when, when-, I don't know there was probably, like, a collection of,
     like, probably five, five policemen. So then, um, I'm hanging around and I just
   ## the bird and everything and, but I, I, I'm not like looking at like one specific
12
   policeman. I'm just-, I'm just turning around like that.
13
   (FIP
14
     Q: OK.
15
     A: And then I, I'm walking away.
16
17
     Q: So just for the record because again they can't see us. You flipped the bird
18
     over your shoulder behind you towards the cops?
19
20
     A: Yeah.
21
     Q: So your back is to the police?
22
23
     A: Yes.
24
     Q: And you just flip it up?
25
     A: Yep.
26
27
28
     Q: OK. At no one in particular?
29
     A: No one in particular.
30
31
     Q: All right.
     A: And I, I, I'm very sure of that. So then, I'm walking away...
32
33
     Q: You said you're very sure of that?
34
     A: I'm, I'm very sure that, that I was-, I was flipping the bird while I walking away.
35
     I wasn't engaged with anyone.
36
37
38
     Q: OK.
     A: It was very indirect. And then, uh, started to walk away, and, uh, the
39
     policeman on the horse, uh, he just starts to like yell at me like, um, like hey, you
40
     got something to say, like you got something to say, you little punk, or something
41
      like that.
42
43
      Q: And do you know for sure he called you a punk?
```

INT AS

A: I, I, I'm not a 100 percent sure he started calling me names, but, you know, it 2 felt like that, but I can't-, I can't specific-, I can't like 100 percent tell you that he 3 did. 4 5 Q: You can't give me quotes? 6 A: Yeah. 7 8 Q: Exactly? 9 A: But, but I can quote that he-, he said, like, 'you got somethin' to say'. 10 11 Q: OK. 12 A: And stuff like that. Uh, and then-, so then at that point I, uh, I just-, I just 13 turned and I just, I, I, I stand there and I just, you know, just looking at the 14 policeman just, you know, taking what, what he's saying to me, and I'm, like, 15 wasn't gonna do anything. I'm just gonna let him do what he wants to do, and then he gets his horse like within probably a foot or two away from me, and then 16 17 he swipes down and, like, just slaps me across the face pretty hard. And then, at 18 that point, I'm like whoa, like, like you can't do that, and... 19 20 Q: Did you say that? 21 A: Yeah, I'm like-, I'm like you can't do that, like, that's illegal, and then so I, I'm 22 really upset, like, I'm, I'm riled up now. And then my friends start pulling me back 23 because they don't want me to like start, you know, like getting, you know, right 24 in front of this policeman. I mean I don't think I would've done anything nuts or 25 anything I was just really upset. So then, uh, I just kind of submit and I just, you 26 know, start walking away, just like, um, just really angry. 27 28 Q: Mm-hmm (indicating yes). 29 A: So then we're walking this way. 30 Q: OK. And for the record you're going north on 13<sup>th</sup> Avenue Southeast towards 31 32 5<sup>th</sup> Street. A: Mm-hmm (indicating yes). 33 34 35 Q: OK. 36 A: And then, uh, we start hookin' that way... 37 Q: Turning right to head east on 5<sup>th</sup> Street Southeast.. 38 A: Mm-hmm (indicating yes). And then we see this collection of policemen right 39 40 there. 41 Q: At 14<sup>th</sup> and 5<sup>th</sup>. 42 A: Yep. 43 44 45 Q: OK.

INT AS

46

A: And, uh...

Q: All right. When you typed up this complaint online, did you use a map to refresh your memory?

A: Yeah, I, I was using a map, but you know what I think this, this whole thing might have been shift over, um...

6 7

- Q: So it might have happened one block east?
- 8 A: Yeah, cause I, I, I remember after this whole thing we, we passed

9 McDonald's.

10

- 11 Q: OK. So roughly in that two block area?
- 12 A: Yeah. You know, you know what, um, it, it might have happened here, but
- then we came across this, this second event was right here and we may have
- 14 gone past like that.

15

- 16 Q: So when you turned east on 5<sup>th</sup> Street Southeast, you might have actually
- walked two blocks down to 15<sup>th</sup> Avenue...
- 18 A: Yeah.

19

- 20 Q: Where you saw the other officers?
- 21 A: Yeah.

22

- 23 Q: OK.
- 24 A: Cause this I'm, I'm pretty sure of. I'm pretty sure that, that we were passing
- 25 McDonald's. OK and this was that.

26

- Q: If you're pretty sure, then just put an X in that circle you made at 14<sup>th</sup> and 5<sup>th</sup> there.
- 29 A: OK.

30

- 31 Q: Very good, thank you. What happened there at 15<sup>th</sup> and 5<sup>th</sup>?
- 32 A: Well, um, then we're walking, uh, there and, uh, I, I think we were still talking
- about it and this, this officer, uh, was saying he, you know, got our attention. He,
- 34 he was like, uh, he was like, you know, what happened. It felt like he was pretty
- 35 concerned.

36

- 37 Q: What happened to bring his attention to you?
- 38 A: Oh, oh, uh, oh, we, we were-, we were just kind of exclaiming like oh, yeah,
- that was-, that was just, that was so dumb and everything, and then he, he was
- 40 like what happened.

41

- 42 Q: So he heard-, overheard you talking and then inquired?
- 43 A: Yep.

44

- 45 Q: OK.
- A: Uh, he, he was a nice guy, but we-, I was just like so upset. I wasn't like...

INT AS

```
2
      Q: You were still...
 3
     A: in the right mindset.
 4
 5
     Q: Like animated...
 6
     A: Yeah.
 7
 8
     Q: Throwing your hands up and just like I can't believe this happened and
 9
     A: Yeah, I wasn't like-, I wasn't like an-, like animated, but I was like, you know, I
10
11
     was just, you know, irritated, or something like that.
12
13
     Q: OK.
14
     A: I, I had a short fuse, and, uh, this, this guy-, he was a really nice guy. I wasn't
15
     as nice to him as I should've been, but he was, uh, he was like what, you know.
     what happened. And I was like, well I just-, I just got, uh, hit by this policeman.
16
     And he's like oh. I don't know. I, I kind of, um, cross talked over him, and I, I
17
18
     was saying, uh, uh, can you bring me back to identify the person who it was, and
19
     I then I, I could just tell like, he-, you know, he did not want to do that. And he
20
     kind of looked to another policeman, and the other policeman, uh, said well, I'm
21
     not gonna do that. And then, uh, I was-, and then I, I was just like, uh, well,
22
     aren't, aren't you guys tryin' to, um, shouldn't you guys be willing to get
23
     (inaudible) and, and everything. And he's like well you can just go on our
24
     website and we have all the pictures of everyone and everything, and uh, I was
25
     like well, well, I don't know if I'm gonna remember the guys face for long and
     everything. And, uh, and then I was, like, well can I talk to your superior, and he
26
27
     was like well our, our superiors are in the, uh, at the-, at the department. So I, I
28
     basically couldn't talk to any superiors and then, uh, uh, I right, right at that point
29
     he, he said, uh, well..., uh, what word was was it...., um. He said well, how old
     are you. I'm like 20, and he said, well ha-, have you been drinking, and I'm like
30
31
     no, but I was but I had like, like one drink. And he was, like, well, let, let's see
     about that. And then he, uh, grabs me to pull me into his police car and then,
32
33
34
35
     Q: Is this pertinent to your being slapped?
36
     A: Huh?
37
38
     Q: Is this stuff pertinent to your being slapped or should we just back it up and
39
     get more details?
40
     A: Oh, I'm sorry. No, no.
41
42
     Q: I just...
43
     A: This is...
44
45
     Q: It's okay...
46
     A: No, I have no clue how specific I'm supposed to be.
```

INT AS

```
Q: Yeah. No, we're gonna-, we're gonna back. Let's talk about this mounted
     officer. That's what we call'em.
 3
 4
     A: OK.
 5
 6
     Q: When they're on the horse, they're mounted. OK?
 7
     A: Mm-hmm (indicating yes).
 8
 9
     Q: Let's talk about him. What did he look like?
10
     A: Oh, he was, uh, white male, um, uh, a bigger guy. He...
11
12
     Q: Stocky, like muscular?
     A: Yeah.
13
14
15
     Q: Or fat?
16
     A: Oh, he, he was, uh. He wasn't-, he wasn't b-, he was-, he was kind of like
17
     you.
18
     Q: OK.
19
20
     A: Like, just kind of like...
21
22
     Q: Stocky?
     A: Yeah.
23
24
25
     Q: OK. Did you-, can you give me an age roughly?
     A: Oh, um, probably around-, probably around 40, late 30s.
26
27
28
     Q: So 35 to 40, somewhere in there?
29
     A: Yeah, he, he looked kind of like a superior, kind of.
30
     Q: OK.
31
32
     A: He looked like he's been there for a while.
33
34
     Q: OK. So any facial hair?
35
     A: No.
36
37
    • Q: Tattoos? Anything?
38
     A: He, he was bald.
39
40
     Q: Bald. OK
41
     A: Um...
42
43
     Q: Did he have a helmet on or anything?
44
     A: No.
45
     Q: No helmet. OK. Was he shaved bald?
46
```

```
A: I think so.
 2
 3
     Q: OK. Shiny head then.
     A: Yeah.
 5
 6
     Q: OK.
 7
     A: Um, uh, yeah, he had no facial hair. Um.
 8
 9
     Q: Any speech impediments, like a lisp or an accent, or anything?
10
     A: No.
11
12
     Q: No?
13
     A: Nope.
14
15
     Q: Do you think you'd recognize him if you saw him again?
16
     A: Uh, I can give it a shot.
17
     Q: Mm-hmm (indicating yes). It says here, and I know that you filed this right
18
     away, so your memory was more fresh, and...
19
20
     A: Oh, yeah, given a photo I could identify him. Is that what it said?
21
22
     Q: Yeah. And I know that you filed this back like over two months ago.
23
     A: Mm-hmm (indicating yes).
24
25
     Q: I just got it on my desk...
26
     A: Yeah.
27
28
     Q: like last week so I apologize for the delay.
29
     A: Don't worry about it.
30
     Q: All right. Now, if you think of anything about the officer that you can help me
31
     to narrow it down is... shout it out, but let's talk about his horse here.
32
33
     A: OK.
34
35
     Q: You said there was a horse. What did the horse look like?
     A: Mm-hmm (indicating yes). Oh, it, it was a white horse. I, I went on to the, uh,
36
     website, and I, I identified who the horse was.
37
38
39
     Q: Oh.
40
     A: It was the only white horse.
41
42
     Q: What's the horse's name?
43
     A: I, I don't know the name, but it, it's, uh, on the site and it's the only white one,
     so I was lucky in that.
44
45
     Q: OK. Which site did you go on?
46
```

A: Uh, um, Minneapolis Police Department one. I mean that's... 1 2 3 Q: Did it bring you to the Facebook page? 4 A: No, it, it was the .gov site. 5 6 Q: The gov site. 7 A: Yeah. 8 9 Q: OK. A: And then I went to the... 10 11 Q: Now, we have a white, white horse and then we have a blonde horse. I have 12 a picture here. Now, these horses are interchangeable with the officers. 13 14 A: Yeah. 15 Q: So do not look at this picture and try to identify the cop sittin' on the horse, 16 OK? 17 A: Yep. 18 19 20 Q: Because they use different horses every shift. 21 A: Yep. 22 23 Q: All right. So don't look at the cop. 24 A: Yeah. 25 Q: Just look at the horse here. All right. This is a picture from our Facebook 26 website and you can see there's two lighter horses; one I would call white and 27 one I would call like a real light tan. 28 A: Yeah. It, it was that one. 29 30 31 Q: It was the white horse? A: It was the white one. 32 33 Q: OK. And also from that same website, I've got a particular horse here. Do 34 you remember anything about his face before I show this picture? Anything 35 about the horse's face. 36 A: Oh, it probably had like kind of gray spots maybe, maybe like kind of around 37 the eyes a little bit. 38 39 Q. OK. Are you getting that from your memory of the incident or from the 40 website page that you looked at? 41 A: From the incident. 42 43 Q: OK. I'm gonna show you this picture here. Does that look like the horse? 44 A: Yeah, that-, I, I went to the-, um, there was a mounted officer's subpage on 45

int <u>115</u>

46

the .gov site.

INT AS

A: Yeah.

45

Q: and then he rode up to you; is that correct? 2 A: Yes. 3 4 Q: And he confronted you? 5 A: Yep. 6 7 Q: At a close proximity? A: Mm-hmm (indicating yes). 8 9 10 Q: If you had reached your arm out, you could've touched the horse he was on? A: Yes. 11 12 Q: And so you're describing yourself walking away, he says something to you 13 like do you have something to say. At that time you stop, turn, and face him; is 14 that correct? 15 A: When, when I noticed that he was talking to me then I, I, I immediately 16 17 stopped, and I turned. 18 19 Q: So now you're facing him... 20 A: Mm-hmm (indicating yes). 21 22 Q: At what distance is he at this time? 23 A: He's probably at, um... 24 25 Q: This room is about 10 feet... A: Yeah, I'm, I'm tryin' to use that as reference. Um, probably about 15 feet 26 27 away from me. 28 29 Q: OK. So then he rides up to you... A: Mm-hmm (indicating yes). 30 31 Q: Does he just walk up to you? Does he sprint up to you? 32 33 A: Uh, he, he's not-, he's on the horse, and he's-, uh, he's, um, kind of, you know steering the horse over. The horse is kind of, uh... 34 35 36 Q: Just walking? 37 A: Yeah, yeah. It's, it's... 38 39 Q: I could tell by your slow movements. You're describing just walking. Not like sprinting up to you. 40 41 A: Yeah, he, he-, I mean-, he was walking, but he was hastily like getting over 42 there. 43 44 Q: OK.

INT AS

A: He wanted to....

45

Q: So when he gets to you, you're facing me straight on... 2 A: Mm-hmm (indicating yes). 3 4 Q: Does he have the horse's face in your face or does he turn sideways? 5 A: He turns-, he turns sideways. 6 7 Q: So now, you're at the side of the horse. 8 A: Mm-hmm (indicating yes). And I, I, I'm at the right side of the horse. 9 Q: OK. 10 11 A: And he-, he's using his right hand to swat me. 12 Q: And he just reaches down with an open hand? 13 14 A: Mm-hmm (indicating yes). 15 16 Q: Let's use yes and no's. He reaches down with an open hand? 17 A: Yes. 18 19 Q: And he slaps you across the face? 20 A: Yes. 21 22 Q: So his right hand strikes which side of your face? A: Left side. 23 24 25 Q: The left side. 26 A: The left side of my face. 27 28 Q: Did he have a glove on? Was it is a bare hand? 29 A: Yes, he had a glove on. 30 31 Q: And what color glove? A: It was a dark color, either dark blue or black. 32 33 34 Q: OK. Stunned you pretty good? A: Yeah, not-, I mean it, it definitely hurt for a couple of days like after, after the 35 whole like... 36 37 Q: What hurt? 38 39 A: Oh, my, my cheek, like the bone kind of. 40 Q: Your cheekbone? 41 42 A: Yeah. 43

INT <u>AS</u>

A: It was-, it was pretty sore.

Q: OK.

44

45

46

- Q: Did you get a black eye or anything? 2 A: No, there, there was no, um, there was no mark, but I could definitely feel it. 3 4 Q: OK. Did you receive medical attention? 5 A: No. 6 7 Q: OK. Where were your friends at that exact moment? If I could maybe give you, let's use the back of your map. 8 9 A: Well, um... 10 11 Q: Do you know where they were exactly? 12 A: Yes. 13 14 Q: Like if we have you here and we're gonna with a long oblong shape for the 15 horse here. 16 A: Mm-hmm (indicating yes). 17 18 Q: I'm gonna write horse right on it. And that's an arm length between the two 19 of you. Where were your friends? 20 A: My friends were over here. 21 22 Q: How far from you? 23 A: They were probably like around 20 feet. 24 25 Q: How did you get separated from them? 26 A: They, uh, they, they were-, they were walking away, and so, so was I, but then I had-, I had to stop because I was, you know, he was trying to get my 27 28 attention. 29 30 Q: OK. 31 A: So. 32 33 Q: In your report that you filed online, you described that the officer on the horse 34 attempted to intimidate you. 35 A: Mm-hmm (indicating yes). 36 37 Q: Is that just by saying you have something to say? 38 A: Well, he, he was-, yeah, but he, he was also like, you know, you could also 39 tell by his body language, you know. He was also on a horse and.... 40
- 41 Q: Right.
- 42 A: And, you know, he, he was-, he was tryin' to assert himself.
- Q: Right. And in here you said that the-, you were trying to walk away.
- 45 A: Yep.

INT AS

Q: And the officer cut you off. He cut in front of you. And verbally you just told me that you stopped, turned back around to face him. Which is it? 2 3 A: Um, let me think. He, I, I think I, I stopped. I know that I stopped, but he, he might've kinda cut around like this. I mean the horse might have been like that. 5 6 7 A: To like make sure that I wouldn't like continue or anything. 8 9 Q: Towards your friends? A: Yeah, cause the sidewalk was, was like this. 10 11 12 Q: OK. And you guys were on the sidewalk? A: I was either on right here. 13 14 15 Q: You could have been just off the curb there? A: Yeah, cause I, I, I think that would've been pretty difficult for the horse to just 16 17 have like... 18 19 Q: Well, nonetheless, you were close to the sidewalk. 20 A: Yeah. 21 22 Q: And tell me again which corner. 23 A: It was right here. 24 25 Q: So... A: I was on 13<sup>th</sup> Avenue... 26 27 Q: Yep, 13<sup>th</sup> Avenue... 28 A: on this side. 29 30 Q: just north of 4th Street, and you were on the Est side here? 31 32 A: Mm-hmm (indicating yes). 33 34 Q: Or on the west side here? 35 A: On the east side. 36 Q: OK. Very good. What does that say right there... the Blarney Bar? Is that 37 38 right? 39 A: Probably. 40 Q: Does that sound right? That's where you were right in front of the.... 41 A: No... 42

INT AS

Q: Oh, the Library...

A: the Library, yeah.

43 44

45

Q: Does that sound right? The Library Bar, you were right in front of that when it 2 happened? 3 A: Uh, I, I, I mean, I, I wasn't looking... 4 5 Q: OK. 6 A: at the buildings that closely, but I believe it. 7 Q: Continuing to disengage and walk away. I'm reading from your complaint. I 8 reminded him that what he did was clearly unlawful. This was after he smacked 9 10 vou? A: Yep. 11 12 Q: OK. You didn't want to try to identify him because you didn't want to engage 13 him at all anymore. 14 A: Yeah. 15 16 Q: [pause] OK. So let's talk about that guy that you saw get arrested. Do you 17 know that person? 18 A: No. No. Nope, um. 19 20 Q: You said he hadn't been doing anything at all. I'm trying to link events that 21 are documented with the guy that you saw. 22 A: Yeah. 23 24 25 Q: So... A: I. I didn't see anything like I, I didn't see him jump on the horse or anything. 26 All I saw were the policemen, you know, basically throwing this guy down. 27 28 29 Q: Right. 30 A: But then I, I later... 31 Q: Do you know if that person had been marked at all? What we do is we have 32 33 ammunition that will put like a paint splatter... A: Ohh... 34 35 Q: on a person, so that if we see that person they've been marked they need to 36 37 be arrested. In a riot situation like this... 38 A: Mm-hmm (indicating yes). 39 Q: when you have a lot of people that are moving around, you can't really grab 40 the people you want at the specific time you want... 41

42 A: Yeah. 43

- 44 Q: so you have to mark them, so that you can identify them later as the person
- 45 that did x, y, and z. Do you understand?
- 46 A: Yep.

INT AS

INT AS

Q: OK.

- 1 A: No, no I can't remember. I could-, I could identify it on a map.
- 2 3 Q: It's OK.
- 4 A: OK.

- Q: You made a little circle in the upper left hand corner of the map. How far off that map is it? A couple blocks?
- 8 A: It, it goes across, uh. 35.

9

- 10 Q: Oh, it's on the other side of 35, so that's a ways.
- 11 A: Yep.

12

- 13 Q: OK. How long were you there at Luke's house?
- 14 A: I, I probably like, um, maybe around an hour.

15

- 16 Q: OK. I'm just trying to get the timeline. And then you walked back. That takes
- 17 you some time.
- 18 A: Mm-hmm (indicating yes).

19

- 20 Q: All right.
- 21 A: Walking back this way, altho-, we were on this road probably the whole time.

22

- 23 Q: The 4<sup>th</sup> Street Southeast.
- 24 A: Yeah.

25

- 26 Q: OK. Very good. And in that intersection, you said there were only two
- 27 horses
- 28 A: Um, if, if, I, I wanna say one.

29

- 30 Q: Just one?
- 31 A: Yeah, I wanna say just the white horse.

32

- 33 Q: OK. What color was the uniform the officer was wearing?
- 34 A: It was-, it was dark. It was, um, I think he, he was, I, I know it was, uh,
- consistent with the rest of the, um, uh, mounted officers colors. Uh, I don't know
- 36 if they were wearing armor. I think they were wearing armor.

37

- 38 Q: OK.
- 39 A: And you know, he, he looked like just a regular, um, mounted officer.

40

- 41 Q: OK. Do you know the difference between Minneapolis Police and the U of M
- 42 Police?
- 43 A: Um, I, I mean what I can tell you is that the U of M Police is focused on the U
- of M and then Minneapolis is, you know, kind of the rest of the city.

45 46

Q: How about their uniforms? Are you familiar with the differences?

A: No. 2 3 Q: OK. How long have you been a student at the U of M? 4 A: Probably, I, I'm gonna be a junior, um, this upcoming semester, so... Oh, sorry, a year and a half because I was at Duluth my first semester. 5 6 7 Q: And you've seen the U of M Police? 8 A: Yes. 9 10 Q: And you see that they have a very dark uniform? 11 A: Yes. 12 13 Q: Now in these pictures that I show you of the Minneapolis Police. These are 14 all the mounted guys. They are clearly wearing the light blue. 15 A: Yeah, that-, it was-, it was not that color. 16 17 Q: It was not that color. 18 A: I, I don't believe so. I remember there was-, there was a news, um, uh, article on the riot, and it was, uh, there were a couple pictures of the, um, policemen 19 20 that were, um, on the horses and, uh, it-, he was wearing the exact thing that I 21 saw. 22 23 Q: And if it were darker than the light blue, it could have been just armor? A: Yeah, I, I, I mean, I'm-, this would be odd to me. If, if, uh, it was that color. 24 25 26 Q: How about this, on my business card is my email address... 27 A: Mm-hmm (indicating yes). 28 29 Q: can you remember to pull up the picture 30 A: Send you the... 31 Q: and send that, yeah. 32 33 A: Yeah. 34 35 Q: Cause you've looked at these photos of the riots and you've seen mounted 36 patrol officers, and you said he looked like that... 37 A: Yeah. 38 39 Q: with that uniform; whatever he was wearing. 40 A: Mm-hmm (indicating yes). 41 42 Q: Send me that picture. 43 A: Okay, I can do that. 44 Q: All right. I think I have a couple more questions here. Do you think you'd 45 46 recognize that young man that was arrested right before you flipped the bird?

 $_{\rm INT}AS$ 

2 3 Q: What was he wearing? 4 A: I, I, I wouldn't be able to reliably tell you. 5 6 Q: OK. Did you see if he had a GoPro camera on? Was he wearing... 7 A: I don't think he had a GoPro on. 8 9 Q: I'm going to show you a picture of someone. 10 A: OK. 11 12 Q: And I wanna just see if you recognize this person. Whether you know him as 13 a friend or maybe he was the guy that got arrested? I folded the name 14 underneath, so you're not able to see that, but do you recognize that person? 15 A: He, he might've been the one, um, the one who, uh, jumped on the horse. 16 17 Q: OK. Do you know him personally? A: I do not know him personally. 18 19 20 Q: Would you please put your initials on there, so I know I've shown you that 21 picture? 22 A: Yes. 23 24 Q: Thank you. All right. All right. I'm going to show you a bunch of cop's 25 pictures. OK? A: OK. 26 27 28 Q: And that you said that if you saw a picture you could identify him. I'm gonna 29 see if you can. A: OK. 30 31 32 Q: Now, before I do, and I wanna say this very clearly OK. If there was a cop in 33 Minneapolis that had conducted himself in this manner, I wanna know who that 34 person is. But with that said, I do not want to go after the wrong guy. So, if you look at these people and you're positive about somebody, tell me that. If you're 35 not positive, remember that it would be really bad not for you criminally. It would 36 37 be really bad for him... A: Yeah. 38 39 40 Q: to be falsely accused, correct? A: Yes. 41 42 43 Q: We're in agreement with that? A: Yes. 44 45

A: Uh, I, I didn't see much of his face cause a lot of what I saw was, um...

INT AS

- Q: OK. I'll take this back. I got a bunch of pictures, so I'm gonna need some space. I'm gonna move this. All right. I'm just gonna spread them out in front of 2 3 you, OK? 4 A: OK. 5 6 Q: [pictures being placed on the table] I got to reach. All right. How many 7 pictures do I have here for you? 8 A: 1, 2, 3, 4, 5, 6, 7, 8, 9 pictures. 9 10 Q: All right. Take your time. A: I'm gonna make two piles. Uh, one will be, I-.... 11 12 13 Q: You're gonna do a process of elimination? A: Yeah. 14 15 Q: Yeah. I don't think I like that at all. 16 17 A: OK. Um, the one that I have the most confidence in is probably that one. 18 19 Q: OK. 20 A: Um, it's-, it, it, it would not be any of these, no, but it would be probably that 21 one. 22 23 Q: Well, to get it this far. Just put your initials on there. Now, that doesn't mean 24 you've selected him. It just means that that's one that jumped out at you at first, 25 right? 26 A: Yes. 27 28 Q: OK. Why don't you go ahead and put your initials on there. All right. Now, you were wanting to pull some out that say definitely not. What was your factor 29 that you were using to eliminate those? Too much hair or what? 30 31 A: Yeah, too much hair, and uh, uh, the age and um, just the-, their body mass, 32 and uh.... 33 34 Q: OK. 35 A: Cause I, this, this guy really stands out to me. 36 37 Q: OK. 38 A: So. 39
- 44Q: All right. And that's the one you have initialed there.

Q: Do any of the other ones jump out at you at all?

46 A: Yeah.

me.

40

41

42 43

INT AS

A: Um, this guy's too young. It wasn't him. I don't think it was this guy. I mean they, they look pretty similar, but this guy is more of a-, he stands out more to

```
2
     Q: OK. OK. That helps.
 3
     A: OK.
 4
 5
     Q: I'll gather these back up. All right. So I want you to know that I'm gonna do
     my due diligence to determine if I can...
 6
     A: Mm-hmm (indicating yes).
 7
 8
 9
     Q: who was that officer that night.
10
     A: OK.
11
     Q: OK? I'm probably gonna need to interview your friends.
12
13
14
15
     Q: They saw you get slapped?
16
     A: Yes. Yep.
17
     Q: They were looking at you or walking away. Because that's unclear.
18
19
     A: I...
20
     Q: You describe that they're walking...
21
22
     A: Mm-hmm (indicating yes).
23
24
     Q: you're walking with them...
25
     A: Yep.
26
     Q: you hear him talking to the officer, the officer was talking to you, so you
27
28
     stop...
29
     A: Yes.
30
31
     Q: they proceeded...
32
     A: Yes.
33
     Q: and then the officer came up, and in the picture, you clearly show that the
34
35
     horse rode right in between you and the group.
     A: Yeah, it was, uh, I mean I wouldn't be able to tell exactly what my friends
36
     were doing because I, I, I shifted my attention to the officer.
37
38
39
     Q: Right.
     A: So when he was yelling at me, they, they might have, you know...
40
41
     Q: I understand that you're not completely clear on what they were doing or
42
     where they were looking.
43
     A: OK.
44
```

INT AS

1 2 3	Q: But it's possible the horse was blocking their view, is it not? In the picture you've drawn?  A: Um, maybe, I				
<i>3</i>	A. Offi, maybe, i				
5 6 7	Q: OK. Well, I'm gonna talk to them anyways, so A: That would be a possibility.				
8 9 10	Q: Very good. So at this point, I have no further questions and I just wanna say that this is the opportunity for you if I've missed anything or if there's anything you would like to add to your statement, now is the time to do so.				
11 12 13	A: Um, well, I-, with my friends, seeing me, you know, get slapped. They were as upset as I was when it happened; like, I didn't have to tell them what happened, so I'm, I'm sure that they saw.				
14	O. OK				
15	Q: OK.				
16 17	A: So.				
18	Q: But just to be clear, Jordan				
19	A: Yep.				
20	7t. 10p.				
21	Q: A female and Kelli				
22	A: Yes.				
23					
24	Q: you and Jordan's friend.				
25	A: Yes.				
26					
27	Q: Jordan's friend is male/female?				
28	A: She was a female.				
29					
30 31	Q: Female, OK. All right. Is this statement true and accurate to the best of your recollection?				
32	A: Oh, yes.				
33					
34	Q: All right. Anything to add?				
35	A: No.				
36					
37					
38	Statement concluded at 0950 hours.				
39					
40 41	an Mall //10/2014				
42	Anthony Seemann Date Witness				
43					
44					
45	I have received a copy of this statement.				
46					

INT AS

1
2 Anthony Seemann
3
4
5 Job #: 12313
6
7
8
9
10

INT AS

```
THIS IS A TAPE-RECORDED STATEMENT OFKELLI BURSTEIN, ON JULY 10,
 2
     2014, AND THE TIME IS 1400 HOURS. I AM SGT. WALTERS OF THE
 3
     MINNEAPOLIS INTERNAL AFFAIRS UNIT. TRANSCRIBED BY R. METCALF.
 4
 5
     RE: OPCR Preliminary Case #14-06920
 6
 7
     Q: Kelli, could you please state your full name and spell both parts, so that I
 8
     have it correct?
     A: Uh, my name is Kelli Burstein; K-E-L-L-I B-U-R-S-T-E-I-N.
 9
10
11
     Q: OK. What is your home address and telephone number, please?
12
     A: Uh, home address is 24-, 26472 Windrose Court.
13
14
     Q: W-I-N...
15
    A: 26470, sorry. 26470 Windrose Court, Elko, Minnesota.
16
17
    Q: W-I-N-D-R-O-S-E?
18
    A: Yep, Court. Elko.
19
20
     Q: Elko. And what's the zip?
21
    A: Minnesota. Uh, 55020.
22
23
     Q: OK. And what's the best phone number for you?
24
    A: Uh, my phone number is 612-708-2460.
25
26
    Q: Do you have an alternative phone number, like a home phone?
27
    A: Uh, that's the only one I use.
28
29
    Q: OK.
30
    A: So.
31
32
    Q: All right.
33
34
    YOU ARE BEING QUESTIONED AS PART OUR-, PART OF AN OFFICIAL
35
    INTERNAL INVESTIGATION INTO AN ALLEGATION OF USE OF FORCE BY A
    MINNEAPOLIS POLICE DEPARTMENT OFFICER. THE INFORMATION YOU
36
37
    PROVIDE WILL BE USED IN A FACT-FINDING PROCESS AS PART OF THE
38
    TOTAL EVIDENCE TO DETERMINE IF ANY MISCONDUCT OCCURRED AND
39
    FOR ASSESSING WHETHER DISCIPLINARY ACTION SHOULD BE TAKEN.
40
41
    THIS INFORMATION YOU SUPPLY MAY ALSO BE USED IN A GRIEVANCE
    HEARING, ARBITRATION, OR OTHER APPEAL PROCEDURE. OTHER
42
    PARTIES OUTSIDE THE MINNEAPOLIS INTERNAL AFFAIRS UNIT MAY
43
```

HAVE ACCESS TO THE INFORMATION YOU PROVIDE AS PART OF AN

INTERNAL INVESTIGATION.

44

45

```
Q: Do you understand this?
 2
     A: Mm-hmm (indicating yes).
 3
 4
     Q: OK. Because we're recording, if you could keep your answers to yes and
 5
     no...
 6
     A: OK.
 7
 8
     Q: that would be great.
 9
     A: Yes.
10
11
     Q: Thank you. At this time, I would like to ask you some questions regarding an
12
     incident, uh, that occurred on April 13, 2014, at approximately 45 minutes after
13
     midnight. Do you recall that night?
14
     A: Yes.
15
     Q: OK. Could you tell me where you were at that time? Who you were with?
16
17
     What was happening?
     A: Um, I was with my-, Anthony and three other girls; um, Jordan, Rowa and
18
19
     Christine. I think were the two girls' names. And we were walking back from a
20
     friend's apartment at the Elysian back to my apartment called Stadium View,
21
     which is in the Stadium Village.
22
23
     Q: Mm-hmm (indicating yes). And Anthony, what's his last name?
24
     A: Seemann; S-E-E-M-A-N-N.
25
26
     Q: And Jordan? Do you know...
27
     A: Uh, Thomas; T-H-O-M-A-S. I have no idea.
28
29
     Q: Rowa, you don't know?
30
     A: I, I, I've, that's, I, I've only met them once.
31
32
     Q: OK.
     A: I just know they were there.
33
34
35
     Q: And is it your understanding that it's spelled R-O-W-A; is that correct or no?
     A: I have no idea, honestly.
36
37
38
     Q: And who was the fourth person?
39
     A: Uh, huh?
40
41
     Q: Did you say Christine?
     A: Christine. I don't know her last name either.
42
43
44
     Q: Christine...
     A: Those two...
45
46
```

```
Q: without a T?
 1
 2
     A: Christine, like...
     Q: OK.
 4
 5
     A: C-H-R-I-S-T-I-N-E.
 6
 7
     Q: OK. And you were walking back from the Elysian...
 8
     A: Mm-hmm (indicating yes).
 9
10
     Q: to your place at Stadium View?
11
     A: Yes.
12
13
     Q: Do you know what time it was approximately?
14
     A: About-, between midnight and 1.
15
16
     Q: OK. And I have a map here I would like you to take a look at.
17
     A: OK.
18
19
     Q: Um. It's just a map that I printed off of Google...
     A: Mm-hmm (indicating yes).
20
21
     Q: but it's got the streets listed. It's got some businesses listed. Do you
22
23
     remember, uh, which route you took back to your place?
     A: Um, I'm guessing. I, I don't know. I don't remember, but I'm guessing
24
     University Avenue. I-, 4<sup>th</sup> and 14<sup>th</sup>. Yeah, I, I think we went this way.
25
26
27
     Q: So you went-, where's your apartment on here? Here's a pen...
     A: My apartment would be...
28
29
30
     Q: if you could mark your apartment.
     A: 4<sup>th</sup>, uh, um, it's on-, my apartment's on Delaware, which it's like over here
31
32
     somewhere.
33
34
     Q: OK. I realize that that map is zoomed in a little ways.
35
     A: Yeah.
36
37
     Q: Um, here's a good reference point. McDonald's right here.
38
     A: Mm-hmm (indicating yes). Yeah, my apartment's somewhere over here.
39
40
     Q: OK. You're, you're indicating to...
41
     A: Oh, sorry, this way.
42
43
     Q: OK.
44
     A: This way.
45
46
     Q: To the Southeast off of the map.
```

```
A: Yes.
 2
 3
     Q: So we'll just-, go ahead and make a little square there or something being
     your apartment, just for reference. And where is your friend's apartment, the
 4
 5
     Elysian apartment?
 6
     A: We can-, it's across the bridge to-, it's across 35.
 7
     Q: So 35W would be off the page here to the...
 8
 9
     A: Yeah.
10
11
     Q: Northwest?
12
     A: Mm-hmm (indicating yes).
13
14
     Q: And you said you were on your way back. Do you remember...
15
     A: Yes.
16
17
     Q: the route you took?
     A: I'm tryin' to remember which-, it, it would've been 4th Street or University. I, I
18
     don't remember.
19
20
21
     Q: OK. And then at that hour was it dark outside?
22
     A: Yes.
23
24
     Q: And how old are you?
25
     A: I'm 20.
26
27
     Q: I have no interest in proceeding, uh, with criminal charges against you if you
28
     answer this one way or the other, but had you been drinking that night?
     A: No. I, I had one beer during the hockey game.
29
30
31
     Q: OK.
32
     A: And-, but I mean there's no way that I-, we were in any way like intoxicated...
33
34
     Q: OK.
35
     A: at that time.
36
37
     Q: Yeah, Anthony, uh, admitted, uh, to me that he had also consumed some
     alcoholic beverages. Do you know how much he had had?
38
39
     A: Same as me.
40
41
     Q: Just one?
     A: We, we both did not drink at all after the hockey game, um, just one dur-,
42
43
     during.
44
45
     Q: OK.
     A: Probably.
46
```

Q: You're indicating left jawbone? 2 A: I think. I, I know it was his jawbone. 3 4 Q: OK. 5 A: Cause he, he had a mark afterwards. 6 7 Q: OK. Let's describe this cop. 8 A: Um, he was riding a white horse. 9 10 Q: OK. A: And he was white and he had a helmet on. I'm pretty sure cause I don't 11 remember seeing his hair or anything. And he just looked like a white guy. I 12 don't know. 13 14 15 Q: OK. Can you tell me approximately how old he was? A: He was older than-, he wasn't a young guy. Probably between 35 and 45. 16 17 18 Q: OK. Did he have any facial hair? 19 A: I don't think so, no. 20 21 Q: Did he say anything to Anthony when he rode his horse up to him? 22 A: Um, yeah, he said something. He was yellin' something at us. He was like hey, like-, I can't remember what he exactly said. I remember him yelling at us or 23 24 at Anthony and he just came up and we're walking away and we're past it. And 25 he rode his horse and just jerked it in front of him, and open hand like slapped him in the face. And... 26 27 28 Q: What did Anthony do then? A: Anthony turned around and he was just like hey, you can't do that. And then I 29 30 started pulling Anthony away cause I didn't-, I knew, like, it wasn't a good night to be around like everyone was kind of tense, so I was trying to pull him away. And 31 after a while he was trying to like, I think he was trying to like get the police officer 32 33 to identify himself and just telling him that he can't hit him cause he didn't, you 34 know, do anything criminal or anything. And so I'm pulling him away from the 35 situation. Finally, I-, he just started walking with us again. 36 37

Q: OK. How-, where were you exactly when...

38 A: I was...

39 40

Q: Anthony got hit?

41 A: I was standing right next to him.

42

Q: So had you guys been walking hand-in-hand or holding each other by the 43 arm or anything? Or just walking next... 44

A: No, just walking next to each other. 45

```
Q: OK. So you were right there when it happened?
 1
 2
      A: Yeah.
 3
      Q: Uh, if you had reached out, could you have touched the horse?
 4
 5
      A: Yes.
 6
 7
      Q: Yes. And it was white?
 8
      A: Yeah.
 9
10
      Q: OK. Do you think you would recognize the officer if you saw him again?
      A: I might.
11
12
      Q: All right. I'm going to show you some pictures in a minute, but...
13
14
     A: OK.
15
16
      Q: I'm gonna try to get some more details here. Uh, if you'll give me a minute.
17
     I'm, I'm very curious about your exact location. So if you'll let me see if this
     laptop will reach the internet we might be able to...
18
19
      A: I know we were right by a bar.
20
21
     Q: A lot of bars in that area.
     A: I know. [laugh]
22
23
24
     Q: Can you describe the general scene, uh, in that area? You said there was a
     lot tension. Things were tense.
25
     A: Well, I mean it was the night of the championship hockey game and there
26
     was like, I think, what I've been told is like, 300 or so police, like, working that
27
     night and, um, so there was from-. This is just from what I was told about what
28
29
     happened why that kid was being arrested is that he tried to jump on to a cop's
30
     horse.
31
32
     Q: Did you see the kid try to jump?
33
     A: No.
34
35
     Q: OK.
36
     A: No, I didn't see that happen.
37
38
     Q: Can you describe the, the kid that got arrested to me?
     A: Um, he was blonde and kind of like wider. I mean he wasn't like fat or
39
40
     anything or overweight, but he was just, you know, had like a wider structure
     about him and short....
41
42
43
     Q: Stocky? Would you call it stocky?
44
     A: Stocky.
45
46
     Q: OK.
```

A: Um, probably about 5'10". He had blonde shorter hair. 2 3 Q: OK. 4 A: Yeah, I remember it well cause I remember this kid just jumping around and then all of a sudden he just got bombarded by police and it was just weird to us. 5 6 Cause we didn't see him jump on the horse, but that's what we heard happened. 7 8 Q: OK. 9 A: But none of us saw it happen. 10 Q: Were your friends that you were with, uh, Jordan, Rowa, and Christine, were 11 12 they with you or had they gone ahead of you or behind you? A: They, they were with us, maybe a couple steps ahead. 13 14 Q: Did the cour-, horse cut between you and them? 15 16 A: I don't remember. 17 18 Q: Did they see what happened? 19 A: Yes. 20 Q: They did, OK. Do you have an address for Jordan? 21 22 A: Um. 23 Q: I've been unable to reach her by phone; maybe if I mailed her a letter, she 24 would respond to me. 25 26 A: Um, I, I don't know her address. I could-, I could talk to her, like, I have her phone number and everything, and I can tell her to call you back. 27 28 29 Q: Yeah, that's my card with my number, direct dial number and my email 30 address. A: Yeah. 31 32 33 Q: Please have her contact me, and I would like to talk to Rowa and Christine as well if you could... 34 35 A: OK. 36 37 Q: get them to call me as well. A: OK. Um, yeah, I'll, I'll-, she did actually talk to me about it the other day. 38 She-, her phone had been broken. She was, like, hey, I just got a call about 39 Anthony's situation and ... 40 41 42 Q: So she did get a call from me... 43 A: She did a call, but... 44 45 Q: Yeah.

A: her phone was broken, like, apparently the call was, like, a long time before 2 she had a phone. 3 Q: OK. 4 5 A: So, but I'll, I'll tell her to call you. 6 Q: All right. I seem to have figured out some internet here. So, I'm just gonna 7 kind of bring up Google street view, so we can take a look, OK? Will you 8 9 recognize that bar if you saw it? 10 A: I think so, yeah. 11 12 Q: OK. We're gonna go here. A: You know what. I think the route we took back was 5th Street because 4th 13 14 Street was closed off. 15 16 Q: OK. A: Because they didn't want people running through Dinkytown anymore, so we 17 had to go around. So, I think this would have been the route we were taking. 18 19 20 Q: OK. A. And I'm, the bar might have been Burrito Loco. 21 22 Q: All right. Let's, uh, see if we can't get there. [pause] So, Burrito Loco is 13th 23 Avenue and 5<sup>th</sup> Street. 24 A: Yeah. 25 26 Q: I'll bring that up here. [pause] I don't have the right flash player to do the 27 Google street view, so I have to go to Bing and see if the aerial image will help 28 you. [pause] Was that horse, um, alone or with other horses? 29 A: Hmm? 30 31 Q: The horse-, the officer on the horse? 32 33 A: Mmm... 34 Q: Was there other mounted-, that's what we call 'em when they're on a horse, 35

mounted. Were there other mounted officers around or was he alone? 36

A: Yes, there were.

37 38

Q: OK. And did the horses have direct contact with that arrest or were they cops 39 on foot? 40

A: Um, the, the cops who were arresting the kid were on foot cause I remember 41 the kid getting like wrestled to the ground. 42

43 44

Q: OK. 45 A: There were other officers on horse in the area, though.

1 2	Q: Mm-hmm (indicating yes). [pause] This isn't working out real well. I do have a video I wanna show you and maybe you can tell me if it looks familiar. [pause]
3 4	[video played in background, starts on audio at 20:25]
5 6 7 8	Q: Just look at this intersection and tell me if this is, um, the intersection where it happened cause I'm just kind of guessing.  A: Mm-hmm (indicating yes).
9 10 11 12 13 14	Q: I have no reason to believe this is even around the time of your incident, but I'm trying to narrow it down. And when you watch, the camera will turn here a little bit to the right. There's some, um, neon lights there that might be a bar. They're really focusing on this one corner. Does that look familiar at all or A: Um.
16 17 18	Q: too soon to tell  A: Yeah, a little too soon to tell. If that's 13 and I think-, in fact, I think we would've been on the other side of the street.
19 20 21 22 23	Q: OK. I think this is 13 <sup>th</sup> and 4 <sup>th</sup> . And just a little bit farther you should see this neon light. [pause] Uh, almost. A: [laugh]
24 25 26 27	Q: Now, it's gonna zoom in over there. I'm gonna see if I can speed it up a little bit here. [pause] That's the other corner. It, it was looking at this other corner here  A: Mm-hmm (indicating yes).
28 29 30 31 32	Q: for the longest time, but now that's looking at that building. Does that look familiar at all?  A: I, I don't think that's where we were.
33 34 35 36	Q: OK. That's good. I'm just, um, trying to narrow it down here. There, there's that awning I was telling you about. A: Oh, yeah.
37 38 39	Q: The Library. A: The Library. Yep, that, that's
40 41 42	Q: It wasn't there? A: It wasn't the Library.
43 44 45	Q: You know that intersection pretty well? A: Yeah.
46	Q: And it was not there?

A: No. 3 Q: OK. Well, then this isn't gonna work for the video. You think you were more off on 5<sup>th</sup>? 4 A: I think we were more up on 5<sup>th</sup> because I'm pretty sure this was closed off at 5 6 that time. 7 8 Q: OK. 9 A: Cause I remember we went a really weird way that I wasn't used to. 10 Q: OK. 11 12 A: Cause I, I would've remember if we'd pass by, like, pass by like Five Guys 13 and Mesa, and a lot that stuff cause we go to those places all the time... 14 15 16 A: So, I know it was one street off, one or two streets off, probably one street off of from where we were. 17 18 19 Q: So your normal route if the chaos hadn't been happening down there, it would have been to go down 4th Street? 20 A: Yeah. 21 22 23 Q: But you recall it being a block off? 24 A: Yes. 25 26 Q: And unfamiliar to you? 27 A: Right. 28 29 Q: Whose house was it that you went to? 30 A: Uh, Luke. 31 32 Q: Luke? 33 A: Horsager. 34 35 Q: And you go there a lot? You know the route? A: Um, we didn't go there a lot. We went there probably two or three times this 36 year. I've been there. Um, I know that it's across 35 like over by 412 and those 37 38 apartments. 39 40 Q: Right. But I'm just saying that you know the route... 41 A: Right. 42 Q: and you probably would've taken 4th Street is that how you recall it? 43 A: Yeah, we probably would. Yeah, we probably would've taken 4<sup>th</sup> Street. 44 45 Cause that's the route we took to get there is... 46

```
Q: Through, through all the chaos?
 2
     A: Yeah.
 3
 4
     Q: OK. But you didn't come back the same way?
 5
     A: No.
 6
     Q: Could you put an "X" on the map where you think this happened?
 7
 8
     A: The?
 9
10
     Q: The slap.
     A: Like right...
11
12
     Q: So you want it on this intersection, you were more between 13<sup>th</sup> and 14<sup>th</sup>
13
     Avenue on 5th Street. Is that what you recall?
14
15
     A: Ye-, well, I'm, I'm saying that because, you know, somethin' was ha-, if I-, if it
     was Burrito Loco-, I know it was a bar and Burrito Loco is a bar, and I kn-. That's
16
     the only one I see that's a block off from where we were, so I'm-, then I'm
17
18
     guessing that whole thing happened here and that we kept walking along.
19
20
     Q: I'm going see. OK, there's Burrito Loco here on the computer.
     A: Mm-hmm (indicating yes).
21
22
23
     Q: Right here. Dang Quang Minh over here. Looks like some houses where
24
     you had indicated on the map, some houses there. I apologize that this
     computer doesn't work very well. And it wasn't this far back?
25
     A: No. [pause] It's possible that we walked on 4th Street until 13th and then
26
27
     turned, so...
28
     Q: OK.
29
30
     A: One of these two bars. Library or Burrito Loco.
31
32
     Q: Library or Burrito Loco.
33
     A: Yeah.
34
35
     Q: We can basically have it narrowed down to this area here.
36
     A: Yeah.
37
     Q: Um, 4<sup>th</sup> to 5<sup>th</sup> along 13<sup>th</sup> Avenue and possibly a little East on 5<sup>th</sup> Street. OK.
38
     That helps. Um, the kid that got arrested. Did you, uh, see if he had any like-,
39
     when we mark someone that's been causing trouble earlier in the night and let's
40
     say they, they run away from us, we might mark 'em with, uh, something like a
41
     paint pellet, like a pain gun splatter on them.
42
     A: Mm-hmm (indicating yes).
43
44
     Q: Did you see if that kid had any of that?
45
     A: I didn't...
46
```

22

27

30

37

Q: And you just had heard that he might've jumped on a horse. A: Yeah, that's, that's what we heard happened. Um, we saw, like, he was

getting arrested and it just looked weird to us cause we didn't know why.

- Q: OK. [pause] I'd like to show you some pictures.
- A: OK.

Q: Just to see if anyone stands out to you, OK? I tell this to everyone. Um, we

- take these investigations very seriously. It is a, a cop's career that is on the line,
- 15 A: Mm-hmm (indicating yes).
- 17 Q: And if there is some punishment that goes out to them, we have to be certain
- 18 that we've got the right officer. So, when I show you these pictures, you can
- certainly tell me if someone looks familiar, but if you're gonna make a selection 19
- like 100%, please make sure you're 100% certain that that's the right cop, OK? 20
- 21 A: OK.
- 23 Q: All right. If you wanna grab that chair over there, and I'll spread them out in
- 24 front of you. [pause] How many pictures do you see there? Would you count
- 25 them for me?
- 26 A: 1, 2, 3, 4, 5, 6, 7, 8, 9 pictures.
- 28 Q: Thank you. Take your time. [pause]
- A: This one is sticking out the most to me. 29
- 31 Q: OK. Uh, are you certain that that was the one or he just stands out to you the 32 most?
- 33 A: He stands-, these two stand out to me the most.
- 34 35 Q: OK.
- A: Um. 36
- 38 Q: Would you mind putting your initials on both of those pictures. Let's, let's talk
- about the first one. What about him causes you to recognize him? 39
- 40 A: Um, he's like bigger. I just-, I just remember it was a white guy and he looked
- just-, he looks intimidating to me, and it was a very intimidating looking person 41
- with maybe... 42 43
- 44 Q: What about the second guy? What about him stands out?

A: Just I think maybe the fact that they were wearing helmets makes it so that the, like, having less hair stands out to me, but this guy is really standing out to 2 3 me. 4 5 Q: And can you just write that at the bottom. You, you keep pointing at that one, so I'm gonna have you make a note on the bottom. 6 A: Write down? 7 8 9 Q: Just say, yeah, he's really standing out to me or this one stands out to me. And then the other one, um, what's your feeling on that one? 10 A: Hmm? 11 12 Q: We've basically been talking about this one the whole time... 13 14 A: Yeah. 15 16 Q: How certain are you of that one? A: I mean not very. I just choose it cause he kind of looks the same, but... 17 18 19 Q: They do kind of look similar, don't they? 20 A: Yeah. 21 22 Q: OK. Well, that's good enough. Would you mind putting your initials on this map, so I remember that that's the one I used when I talked to you? 23 24 A: OK. 25 Q: Very good. And you said a white horse, not like a yellow or light brown, tan 26 27 or anything... 28 A: No, it was a white horse. 29 Q: OK. Very good. Do you have anything else you would like to add? 30 A: Um, not that I can think of. No. 31 32 Q: OK. Is this statement true and accurate to the best of your recollection? 33 34 A: Uh. oh. 35 Q: The statement that you have given me? 36 A: Yes. 37 38 Q: I have no further questions unless you have something else. We'll turn off 39 the recorder. 40 A: No, I don't. 41 42 43 Statement concluded at 1430 hours. 44 45 46

Kelli Burstein	Date	Witness		
I have received a copy of this statement.				
Kelli Burstein	· · · · · · · · · · · · · · · · · · ·	<u> </u>		
Job #: 12969				
000 #. 12000				
	•			

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TODAY'S DATE IS AUGUST 25, 2014. THE TIME IS 1525 HOURS.
 2
    TRANSCRIBED BY R. METCALF.
 3
 4
    RE: IAU Case Number #14-06920 (OPCR Case #14-06920)
 5
 6
    Q: This is Sgt. Walters of the Internal Affairs Unit investigating Internal Affairs
 7
    Case #14-06920, with me is Rahwa, a witness to this matter. I'm sorry I don't
 8
    know how to pronounce your last name, but, Rahwa, would you please give me
    vour full name and spell each piece for me?
 9
10
    A: My first name and last name spelled out?
11
12
    Q: Yes, please.
    A: OK. My first name is Rahwa. It's spelled R-A-H-W-A. My last name is
13
14
    Weldeabzghi, and it's spelled W-E-L-D-E-A-B-Z-G-H-I.
15
16
    Q: Weldeabzghi.
17
    A: Mm-hmm (indicating yes).
18
19
    Q: Very good. Rahwa, what's your date of birth?
20
    A: 10/25/1993.
21
22
    Q: And what's the best phone number to reach you at?
23
    A: 763-568-9997.
24
25
    Q: Do you have an alternative number?
26
    A: No.
27
28
    Q: OK. How about an email address?
29
    A: My email address is r.weebs, spelled W-E-E-B-S, at yahoo.com.
30
    (r.weebs@yahoo.com)
31
32
    Q: All right. Rahwa,
33
34
    YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INTERNAL
35
    INVESTIGATION INTO AN ALLEGATION. THE INFORMATION YOU PROVIDE
    WILL BE USED IN A FACT-FINDING PROCESS AS PART OF THE TOTAL
36
37
    EVIDENCE TO DETERMINE IF ANY MISCONDUCT OCCURRED AND FOR
38
    ASSESSING WHETHER DISCIPLINARY ACTION SHOULD BE TAKEN.
39
40
    THE INFORMATION YOU SUPPLY MAY ALSO BE USED IN A GRIEVANCE
41
    HEARING, ARBITRATION, OR OTHER APPEAL PROCEDURE. OTHER
    PARTIES OUTSIDE THE MINNEAPOLIS INTERNAL AFFAIRS UNIT MAY
42
    HAVE ACCESS TO THE INFORMATION YOU PROVIDE AS PART OF THE
43
44
    INTERNAL INVESTIGATION.
45
46
    Q: Do you understand this?
```

A: Yes. 1 2 3 Q: OK. I understand you were present in Dinkytown-, in the Dinkytown area on the night of April 12<sup>th</sup> into the morning of April 13<sup>th</sup>. That would be a Saturday 4 night into Sunday. Is that correct? 5 6 A: Yes. 7 8 Q: Could you tell me who you were with, please? A: I was with Christina Manachero (sp?), Jordan Thomas, the complainant, and 9 his two friends as well as his girlfriend and his girlfriend's friend. 10 11 12 Q: And just for the record prior to turning on the tape-recorder, we did discuss 13 that you in fact do not know the complainant or even know his name. He's more 14 of an acquaintance that you don't have a name for. 15 A: Yes. That was the first and only time I've met him, so. 16 17 Q: OK. And we agreed to just call him the complainant. 18 A: The complainant. Yes. 19 20 Q: Very good. Um, can you tell me, starting a little earlier in the night prior to the 21 incident, where you were, uh, what you were doing, where you went? 22 A: Sure. Uh, we started out at Jordan Thomas's apartment. Um, we were watching the hockey game, and people were just hanging around, and drinking, 23 24 and watching the game. Um, and then around 11 p.m., I'm guessing, we left. 25 And we were trying to avoid going through Dinkytown and we were going to the Elysian, which is another place on campus. Um, and we pretty much avoided the 26 27 whole riot situation on the way to the Elysian. Um, so, that's the events leading 28 up to it and what happened after that is what he's complaining about is when we 29 were walking back from the Elysian. 30 31 Q: OK. And the Elysian, who lives there? 32 A: That was his friend. One of his best friends. The one who I told you earlier 33 went to Australia. He lived there. 34 35 Q: One of the complainant's best friends? 36 A: Yes. 37 38 Q: OK. And you don't have a name for that person? 39 A: Um, no. 40 41 Q: That's OK. So, you go to the Elysian. You hang out for a little while? A: Mm-hmm (indicating yes). I, I mean we played Nintendo and just hung out, 42 and then left like an hour later. 43 44 45 Q: OK. So, you said you left Jordan's at 11 p.m. A: Yep. 46

A: [whispering] What street was on...

```
Q: What I'm looking for, Rahwa, is to try to determine what route you took back
 2
     from the Elysian?
 3
     A: OK.
 4
 5
     Q: Take your time.
 6
     A: Hmm. This is 35W. I know it's by 35W, which is why I'm looking at that.
 7
 8
     Q: I can't see it from there. OK.
 9
     A: So...
10
11
     Q: I think that, um, McDonald's is right on that corner.
     A: Oh, OK. So, this is-, McDonald's is on 4<sup>th</sup>.
12
13
14
     Q: Yeah. Hit the satellite.
15
     A: OK. Did I click it right?
16
17
     Q: There you go.
    A: I know we were mainly on University.
18
19
20
     Q: Oh, you clicked it twice. It just didn't catch up to you yet.
     A: So, don't touch it again?
21
22
23
     Q: Yeah.
24
     A: OK.
25
26
     Q: Here it goes. So, you say you know that you were mainly on University...
27
     A: Mm-hmm (indicating yes).
28
29
     Q: on the way to the Elysian or back?
     A: Well, to the Elysian, yes, but on the way back they had-, um, they had it
30
     blocked off. The police did. So, they were making everyone take a different
31
     route, which is why it's difficult to say how. I don't remember.
32
33
34
     Q: OK.
35
     A: They were leading us out, if that makes sense.
36
37
     Q: So, it's a little difficult to see, but here's 35W.
38
     A: Yep.
39
     Q: And McDonald's is right there.
40
     A: McDonald's is right here?
41
42
43
     Q: Yeah.
44
     A: OK.
45
```

```
Q: And I actually printed a couple of the maps. These might even better. This
     one is a pretty good map.
 3
     A: OK.
 4
 5
     Q: Um.
 6
     A: So, where's the...
 7
 8
     Q: That's the McDonald's. This is University.
 9
     A: OK.
10
     Q: 35W would be over here.
11
     A: Yep. And then, so, TCF Bank Stadium is like over here, right?
12
13
14
     Q: Yes.
     A: OK. So, this is the Library. The Elysian is right here. That's where it is.
15
16
17
     Q: That's the Elysian?
18
     A: Yeah.
19
20
     Q: Oh, I thought it was...
     A: Because the Library.
21
22
     Q: farther over by 35W.
23
     A: Oh, well, it looks like the Elysian.
24
25
     Q: Mm-hmm (indicating yes).
26
     A: Maybe. It's nicer just like that, but OK maybe it's not that close to the Library
27
     because we did walk a while. It's closer to like the sororities.
28
29
30
     Q: OK. Do you know Burrito Loco?
     A: No, I've never been there [laugh].
31
32
33
     Q: OK.
     A: Um, but this is where it happened. The Library.
34
35
     Q: Right by the Library Bar?
36
     A: Mm-hmm (indicating yes).
37
38
     Q: And you're certain of that?
39
     A: I am 100% certain of that.
40
41
     Q: OK.
42
     A: It happened right outside of the Library Bar.
43
44
     Q: Let's talk about that. What, what rings your memory, uh, that it happened
45
```

right there?

- A: Uh, first of all, I know it's the Library Bar and what had caught the
- complainant's attention was the fact that there was a blatantly drunk man who 2
- 3 was being, um, arrested, I'm guessing, because they had his-, the police had his
- arms behind his back and they were smashing his face into the cement. And 4
- 5 apparently that made him extremely angry-, the complainant. It made him angry
- to see that kid's face being smashed in. He didn't know him. He had no idea 6
- who he was, but he still felt the need to say something like, what are you guys 7
- 8 doing or why are you smashing his face, like that type of thing. So, that's how it
- 9 all started. That's why the police officer said the things that he did and...

- Q: OK. Let's, let's get into that. 11
- 12 A: Sure.

13

- 14 Q: So, you guys are walking...
- 15 A: Mm-hmm (indicating yes).

16

- Q: back to Jake-, to Jordan's house; is that right? 17
- A: Yeah. Jordan lives right across the street from where we live, Dinnaken. So, 18
- 19 we were walking back to both of our places.

20

- 21 Q: OK.
- 22 A: Mm-hmm (indicating yes).

23

- 24 Q: And on the way, you guys witnessed someone being apprehended by the
- 25 Minneapolis Police.
- 26 A: Yep. Yes.

27

- Q: And, uh, you described it as, uh, the person's face was being pressed into 28
- 29 this concrete.
- A: Yes. 30

31

- 32 Q: All right. Describe that man for me, so I can help maybe narrow it down. 33
  - A: The man who was being apprehended?

34

- 35 Q: Yes.
- A: Uh, I remember he was wearing a black shirt. He had long brown hair, like 36
- unruly hair. It was curly. Uh, he was Caucasian. Um, he seemed like not fat, 37
- but like chubbier, and he was-, I can't tell you his-, I can't tell if he was tall or not. 38
- 39 He was on the ground.

40

- Q: How about-, um, uh, did you see any tattoos, any piercings? Uh, was the 41
- man saving anything? 42
- A: No. I couldn't see any tattoos. His skin seemed-, I feel like I would've noticed 43
- 44 like a full sleeve or something.

45

46 Q: Right. 1 A: Um, he wasn't saying anything. He wasn't like screaming out in pain or anything. He was completely silent.

3

- 4 Q: Right. Where in reference to the Library Bar did this happen, like right in front?
- 6 A: It was right, right in front of it, uh, literally on the curb right outside of it. So, I
- 7 think he must've like stumbled out or something. Again, I didn't notice what was
- 8 happening until the whole fiasco happened.

9

- 10 Q: Mm-hmm (indicating yes).
- 11 A: So, while he was being apprehended. I didn't see what happened before, but
- 12 I'm guessing that he walked out. He was blatantly drunk and they felt the need to
- 13 arrest him since he was doing something. But it was right outside of the bar, not
- 14 even...

15

- 16 Q: Right outside the door?
- 17 A: Right outside the door. Absolutely.

18

- 19 Q: Within feet of the door?
- 20 A: Yes, within feet.

21 22

- Q: Not across the street?
- 23 A: There was a whole crowd. Nope, within feet. There was a whole crowd that-,
- 24 they were waiting to get into the bar and there's usually a line at that bar, so,
- 25 that-, there was a lot of people watching because they were all in line to get into
- the bar or whatever it may have been. So, I know it was right there.

27

- 28 Q: OK. Um, aside from the people waiting to get into the Library Bar,...
- 29 A: Mm-hmm (indicating yes).

30

- 31 Q: were there other people around?
- 32 A: Yeah. Um, it seemed like they were blocking-, so, from the Library down to
- 33 like here, I'm guessing.

34

- Q: Yeah. And just for the record, on the map you're referencing closer to McDonald's area?
- A: Yep. So far-, I, I remember we were at Five Guys before we went to the
- 38 Elysian and they had started blocking that area off, so I can only say up to Five
- 39 Guys that they were blocking it off, but...

40

- 41 Q: And what street are you talking about?
- 42 A: Um, it's on Southeast 4<sup>th</sup> Street.

43

- 44 Q: Yep. Southeast 4<sup>th</sup> Street. OK.
- 45 A: Yes.

- Q: And...
- A: Sorry, go ahead.
- Q: So, when I'm asking about others being around the Library Bar, um, when you guys went to the Elysian, I'm assuming and please correct me if wrong, that 5
- that was during the height of the chaos? 6
- A: Yes. 7

- 9 Q: OK. And on the way back, had it died down a little or was it still going strong?
- A: Uh, it had died down a bit just because it seemed like the police were more in 10
- control of how the traffic was going and like where people-, they were directing 11
- people in a very like orderly way. So, it had died down. There weren't 12
- necessarily less people out. It seemed like there were still a lot of people, so. 13

14

- Q: OK. And how many officers did it take to arrest to this man? 15
- 16 A: There were like five...

17

- 18 Q: OK.
- 19 A: on this one guy.

20

- 21 Q: OK.
- A: And then-, just on that guy, but then around there, I'm-, a lot. There were a 22
- 23 lot of police officers. I was overwhelmed.

24

- Q: And, um, when the complainant saw this, uh, he responded. You, you said 25 something about his words that he used. 26
- A: Yes. He-, so, I've heard from Christina. 27

28

- 29 Q: Mm-hmm (indicating yes).
- A: That he made a gesture, like he flicked off the police, and said something 30 along the lines of like, screw the police, or something. 31

32

- 33 Q: What did you personally see or hear?
- A: I just saw him like make-, I saw his hand go like this, so I cannot honestly say 34
- that he flicked them off, but I saw... 35

36

- 37 Q: You saw his hand go up?
- 38 A: Yep, go up.

- 40 Q: OK.
- A: And I was-, and then I turned and we were walking, and we started turning 41
- because they were making us turn to go around the bar or whatever. And then, 42
- um, I didn't hear him say anything, but all I know is the next thing there's a police 43
- officer yelling at the complainant. So, they were going back and forth and then 44
- 45 thing with, um, the horse. He was on a white horse. I remember that. And then

he almost trampled over some people and chased the complainant with his 2 horse. 3 4 Q: OK. 5 A: That's what I remember. 6 7 Q: How far away from the complainant was the -. First of all, we call officers on a 8 horse, we call that mounted. 9 A: Mounted. OK. 10 11 Q: It's Mounted Patrol. 12 A: OK. 13 14 Q: That's referring to our horse patrol. 15 A: Sure. 16 17 Q: How far away from the complainant was the mounted officer as they were exchanging words? 18 A: Uh, probably-, he started off pretty far like... 19 20 21 Q: Let's use car lengths. 22 A: OK. Like three car lengths. 23 24 Q: OK. 25 A: He was farther away. Because with the ruckus going on with, uh, officers arresting the kid, he was not close to that area there. 26 27 28 Q: The mounted officer was not? 29 A: Mm-hmm (indicating yes). No, he wasn't necessarily that close. 30 31 Q: OK. Let's zoom in on this intersection. I'm curious to know exactly where 32 you guys were... 33 A: Sure. 34 35 Q: and where the mounted officer was. 36 A: OK. 37 38 Q: So, you said it happened right outside of the Library Bar. A: Mm-hmm (indicating yes). 39 40 41 Q: I'm just gonna zoom in and I'm gonna-, I'm gonna go to Bing because I, I like their maps better. They've got a neat, um... 42 A: I've never been to Bing. 43 44 45 Q: bird's-eye. [pause] I apologize this computer is not the fastest. A: No, that's OK, 46

Q: OK. So, they're telling you to go northbound on 13th Avenue Southeast?

- A: Mm-hmm (indicating yes). Yes. And this is all barricaded, so no one was here. And then the officer and like two other mounted officers were right here, so 3 like farther down. 4 5 Q: So, you're, uh, basically right in the intersection? 6 A: Yes. Mm-hmm (indicating yes). 7 8 Q: OK. A: So, there weren't any cars obviously and everything-, they had that-, they had 9 10 that whole area blocked off. 11 12 Q: OK. 13 A: And then, um, he must've done the gesture like right about here because they were moving us. And he had turned to do whatever he did, and when the off-, 14 the mounted officer on the white horse saw him, he started coming this way... 15 16 17 Q: OK. 18 A: with his horse-, on his horse. 19 Q: So, leaving the intersection going northbound on 13<sup>th</sup> Avenue... 20 A: Mm-hmm (indicating yes). 21 22 Q: from 4<sup>th</sup> Street Southeast towards you guys? 23 24 A: Yes. 25 Q: And you guys were just off the intersection? 26 27 A: Yes. 28 29 Q: North of the intersection? 30 A: Yes. 31 Q: OK. So, you said when, when they were exchanging words, three car 32 lengths, um, he rode the horse right up to the complainant; is that right? 33 A: Yeah. He, uh, did not seem to care who was in his way. Um, there was a 34 crowd of people, like I said, cause we were all being moved. Um, this one kid 35 had did the gesture, the complainant, but it seemed like he didn't-, the mounted 36 officer did not mind running into other people. And it was terrifying to be that 37 close to a horse, like it was this far away from my face. 38
- 40 Q: OK. You're indicating like three inches?
- A: Yes, it was super close to my face and I remember Christina grabbing me
- because I'm a ditz sometimes. And I didn't realize that he was coming full force
- on his horse at the kid, the complainant, so I didn't move or anything. And it
- seemed like people were getting out of the way or they were pulling out their
- cellphones to record. So, at that point, he came straight up to the boy, um, the
- do complainant, and then they started saying things back and forth.

Q: Mm-hmm (indicating yes).

A: But it seemed like he did not-, he wasn't afraid of the police officer or the 44 45

police officer's horse, which I found odd because I was terrified, but...

42 43

- Q: Yeah. Tell me... A: he was going towards him. Q: was the complainant drunk? A: He was intoxicated. Yes. 5 6 7 Q: Yeah. 8 A: Mm-hmm (indicating yes). 9 10 Q: And you know the difference between, um, a little to drink, buzzed versus intoxicated. 11 12 A: Yep. Yes. No, I know. He was not like casually drinking that night. It was-, 13 he was drinking from say watching the game, and then after they lost, he was still 14 drinking and-, I mean he wasn't falling over or anything like that,... 15 Q: Right. 16 A: but he was... 17 18 19 Q: We use indicators like bloodshot eyes, bloodshot, watery eyes, um, slurred 20 speech. 21 A: He had slurred speech. He did not have bloodshot eyes. It wasn't that bad. 22 23 Q: OK. 24 A: Um, I remember he had slurred speech because he was speaking to another police officer and the police officer commented on it. And I was like.... 25 26 27 Q: What did he say? 28 A: He-, well, he was in the middle of making a complainant. We had gotten maybe a block away. 29 30 31 Q: Oh, we're gonna get to that. A: OK. 32 33 34 Q: OK. Now, I know where you're going with that. 35 A: Yeah, uh-huh. 36 37 Q: Um, would you have expected that the complainant was OK to drive? 38 A: No. 39 Q: He was too intoxicated to operate a motor vehicle? 40
- 42
   43 Q: OK. So, now, they're holding him back. He wants to go at the officer, and I'm
   44 not saying that to say he's trying to attack the officer.
- 45 A: Sure. Right. Mm-hmm (indicating yes).

A: No, I would've never gotten in a car with him.

41

- 1 Q: He just wants to go towards the officer.
- 2 A: Yes. He wants to get closer to him to yell at him it seemed like.

- 4 Q: OK. And then what happened?
- 5 A: Uh, the police officer was still yelling at him, so, they were still going at it. And
- 6 it took us walk-, and then more pol-, you know, the, the reason why it even
- 7 stopped was because more police officers started following and I-, they-, I don't
- 8 know if it was a spray or what it was, but it started getting red and foggy. I don't
- 9 know if that's a thing.

10

- 11 Q: Oh, OK.
- 12 A: So, and then...

13

- 14 Q: So, maybe they had, um, used some kind of a tear gas canister or something, or a fog?
- A: Yeah, somebody said canister something like that. I don't think it was tear gas, though, but...

17 18

- 19 Q: Your eyes weren't burning?
- 20 A: No, not at all. And I was close enough to where I would've been impacted by
- 21 it if it had been tear gas. So, I don't believe it was. But, um, at that point, the
- 22 crowd started dispersing because people were like, oh, my gosh, what is thing
- coming at us...

24

- 25 Q: Yeah.
- 26 A: and they started walking away. But, um, I, I can tell you that people had their
- cellphones out and I, I wish I could tell you who it was, but people had their
- cellphones out and they were like this police officer is crazy, dah, dah, dah. And
- 29 I think they were just egging the police officer on, too, with their phones out
- recording him mounted on his horse. And it just seemed like everyone was yelling at each other, but.

32

- Q: OK. Now, in my mind, you've painted this picture where, uh, the complainant is standing there being held back...
- 35 A: Yes.

36

- Q: and he wants to go towards the mounted officer. How far apart are they at that time?
- A: Probably like-, uh, when they were holding him back, they were pretty far like a car and a half maybe.

- 42 Q: Uh-huh. And...
- 43 A: Um, but the officer had gotten-, the mounted officer had gotten close enough
- 44 to him like where was only a person or two between them. So, they had gotten
- close enough, but by the time-, and then the crowd kept on moving us type of
- 46 thing...

side and they started dispersing the crowd, so he kind of fell back, I'm guessing.

```
Q: They got separated?
 3
     A: Yes.
 4
 5
     Q: Yeah. How about, um, and of course, I've told you this numerous times
 6
     probably already...
     A: Mm-hmm (indicating yes).
 7
 8
 9
     Q: I'm not holding any minor consumption...
10
     A: Sure.
11
12
     Q: against anybody.
13
     A: Mm-hmm (indicating yes).
14
15
     Q: I'm after the truth.
16
     A: Yes.
17
18
     Q: Um, had you been drinking that night?
     A: I had had maybe-, I don't drink, um, like a lot...
19
20
21
     Q: Mm-hmm (indicating yes).
     A: because I'm pre-diabetic, so I can't. I had maybe like half-, how can I say this
22
23
     where I didn't have, um...
24
25
     Q: What were you drinking?
26
     A: So, I had wine.
27
28
     Q: OK.
29
     A: Um, it was like my mom's wine that she had given me, so it was like really
     nice old wine and I can only drink it and so much, so I hadn't even had a glass. It
30
31
     was like this was much of a glass.
32
33
     Q: Less than half a glass?
34
     A: Just a little bit. Yeah. Christina and I like to drink together, and we did it
     before we even got to Jordan's, so time had passed before. I didn't drink once I
35
36
     was at Jordan's.
37
38
     Q: OK. So, several hours had passed?
39
     A: It had been-, yeah, not-, well, yes, by the time we-, that had happened, yes.
     Several hours, three and a half hours had passed.
40
41
42
     Q: Mm-hmm (indicating yes). How about Jordan?
43
     A: Uh, Jordan drank.
44
45
     Q: OK.
     A: Yes.
46
                                            16
```

INT

```
2
      Q: Um, do you think she was intoxicated?
     A: Um, I hon-, I can't tell you if she was or wasn't. She hides it very well.
 3
 4
 5
      Q: OK. Uh.
 6
     A: She seemed fine, though.
 7
 8
     Q: Sure. Um, the complainant's girlfriend, do you know her name?
 9
     A: No.
10
11
     Q: No?
12
     A: No. I could find out.
13
14
     Q: No. I, I know her name.
15
     A: OK.
16
17
     Q: She sat in that chair ...
18
     A: OK.
19
20
     Q: talking to me.
21
     A: OK.
22
23
     Q: Um, in your estimation, was she intoxicated?
     A: She-, again, I don't know these people, but from what I saw that night I can
24
     only think that only an intoxicated person would act that way.
25
26
     Q: Right. Let's use other, other factors. Uh, slurred speech, you know.
27
     A: Yeah. Slurred speech. She was-, um, she wasn't using her judgment very
28
     well. When there-, when it was time to walk away from the situation or when it
29
30
     was time to stop, like for instance he was using words such as corrupt police
     which is not something you should be saying to people, um, and she was like,
31
     yeah, yeah, like kind of egging him on. And we were all like, come on, let's go,
32
33
     you can make a complaint tomorrow morning. That's what one of the officers
34
     was telling him over and over again.
35
36
     Q: Mm-hmm (indicating yes).
37
     A: You can make it a complainant tomorrow morning, just get out of...
38
39
     Q: This is later, though, right?
     A: Mm-hmm (indicating yes).
40
41
42
     Q: OK.
     A: She wasn't...
43
44
45
     Q: So, she wasn't using good judgment?
     A: No.
46
                                             17
```

INT

42 Q: He wasn't happy with what he saw and he-, you saw his hand go up. You didn't actually see him give the finger. Um, he made a gesture. Uh, some things 43

- were said from three car lengths between this one mounted officer on a white 44
- horse and the complainant. The mounted officer rode up to him,...
- 45
- A: Mm-hmm (indicating yes). 46

- Q: swung at him as if to give him a backhand to the back of his head,...
- 3 A: Mm-hmm (indicating yes).

2

- 5 Q: but did not actually hit him.
- 6 A: No.

7

- Q: And more words were exchanged as the crowd just put distance between the
   mounted officer and the complainant.
- 10 A: Yes.

11

- 12 Q: What happened next?
- 13 A: So, we then turned right. So, we were going back towards McDonald's.

14

- 15 Q: Yes.
- A: And we were at the intersection right behind McDonald's. So, I was in the
- 17 McDonald's parking lot pretty much.

18

- 19 Q: Yep.
- 20 A: That's where we were standing.

21

- 22 Q: 5<sup>th</sup> Street, I believe that is.
- 23 A: Um.

- 25 Q: So, it goes University, 4<sup>th</sup>, then 5<sup>th</sup>.
- 26 A: Yes. Sure. Yep. And so, we're standing there-, well, before we're standing
- there. So, we're walking-, we're waiting for the light to turn, so we can walk
- across the street. And, um, there's I wanna say like ten police officers just
- watching the streets patrolling. And the complainant feels the need to go up to a police officer and say this just happened to me, let me tell you what happened.
- 31 So, he told him what happened and then the police-, and then another police
- 32 officer comes over, a more elderly looking police officer, and he's like, listen, you
- need to understand that this, this, and this happening, um, we need you to go
- 34 home. If you have a complainant, please feel free to call back tomorrow morning
- and we will get you set up with the right people and blah, blah, blah. He handled
- 36 it very well. And then, um, he started getting a little bit more irritated with the
- guy, with the complainant, when the complainant said, you have a corrupt police
- 38 officer, or something along those lines. I know corrupt police officer was used,
- and obviously, that's not something that anyone wants to hear. So, um, then
- they just kind of seemed to want him gone and then the police officer was like, have you been drinking tonight, that type of thing. Um, kind of implying that if
- have you been drinking tonight, that type of thing. Um, kind of implying that you don't get out of my way right now, I can do something because you're a
- minor. And that's when Christina and I, because we're both minors, and Jordan
- 44 was also very freaked out about it. She was like this-, Jordan goes, this isn't
- even my friend, I need to leave. I don't care about this guy right now. So, she

```
1
      was ready to leave, and I was-, we just left. So, after that, I did not see them. I
 2
      have never seen them again. So.
 3
 4
      Q: Mm-hmm (indicating yes). Before I forget, I have to ask.
 5
      A: Mm-hmm (indicating yes).
 6
      Q: When you saw the horse-, well, you didn't see the horse coming, but
 7
      Christina grabbed you and pulled you aside...
 8
 9
     A: Yes.
10
      Q: So, the horse literally almost ran you over.
11
     A: Raced by. Yes.
12
13
14
      Q: Uh, and you were right there...
     A: Mm-hmm (indicating yes).
15
16
17
     Q: with-, closer than we are across the table...
     A: Yes. Yes.
18
19
20
     Q: when the hand went out and you called it, um, a backhand motion.
     A: Yes. Mm-hmm (indicating yes).
21
22
23
     Q: Is, is it possible that he was trying to reach out and grab the complainant?
     A: Um, it doesn't seem like he-, if he were trying to grab him, I feel like he
24
25
     would've leaned down more instead of-, he was sitting upright and he kind of just
26
     like went like this.
27
28
     Q: OK.
29
     A: So, it didn't seem like he was trying to scoop him up or something.
30
31
     Q: OK.
32
     A: Um.
33
34
     Q: It looked like a ban-, backhand to you?
35
     A: It looked like a backhand to me.
36
37
     Q: OK.
38
     A: And I'm, you know.
39
40
     Q: All right. Just to-, I just have to.
     A: Yeah, Sure,
41
42
43
     Q: Describe this mounted officer for me?
     A: He was Caucasian, looked older, uh...
44
45
46
     Q: Older?
```

A: As in like 40s. Um, I can't tell you anything else. He, he had darker hair from 2 what I can remember. Um. 3 4 Q: Would you recognize him if you saw again? 5 A: Maybe. 6 7 Q: Did you spend some time looking at him as they exchanged words? 8 A: Not necessarily. No. 9 10 Q: OK. I wanna show you some pictures. A: OK. 11 12 13 Q: All right. Um, I'm just gonna spread these out on the table. A: OK. 14 15 16 Q: You are not obligated to pick anyone. A: OK. 17 18 19 Q: If you're not certain, I would rather you don't pick anybody. A: Sure, that would make sense. 20 21 22 Q: Um. Take as much time as you want. A: OK. 23 24 25 Q: There's no particular order. I'm just gonna spread them out in front of you. 26 A: OK. 27 28 Q: Just to see if you recognize anyone. And this is your list. 29 A: Mm-hmm (indicating yes). 30 31 Q: And just for the record, could you please just count the pictures and tell me 32 how many I'm showing you? 33 A: Uh, like the people in the pictures or... 34 35 Q: Yeah. How many people are there? A: 1, 2, 3, 4, 5, 6, 7, 8, 9. 36 37 38 Q: OK. 39 A: 9 pictures. 40 41 Q: Thank you. Please take your time. A: [pause] I could stare at these all day, and I know that I cannot tell you hon-, 42 100% which one it is. I can tell you which ones I like think it is. 43 44

21

45

Q: OK. Let's do that then. So ...

A: If I had to like pick three out of the nine, it would be this guy, this guy, or this 2 guy. 3 4 Q: All right. I want you to initial those pictures. 5 A: OK. 6 7 Q: I know you're not being-, you're not positively identifying them,... 8 A: Yeah. 9 10 Q: but you're saying that you narrowed it down to three. A: Yes. And that's-, I mean it was a very long time ago and like I said it didn't-, I 11 could tell you which horse it was. It was a white one, but [laugh]. 12 13 14 Q: How many officers were on mounted patrol? A: Um, over by where we were, I only saw like three. We had seen much, much 15 16 more earlier, and so, and I had never seen a white one before that. So, I-, that 17 was what I think for me made it more-, stick out more in my head, but we had 18 seen like 12 prior walking to the Elysian and then coming back I only saw like three where we were in that little intersection over by the Library. Only three or 19 20 four. 21 22 Q: OK. 23 A: And then the guy on the white horse and the other three were all darker. None of them were white. 24 25 Q: The horses? 26 27 A: Yes. 28 29 Q: All right. When the mounted officer rode up to the complainant, he-, did he 30 leave the others to come to the complainant or did they follow him over? A: I don't think they followed him over because-, no, cause even when the rest of 31 32 the police officers came and flanked him into the thing with the fog or whatever it 33 was, it was just police officers on foot. It was not mounted police officers. 34 35 Q: OK. 36 A: No, mounted police officers were coming towards us. It was just him. 37 38 Q: I don't think I have any more questions. 39 A: Cool. 40 41 Q: You have really helped a lot. 42 A: Good. 43 44 Q: Um, uh. Just let me ask you. Is there anything else that you would add to 45 this statement, uh, anything that I have not asked you regarding the incident? 46 A: Um, no, I think it's been very thorough.

1				
2	Q. Is this statement true and accurate to the best of your recollection?			
3	A: Yes.			
4				
5	•		•	
6	Statement concluded at 1602 hours.			
7				
8				
9				
10	Rahwa Weldeabzghi	Date	Witness	
11	_			
12		·		
13	I have received a copy of the	nis statement.		
14				
15				
16	Rahwa Weldeabzghi	·		
17				
18	Job #: 14664			
19	000 11. 1100 1			
20				
20				

```
THIS IS A TAPE-RECORDED STATEMENT OF JORDAN THOMAS. TODAY'S
     DATE IS AUGUST 27, 2014. THE TIME IS CURRENTLY 1225 HOURS. THIS
 2
     IS SGT. WALTERS OF INTERNAL AFFAIRS. TRANSCRIBED BY R.
 3
 4
     METCALF.
 5
 6
     RE: OPCR Case Number #14-06920
 7
 8
     Q: Jordan, could you please state your full name and spell your last name for
 9
10
     A: Jordan Elizabeth Thomas. And then spell my last name you said?
11
12
     Q: Yes.
     A: T-H-O-M-A-S.
13
14
15
     Q: All right, your phone broke up just a little bit right there, so if you could please
16
     just try to...
     A: OK.
17
18
19
     Q: get into a nice, uh, good reception location. What's your date of birth?
     A: Um, Jordan Thomas. Last name Thomas is T-H-O-M-A-S.
20
21
22
     Q: And your date of birth, please?
     A: January 8, 1994.
23
24
25
     Q: And what's your current address?
26
     A: Uh, current address is, uh, 1444 West Main Street-, oh, current add-, so this
27
     isn't. OK. Sorry. Um.
28
29
     Q: Like your parent's address. That's your permanent address.
     A: Uh, this is going to be my permanent address. Yes.
30
31
32
     Q: OK.
33
     A: Uh, 1444 West Main Street, Stoughton, Wisconsin.
34
35
     Q: Could you spell that city for me?
     A: Yep, ST-O-U-G-H-T-O-N, and then the zip is 53589.
36
37
38
     Q: OK.
39
40
     YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INTERNAL
41
     INVESTIGATION INTO AN ALLEGATION OF USE OF-, ALLEGATION OF USE
```

OF FORCE BY A MINNEAPOLIS POLICE DEPARTMENT OFFICER. THE 42

43 INFORMATION YOU WILL PROVIDE WILL BE USED IN A FACT-FINDING

- 44 PROCESS AS PART OF THE TOTAL EVIDENCE TO DETERMINE IF ANY
- MISCONDUCT OCCURRED AND FOR ASSESSING WHETHER 45
- DISCIPLINARY ACTION SHOULD BE TAKEN. 46

Q: Sure, that's...

A: We started back at-, OK. We started back at my apartment, and we watched the hockey game. Um, and it was the people mentioned who were part of the incident and then a couple of, um, friends of ours. And, uh, we watched the hockey game and a couple of us did drink maybe a couple beers, but nothing too heavily. Um, and then we all decided that we wanted to go get food, and so, we went to Dinkytown and we got Five Guys, I believe. Um, and then-, we then proceeded to walk to the Elysian apartments, um, and we hung out there for a bit. And it wasn't-, I'm trying to think-, I think the game ended probably around like 9 or 10, and in between there, we had eaten and then a couple of us drank like maybe one or two more beers. Um, we were just hanging out. It was really casual. I think we played Mario [laugh].

1 2

And then, uh, it was me, Christina, Rahwa, Anthony, and Kelly-, we all-, we all live in the same area, and so, we all decided to walk home together. Um, and so as we were walking home, um, we were walking past Dinkytown, and everything seemed to be pretty great-, well, compared to earlier anyways like quieted down and it didn't seem like there was much going on anymore. And we, we were walking just behind the apartment building 412, and, um, Anthony-, he just-, I don't know exactly what happened. I, um, at this point, I was walking in front of him and I was looking back and we're all kind of talking with each other. Um, and all of a sudden, I saw it was like Anthony wasn't-, he didn't look like he was in a very good mood. I wasn't exactly sure why. He and his girlfriend were talking.

 Um, then we walked past police officers. Um, some of which who were-, who were on horses, some weren't. And he-, I don't know why he decided to do this, but he flipped one of the officers off and as we're-, and we were walking away and all of a sudden I heard-, I like turned around and all of us were like Anthony what are you doing, what are you doing, like you shouldn't do that, you're just. Like, we had no idea what was going on, what had caused that. Uh, Anthony maybe he was angry because we felt like-, or we had been talking earlier saying that we felt like, um, the amount of police that were there was a little bit of an overreaction. We weren't sure if he was annoyed or what, but, um, anyway, we were walking and he flipped him off, and the officer kind of yelled. It was an officer on a horse. An old-, maybe older man, um.

Q: Approximately how old?

A: Um, I'm guessing it was-, he was probably between the ages of like, uh, early 40s to 50s. Um, and he turned around on his horse and he was like, hey. He like yelled at them and he kind of came at us with, with his horse. He wasn't extremely far away at this point. Um, and he started coming towards us and I was like, Anthony, Anthony, come on. Like, we were trying to pull him away and officer called him-, he swore at him, um, and he called him a fucker [laugh].

Q: OK.

- A: And he started coming at us with the horse, and we're all kind of freaking out at this point because there, there were still other people in the street. There
- weren't a lot, but there were enough to make it-, like to make it, it, it harder,
- 4 harder to get away-, harder to walk away. And, um, oh, oh, OK, now, it-, I think
- 5 it's earlier like maybe because there was some police behind. I think-, uh, I, I
- 6 couldn't see what happened. I was told, but, um, a guy who was like maybe 100
- 7 feet behind us had said something to the officer, and so, there was something
- 8 going on there. And then, I believe, Anthony flipped him off, and so, there was
- 9 tension or something-, I'm not sure, but the officer came towards us and he
- started yelling at him. And he pushed Anthony and we were just-, I was up in
- front-, we were telling Anthony to get away. Anthony was freaking out, just
- saying he can't do that. You know, it's-, that's not fair. He can't do that. He's an

13 officer.

14

- 15 Q: OK.
- 16 A: And...

17

- 18 Q: That he pushed him? The officer pushed Anthony is that what you said?
- 19 A: I, I guess in a way. Like he was on his horse and he was kind of like right
- 20 next to him, so it looked like there was a little bit of shoving involved.

21

- 22 Q: OK.
- 23 A: Um, and we were walking away and we were all trying to calm Anthony down.
- 24 And we finally were away from the scene, and we were walking and talking, and
- Anthony, um, started to talking to this group of police officers, telling them what
- happened, asking if he could do that. He was just try-, we were trying to explain our situation and it didn't [inaudible]...

28

- Q: What exactly-, what exactly did Anthony explain to this, this next group of officers? What did he say had happened?
- A: He told him that we-, well, we were all explaining kind of with him cause we
- didn't want him to get in any more trouble than he had because he had had like a couple of beers before and we weren't sure exactly what was going to happen.
- 34

35 Q: Mm-hmm (indicating yes).

- 36 A: Um, so we were saying Anthony, we should go, but he wanted to talk to the
- officers, so we went up and started-, he said, hey, this officer flipped me off and
- 38 he like-, he touched me, like he, he shouldn't be allowed to do that, can he do
- 39 that.

40

- 41 Q: I'm gonna back you up. You said quote, just now, you said, "the officer
- 42 flipped me off." Was that-...
- 43 A: Yes.

- 45 Q: So, the officer gave Anthony the finger?
- 46 A: Yes.

A: No.

```
Q: Or are you taking 13th Avenue?
      A: I think-, wait is that one [inaudible]...
 3
 4
 5
      Q: Uh.
      A: No, no, no. Oh yeah, I'm sorry. We weren't-, no, we weren't on 13<sup>th</sup>. We
 6
      were on, I think, it would be 5<sup>th</sup> Street then.
 7
 8
 9
      Q: OK.
      A: 5<sup>th</sup> Street. Yes.
10
11
12
      Q: There's a Burrito Loco there.
13
      A: Yeah.
14
15
      Q: Do you know where Burrito Loco is?
      A: I believe so, yeah.
16
17
      Q: Would you...
18
      A: I, I think it-, that's the street correct?
19
20
      Q: That's 13<sup>th</sup> Avenue Southeast.
21
      A: Oh, OK. Well, that's 13th then.
22
23
      Q: Is that the street you were on?
24
      A: I have no sense of direction. Sorry?
25
26
      Q: Is that the street you were on when this happened?
27
28
      A: Um.
29
      Q: The Library Bar is right there. Burrito Loco is right there.
30
      A: Oh, the Library. Oh, OK. Are you thinking of-, OK. I think the Library is on-,
31
      is the Library on the intersection of 4<sup>th</sup> and 13<sup>th</sup>?
32
33
      Q: Yes.
34
      A: Um, OK, so... We weren't on 13<sup>th</sup>, we were on the street-, um, we were on
35
      the street parallel to 4<sup>th</sup>.
36
37
      Q: So, that'd be 5<sup>th</sup>.
38
      A: So, yes. We were on 5<sup>th</sup>. Yes, for sure.
39
40
      Q: You were on 5<sup>th</sup> when this happened?
41
42
      A: Yes.
43
      Q: OK.
44
45
      A: So, the street behind 412.
46
```

Q: OK. So, the street behind 412. OK. And you said that this mounted, uh, 1 police officer mounted on a horse was, um, in his early 40s to 50s? 1 3 A: Yeah, I-, he was white. 4 5 Q: Was it-, was-, white male. 6 A: Mm-hmm (indicating yes). 7 Q: Um, anything distinct about him, mustache, beard, tattoos, anything? 8 A: I didn't see any tattoos. Um, I don't believe-, I don't remember facial hair. I 9 was-, like I wasn't the closest to him. It was-, because it was me and my two 10 friends in the front and then Anthony and Kelly in the back walking. 11 12 Q: OK. 13 A: And so, it was-, it was happening behind us and we were looking back to see 14 what was happening, but, um... 15 16 17 Q: So, Rahwa was walking up with you? A: I think so. It was-, I think-, I thought it was me, Christina and Rahwa walking 18 together and then Anthony and Kelly walking in the back. 19 20 21 Q: OK. A: When I thought-, I remember just looking back. 22 23 24 Q: Tell me about the horse? 25 A: The horse? 26 27 Q: Mm-hmm (indicating yes). 28 A: [laugh] Um, it was dark. Um, it was-, oh wait... 29 30 Q: Do you remember the color? 31 A: Just give me one second. Um, hm, hm, hmm... 32 33 Q: If you don't, that's OK. A: OK, cause I, yeah, I mean I'm thinking of the incident that this happening, um, 34 it was a while ago. Um, hmm, I think it was-, it could've been like a gray to a light 35 36 brown, maybe. 37 38 Q: Gray to light brown? 39 A: Possibly. It was dark. I'm not.... 40 41 Q: OK. 42 A: I'm not positive. I can't remember. 43 Q: So, you said that, um, as you guys were walking, uh,... 44 A: Mm-hmm (indicating yes). 45

- Q: Mm-hmm (indicating yes). It's one thing to use a horse.
- A: I saw him like moving. Oh, yeah, but like I said earlier I saw the horse and then Anthony like push away, and I don't know- and the officer...

- 6 Q: Mm-hmm (indicating yes).
- 7 A: Like together-, I don't...

8

- 9 Q: OK. Picture this in your mind.
- 10 A: That part is kind of blurry to me.

11

- 12 Q: I'm, I'm crystal clear on that part being blurry to you. Um...
- 13 A: Mm-hmm (indicating yes).

14

- 15 Q: You have to imagine a mounted officer who is up high and then Anthony who 16 is on foot, so he's down low.
- 17 A: Yes. Mm-hmm (indicating yes).

18

- 19 Q: Did you ever see the officer reach down with his own hand and make contact 20 with Anthony? I'm not talking about him using the horse to nudge him along.
- 21 A: Mm-hmm (indicating yes).

22

- 23 Q: I'm asking if the officer who is up high would have-...
- 24 A: Push him?

25

- 26 Q: He would have to like lean over to touch Anthony because he's much lower.
- Did you ever see that? Did you ever see the officer reach down with his hand in any manner to touch Anthony?
- 29 A: Well, he wouldn't have to lean over that much; Anthony's kind of a tall guy.

30

- 31 Q: OK.
- A: He's not like super far away from-, they're not super far away from each other.

- 35 Q: OK. That's fine. Um, so then you said that you guys walked down the street,
- 36 came across some other officers, and Anthony was asking questions about was
- 37 this OK?
- 38 A: And he was telling-, and-, yeah, he kept asking. They didn't-, it didn't seem to
- 39 be going anywhere like all of us were trying help fill in, and it-, it didn't seem to be
- 40 going anywhere and the officers were like have you been drinking. And they
- started getting more defensive about it and they said that the officers sometimes
- go on a power trip and they don't-, like they-, some of them didn't believe that all
- of them needed to be there. So, and they said if he's really concerned that he
- should write up a report, but otherwise we should just go home.

1			
2	Q: OK. Very good. Uh, is		
3	statement that I haven't as	ked you about concerning	this incident?
4	A: Um, hmm, I don't believ	/e so.	
5			
6	Q. OK. Is everything you's	ve told me true and accura	ate to the best of your
7	recollection?		•
8	A: Yes.		
9			
10			
11	Statement concluded at 12	49 hours.	
12			
13			
14			
15	Jordan Thomas	Date	Witness
16			
17			
18	I have received a copy of the	his statement.	
19	, ,		
20			
21	Jordan Thomas		· · · · · ·
22			
23			
24	Job #: 14745		
25			
26			
20			

TODAY'S DATE IS SEPTEMBER 10, 2014. THE TIME IS 2207 HOURS. THIS 2 IS SGT. WALTERS OF INTERNAL AFFAIRS. I'M INVESTIGATING OPCR 3 CASE 14-06920 WITH ME IS OFFICER DOMEK. TRANSCRIBED BY R. 4 METCALF. 5 6 RE: OPCR Case Number #14-06920 7 8 Q: Officer Domek, what is your full name? 9 A: My full name is Joshua Keith Domek. 10 11 Q: Could you spell your last name for me? 12 A: D-O-M-E-K. 13 14 Q: What is your present rank and work assignment? 15 A: I'm a Police Officer temporarily assigned to Third Precinct Dogwatch with my 16 primary assignment being Weapons Unit. 17 18 Q: And do you have any secondary assignments? 19 A: I'm a part-time rider with the Mounted Police Unit for the city. 20 21 Q: OK. What is your employee number and date of appointment? 22 A: My employee number is 1573. My date of employment-, uh, appointment, I'm 23 sorry, is 12/15/2006. 24 25 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL 26 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR 27 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO 28 MPD POLICY AND PROCEDURE.

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

34 35 36

Q: Do you understand this warning?

37 A: Yes, sir. I do.

38

39 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT 40 41 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL 42 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING 43 SUSPENSION OR DISCHARGE.

44

45 Q: Do you understand this?

46 A: Yes, sir.

Q: Is it correct that you have read, understood, and signed the Data Practices 3 Advisory, otherwise known as the Tennessen Warning? 4 A: Yes, sir.

5 6

7

8

9 10

Q: Have I informed you that the purpose of this statement relates to an internal investigation, and specifically, an administrative review that is being conducted regarding allegations that complainant, Anthony Seemann, alleges that he was slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in the Dinkytown area near the University of Minnesota?

11 A: Yes, sir.

12 13

Q: And have I explained to you that you are being called to explain the circumstances regarding this allegation?

15 A: Yes, sir.

16 17

14

Q: Do you recall the night of the Frozen Four?

18 A: Yes, I do.

19 20

Q: And, uh, would that be April 12<sup>th</sup> into April 13<sup>th</sup>?

A: Yes, it was.

21 22 23

Q: Saturday night into Sunday, is that correct?

A: That's correct.

24 25 26

27

28

29

Q: And, uh, what capacity were you, uh, working that night?

A: I was working as a-, or in the capacity of a mounted officer. There was a-, I believe it was the finals for the hockey tournament and there had been, um. rioting a few nights prior, so they deployed the mounted unit as well as other resources to assist with crowd control as needed.

30 31 32

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Q: In particular, I'm interested in, um, you riding mounted in the Dinkytown area. Uh, could you please explain to me where you were during your time in Dinkytown?

A: Um, we arrived to Dinkytown. Um, we had set up our mounted trucks by, um, the command area. I believe it was-, it was the area where they were handing out food for the officers and a lot of the logistical stuff was taking place. Um, after we arrived, we tacked up the horses. We went on a short ride to get the horses acclimated to the sounds and sites of Dinkytown. Once we completed that ride, we returned to the trucks for approximately I'd say 40 minutes maybe just to take a break. Um, and then we redeployed back out to the Dinkytown area or the Stadium Village area, I believe it's was called, for, um, towards the

43 44

45 Q: OK. Do you recall what time you guys arrived in the Dinkytown area?

end of the game or when the end of the game was nearing.

46 A: I don't.

INT D

A: K-, K-R-I-S-T-O.

45

1 Q: And you'd call Kristo white?2 A: He is white. And then we have

A: He is white. And then we have a second horse, um, Diego, who is also kind of a mix between a tannish and a white, and that is him right there.

3 4 5

6

- Q: OK. So, in the picture, you're showing that Kristo is definitely the lightest, most white, horse?
- A: Correct, sir.

7 8

- 9 Q: And then Diego would be the next lightest horse?
- 10 A: Correct.

11

- Q: And in this small superimposed picture that Sgt. Mercil is on Jesse, he looks
   much lighter than in the full lineup on the second lower picture?
- 14 A: Correct. This is-, I'm pretty sure that's him. He's definitely darker than white.

15

- 16 Q: OK. Very good. Thank you.
- 17 A: Mm-hmm (indicating yes).

18

- Q: So, once you guys got the horses acclimated, went back for a break, and then you kinda joined the mix. Can you explain the scene to me a little bit?

  A: When we redeployed the second time, the-, um, we went to the area, um.
- A: When we redeployed the second time, the-, um, we went to the area, um, where I guess you could say the main-, um, where most of the bars were the
- busiest, like the Library Bar. And you'll have to forgive me, I'm not too familiar with the actual bar names down there, but where the highest concentration of
- 25 people were at that we observed on the pre-ride.

26

- Q: OK. Do you think you could find that intersection for me on these maps that l've provided?
- A: Yeah, I would say, um, that from what I recall the highest concentration of people were along 4<sup>th</sup> Street Southeast from 14<sup>th</sup> Avenue Southeast to 13<sup>th</sup> Avenue Southeast.

32 33

- Q: OK. And you mentioned the Library Bar?
- A: Mm-hmm (indicating yes).

34 35

- Q: In this same packet of photos, it would be on the fourth page. Is that theLibrary Bar that you're talking about?
- 38 A: Yes, sir.

- 40 Q: OK. And for the record that bar is at the intersection of 13<sup>th</sup> Avenue
- 41 Southeast and 4<sup>th</sup> Street Southeast. So, you spent most of your time in this
- 42 block-, one block area?
- 43 A: I'd say in a square block. Um, throughout the night, once everything, um,
- 44 erupted and the civil disturbance began, um, we spent a lot of time clearing. Um,
- 45 I think the initial break out where they, um, they sat up in the intersection the first
- 46 time, um, I wanna say that was 14th and 4th.

Q: OK. A: And we lineup on that, and per, um, um, the incident commander, we went into that intersection and pushed people out of the area, and then we just 5 continued around the block. And then throughout the night, we responded to 6 several areas in that general area where officers needed assistance because 7 they were taking bottles or people, um, were trying to take intersections or 8 obstruct intersections and, and damage property. 9 10 Q: Do you recall who was riding Kristo that night? 11 A: No, I don't. 12 13 Q: How about Diego? 14 A: No, I don't. 15 16 Q: Did you guys all as a mounted unit pretty much stay in the same vicinity 17 during the evening? 18 A: Um, for the most part, yeah. Um, towards the end of the night, we split up. I 19 think it was-, was it four and four, maybe we only deployed-, um, I can't 20 remember how many horses we actually deployed, but at one point we did split the horses in half. Um, one group went to, from what I recall, 14th and 4th, and 21 the other group stayed at 13<sup>th</sup> and 4<sup>th</sup>. 22 23 Q: Which group did you stay with? A: I believe I was at 14<sup>th</sup> and 4<sup>th</sup>. 24 25 26 27 Q: Do you know who was with you, the other mounted officers? 28 A: Officer Smith-, Roger Smith, um, Officer Hanks, I believe, and I don't recall 29 the rest. 30 31 Q: And this was towards the end of your time in Dinkytown? 32 A: That was just prior to us, um, leaving that area and going downtown. 33 34 Q: What time do you think you went downtown? 35 A: Um, it was before bar close. I'd say maybe 12:30. 36 37 Q: When you went downtown, did the rest of the mounted officers also go 38 downtown? 39 A: We split in half at that time. 40 41 Q: OK. 42 A: Um, I was with the...

INT QQ

A: OK.

Q: We don't have to get into that.

43 44

45

Q: During your time in Dinkytown, um, actually let's back up. Help me understand because I don't understand.

A: Mm-hmm (indicating yes).

Q: The rules to the Mounted Patrol. When you guys are deployed let's say in a group of four as you described later in the evening, do you guys, uh, have a certain formation that you stay in or do you just basically all congregate in a non-uniform way in the same area?

A: Generally, um, whether it's for this incident or on any given weekend downtown, depending on how many people we have, um, as far as riders and depending on the crowds, we'll use different formations whether it's a line formation, um, the echelon much like a mobile field force would do, um, whether on foot or bikes. It just depends on the amount of riders and what type of crowd we're gonna encounter.

 Q: Right. So, if you're not actually moving people or trying to disperse a crowd, are you all just hanging out in the general area or are you staying in a line?

A: We will stay in a line or we'll ride in, um, anywhere from columns of two. If situations dictate, we'll do a column of one if we don't have the appropriate space to get two horses side by side together, but usually it's gonna be in a formation, um, approach, so it looks more professional rather than just kind of lollygagging around.

Q: OK. Would it be unusual for a mounted officer to break the formation and ride off on their own to address an issue?

A: Um, unusual, I'd say, um, yes. Um, usually, um, in diff-, different situations, you know, somebody will see something and, um, they'll let the rest of the formation know. Sometimes, you don't have the time to-, it's faster sometimes to kind of break off of a formation and then refor-, or fall back into formation. Does that make sense?

Q: Yes.

A: Um, so, um, unusual, um, yes, in the, the fact that somebody-, we usually don't ride alone. So, for somebody to break off and go totally by themself, I would say that's unusual.

Q: Do you recall seeing any officer do that during the evening in Dinkytown, break off and go on their own to address any issue?

A: No, I don't, especially with the amount of people we had to stay together. It wasn't safe for us and the horse-, the horses are gregarious. So, if they get outside of their-, that pack ment-, the herd mentality, it can, um, cause problems for them because they wanna get back to the rest of the herd. So, generally, we wanna stay with two horses at least, so the horses are more comfortable and it's safer for us.

- 1 Q: Right. So, in your notification letter, I specifically mentioned the complaint
- that Anthony Seemann alleges that he was slapped by a mounted officer. Did
- 3 you see any mounted officer slap anyone on the evening of April 12<sup>th</sup> into 13<sup>th</sup>?
- 4 A: No, I didn't.

- 6 Q: Did you yourself slap anyone?
- 7 A: No, I didn't.

8

- 9 Q: I have no further questions. Are the facts concerning this incident that you
- 10 have knowledge of, uh, are there any facts concerning this incident that you have
- 11 knowledge of, but have not disclosed?
- 12 A: No, there aren't.

13

- 14 Q: Is there anything else that you would like to add to this statement that I have not asked you concerning this incident?
- 16 A: No, sir.

17

- 18 Q. Is this a true and accurate statement to the best of your recollection?
- 19 A: Yes, sir.

20

- 21 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO
- 22 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE
- 23 OTHER THAN YOUR FEDERATION OR UNION REPRESENTATIVE OR
- 24 ATTORNEY.

25

- 26 Q. Do you understand this?
- 27 A: Yes, sir. I do.

28

- 29 Q: Two last items. Did you bring a representative with you, and if so, could you 30 please identify that person?
- 31 A: Yes, sir. I did. It's Officer Cory Fitch.

32

- 33 Q: And I do have one other question. Um, did you ever see a male not an officer, citizen, give the finger that night, um, in the Dinkytown area?
- A: I saw a lot of-, a lot of that. You know, there was a lot of people that weren't happy that we were there. Um, could I describe one person specifically, no, but we were getting a lot of vulgarities and expletives, you know, not just us, but I think the police in general.

39

40 Q: Was there any-, ever a young man that gave the finger to police in general 41 that a mounted officer decided to address on his own by riding up to that person? 42 A: No, not that I recall.

42 43

- 44 Q: OK. Thank you very much.
- 45 A: Mm-hmm (indicating yes).

1		
2 3	STATEMENT CONCLUDED AT 2225 HOU	RS
4		
5 6		9/23/14
7	Officer Joshua Domek	Date
8		
9 10		
11	Witness	
12 13		
14	Job #: 15406	
15 16		

TODAY'S DATE IS SEPTEMBER 11, 2014. THE TIME IS 0915 HOURS. THIS 2 IS SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 3 NUMBER 14-06920 WITH ME IS OFFICER KASEL. TRANSCRIBED BY R. 4 METCALF. 5 6 RE: OPCR Case Number #14-06920 7 8 Q: Officer Kasel, what's your full name? 9 A: Kelly Marie Kasel. 10 Q: Could you spell your last name for me? 11 12 A: K-A-S-E-L. 13 14 Q: What is your present rank and work assignment? A: An Officer in the Backgrounds Unit. 15 16 17 Q: What is your employee number and date of appointment? A: 3647 and March 1997. 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 23 MPD POLICY AND PROCEDURE. 24 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS 25 26 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST 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 31 Q: Do you understand this warning? 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 40 Q: Do you understand this? 41 A: Yes. 42 43 Q: Is it correct that you have read, understood, and signed the Data Practices Advisory, otherwise known as the Tennessen Warning? 44 45 A: Yes. 46

- 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 allegations that complainant, Anthony Seemann, alleges that he was
- 4 slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in
- the Dinkytown area near the University of Minnesota?
- 6 A: Yes.

- 8 Q: And have I explained that you are being called to explain the circumstances regarding this allegation? 9
- 10 A: Yes.

11

- Q: Ms. Kasel, um, were you on duty on April 12<sup>th</sup> in the evening hours into April 12
- 13
- 14 A: Yes.

15

- Q: In what capacity? 16
- 17 A: Mounted or Mounted Patrol.

18

- 19 Q: And do you remember where you assignment was?
- 20 A: Um, the first part of our shift was at, um, the hockey game in the Dinkytown 21 area.

22

- Q: And do you recall which horse you were riding? 23
- 24 A: Cabo, C-A-B-O.

25

- 26 Q: What color is Cabo?
- 27 A: Brown.

28

- Q: And do you know what time you arrived in the Dinkytown area? 29
- A: I don't know exactly what time. Um, early evening. 30

31

- Q: And, uh, could you please explain to me what you did during your time in 32
- 33 Dinkytown just a broad overview?
- 34 A: Just a broad overview, um, we walked the streets and provided crowd control 35 with the horses.

36

- 37
- Q: OK. When you arrived, um, where did you park your vehicles and stage?
- A: A church parking lot north of the whole-, I know it was up here, so it was on 38
- 13<sup>th</sup>. There's a church parking lot way up here. 39

40

- 41 Q: OK. North of, uh,...
- A: Probably. 42

43

- 44 Q: the Dinkytown area?
- A: Yeah, like eight blocks north of that. Six blocks. 45

Q: OK. And once you, um, got geared up and, and mounted,... A: Mm-hmm (indicating yes). Q: where did you guys then go? 5 A: Uh, we walked around with the horses the whole Dinkytown area. 6 7 Q: OK. How many mounted officers were with you? A: Um, we broke up into two different groups, so I don't remember if it was 8 9 actually five and five or if it was-, I believe it was five and five, but we broke up 10 into two separate groups. 11 12 Q: Right away in the beginning? 13 A: Yes. 14 Q: OK. Do you recall who was in your group? 15 16 A: I don't exactly. 17 18 Q: Any officers? A: Let me think for the first ride. I, I know-, I don't even remember. 19 20 Q: OK. Um, during the night, did you have an opportunity to be in the intersection of 13<sup>th</sup> Avenue Southeast and 4<sup>th</sup> Street, which would be right, uh, at 21 22 the intersection where the Library Bar is? 23 A: We walked past that several times. 24 25 26 Q: OK. Did you ever have any enforcement action in this intersection? 27 A: No. 28 29 Q: During the evening, did you ever notice or have a opportunity to see, um, a young white male give the finger to police? 30 A: I don't remember that. 31 32 33 Q: Do you ever have-, did you have an opportunity to see, um, any mounted patrol officer address any individual on a one-on-one basis meaning, um, like the 34 mounted officer would break formation and go and address an individual by 35 36 himself? 37 A: I don't remember seeing that at all. 38 Q: Did you ever see a mounted officer slap anyone? 39 A: I did not. 40 41 42 Q: I believe there was an arrest, um, basically right at the front door of the Library Bar. Do you recall seeing anyone arrested on that corner? 43 A: I don't. Arrest by mounted or squad? 44 45 46 Q: No, just officers.

1	A: I don't remember that.
2 3 4	Q: OK. What time did your tour end in the Dinkytown area conclude; do you recall?
5 6	A: I, I don't recall, but I know that we were downtown for the bar close, um, by bar close. So, by two o'clock, we were downtown.
7 8 9 10 11	Q: OK. I have no further questions. Are there any facts concerning this incident that you have kn-, have knowledge of, but have not disclosed?  A: No.
12 13 14 15	Q: Is there anything else that you would like to add to this statement that I have not asked you concerning this incident?  A: No.
16 17 18	Q: Is this a true and accurate statement? A: Yes.
19 20 21 22 23	PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN YOUR FEDERATION OR UNION REPRESENTATIVE OR ATTORNEY.
24 25 26	Q. Do you understand this? A: Yes.
27 28 29 30 31	STATEMENT CONCLUDED AT 0922 HOURS
32 33 34 35	Officer Kelly Kasel Date
36 37	Witness
38 39 40	Job #: 15408

TODAY'S DATE IS SEPTEMBER 11, 2014. THE TIME IS 1042 HOURS. THIS 2 IS SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 3 NUMBER 14-06920 WITH ME IS SGT. LINDSAY HERRON. TRANSCRIBED 4 BY R. METCALF. 5 6 7 RE: OPCR Case Number #14-06920 8 9 10 Q: Sgt. Herron, what is your full name? A: Lindsay Herron. 11 12 13 Q: Could you spell both your first and last name for me? 14 A: L-I-N-D-S-A-Y H-E-R-R-O-N. 15 16 Q: What is your present rank and work assignment? 17 A: I'm a Sergeant and I'm assigned to Animal Crimes Unit. 18 19 Q: What is your employee number and date of appointment? 20 A: 97391 and date appointment was August of 2000-, August 8, 2000. 21 22 Q: And just for the record, do you have a union rep or attorney with you today? 23 A: No, I do not. 24 25 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR 26 27 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO 28 MPD POLICY AND PROCEDURE. 29 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS 30 31 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE 32 33 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO 34 EMPLOYMENT ALLEGATIONS. 35 36 Q: Do you understand this warning? 37 A: Yes. 38 39 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR 40 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT 41 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL 42 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING SUSPENSION OR DISCHARGE. 43 44 45

A: Yes.

46

Q: Do you understand this?

Q: Have I informed you that the purpose of this statement relates to an internal investigation, and specifically, an administrative review that is being conducted regarding allegations that complainant, Anthony Seemann, alleges that he was slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in the Dinkytown area near the University of Minnesota; have, have I informed you of that?

11 of that?12 A: Yes.

12 13

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14 Q: And have I explained that you are being called to explain the circumstances 15 regarding this allegation?

16 A: Yes.

17

- 18 Q: OK. Sgt. Herron, were you on duty on April 14<sup>th</sup> the evening of into the early morning hours of April 13<sup>th</sup>?
- 20 A: Yes. 12<sup>th</sup> to the 13<sup>th</sup>?

21

- 22 Q: Yes.
- 23 A: Yes, I was.

24

- 25 Q: And do you recall what your assignment was on that day?
- A: We were Mounted Patrol over in the Dinkytown area for, um, the riots that they thought were going to happen due to the Frozen Four game.

28

- 29 Q: OK. Do you know what time you arrived in the Dinkytown area?
- A: Um, thinking back, it was daylight when we got down there and got ready, so I would guess we were down there about 7-, 6:00 or 7:00 p.m.

32

- 33 Q: And how many other mounted officers were with you?
- 34 A: The entire unit minus a couple, so we had probably 18 or so.

35

- 36 Q: And do you recall which horse you were riding?
- 37 A: I got switched twice that day, so it is hard to recall. Um, I don't remember 38 right now.

39

- 40 Q: OK.
- 41 A: If it comes back to me, I'll let you know.

42 43

44

- Q: OK. Were you ever on a white horse?
- A: No, I was not. That's-, we only have two lighter colored horses, and I did not ride either one of them.

45 46

INT

- Q: Do you recall who did ride the white horses?
  A: I don't recall who rode them.
  Q: What are their names-, the white horses names?
  A: Kristo is the lightest horse and then Diego is kind of a off-white horse. He's
- 78 Q: How about Jesse? What would you describe his color?
- 9 A: He is kind of a mix between tan and dark. He's kind of mottled if you were to look at him, he's kind of a mixture.

dark-, a little bit darker. The rest of our horses are all brown or dark brown.

11

6

- 12 Q: But, uh, is it possible to-, would you ever call him white?
- A: Me, personally, probably not. Maybe a person would if they were to see all of our horses together. Those are the only three light ones, and Jesse kind of changes color from summer to winter when he gets more hair and less hair.

16

- 17 Q: OK.
- 18 A: So, I don't ride Jesse, so I don't typically look at him that much.

19

- 20 Q: OK. Do you recall once you got downtown-, or down into Dinkytown...
- 21 A: Mm-hmm (indicating yes).

22

- Q: and you guys got all suited up and organized, and you started to, um, work into your assignments. Did you guys all stay together as one big group of mounted officers or did you split up?
  - A: In the beginning half, we all stayed together.

27 28

29

30 31

26

Q: OK. And do you recall at what time or what stage, uh, maybe you split up? A: It was, um, clo-, like, probably like between 12:00 and 1:00 that we split up because we were-, we split up so that one group could go downtown to do bar close, and we, my group, stayed there to make sure that the one bar that was down there that we wanted to back their bar close.

32 33 34

- Q: So, did you ever go downtown?
- 35 A: Yes. We...

36

- 37 Q: Eventually?
- A: Yep, we monitored that one bar. They let all their patrons out before bar close, like probably 1:00 in the morning and then we were able to-, it was pretty much a nonissue, so then we were able to ride back to get our horses and go downtown for the actual two o'clock bar closing for downtown.

42 43

- Q: OK. So you did eventually end up downtown?
- 44 A: Yes.

45

INT\_S

- 1 Q: But you're saying that half of your mounted officers went downtown earlier
- than your group?A: Yes.

- 5 Q: OK. I have some maps here. It's a packet of maps, uh, Google map. And
- 6 this next page is a Google aerial view.
- 7 A: Yep.

8

- 9 Q: And then the third page is a street view off of Google maps that shows the
- 10 Library Bar.
- 11 A: Yep.

12

- Q: And then the fourth page-, actually let's-, I skipped a page. The third page is
- 14 actually, um, the same intersection Southeast 13<sup>th</sup> Avenue and 4<sup>th</sup> Street. This is
- right across the street from the Library Bar, just a different angle from that same
- 16 intersection.
- 17 A: Yep.

18

- 19 Q: And the fourth page is actually the Library Bar. Do you recall, uh, that area-,
- 20 do you know that area very well?
- 21 A: Yes.

22

- Q: OK. During your night in Dinkytown, from start to finish, can you tell me
- 24 where you guys were?
- A: Yeah. For the most part, OK, let me find 13<sup>th</sup> and-, so, Library Bar is right here, right?

27

- 28 Q: Yes. 13<sup>th</sup> and 4<sup>th</sup>. Yes.
- A: OK. So, we parked back over here. You wanna know like everywhere we kind of went?

31

- 32 Q: Yeah. So, you're just saying that you parked north of Dinkytown?
- 33 A: Yes.

34

- 35 Q: And then...
- 36 A: Northeast of Dinkytown, probably a good six, seven blocks from 13<sup>th</sup> and 4<sup>th</sup>.

37

- 38 Q: OK.
- 39 A: And then when we got down there, we patrolled basically from 12<sup>th</sup> to 15<sup>th</sup>, 6<sup>th</sup>
- 40 to University before the game let out. We kind of just walked around as a big
- 41 group of horses.

42

- 43 Q: OK.
- 44 A: Two by two for the most part. Then, we took a small break before the game
- 45 let out. I think it was before the game let out. And then, we ended up mostly
- 46 when they started rioting it was all at 13<sup>th</sup> and 4<sup>th</sup>, so we actually walked up 14<sup>th</sup>

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Avenue, walked down 14th Avenue Southeast south, and we formed up right around University. And that is when SWAT was surrounding the big group of 2 3 rioters. We ended up lining up behind them. A helicopter came down, gave the 4 dispersal orders, then we ended up breaking through the SWAT line, and coming 5 through as a full line of horses to disperse the large group that was gathered 6 here. They were causing problems, standing on, you know, the street lights and 7 knocking everything over, breaking bottles, throwing stuff at the cops, all of that. So, what we do is we walk through there as a big group of horses, we just walk 8 9 towards them.

10 11

Q: Mm-hmm (indicating yes).

A: And crowd mentality, a lot of people start walking, and moving, and running away from the scene from the horses, so then the whole group ends up moving. So, that's how we take ground. So, that was the major issue that we dealt with.

15

16 Q: And that was pretty early in the night?

17 A: That was right after the game ended.

18

19 Q: OK.

20 A: It was dark outside.

21 22

Q: Mm-hmm (indicating yes).

A: So, it had to be-, if I'm guessing, I don't know exact times on this anymore, but I'm guessing it was probably like 9:00 or-, it was probably 10:00 if it was dark.

25 10:00 cause it was summer, so 10:00.

26 27

28

Q: OK. How about, um, after that big crowd movement there, uh, further into the evening, like midnight...

A: Mm-hmm (indicating yes).

29 30 31

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33 34

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36 37

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Q: Do you recall where you were at that time?

A: Um, I think that was when the Library Bar was holding some of their patrons cause they didn't want to let their patrons out when all that chaos was going on. They just didn't want to be a part of adding to the problem or having people focused on their bar. So, they held their patrons in there for a while until we cleared that intersection and then that is when, I believe, they cleared out their bar. So, we hung out-, we ended up going back to the truck, the other group left before that, and then we, we-, I don't know which truck we had, but we had like eight officers stay with us. We had a couple for ground support that stayed at the

eight officers stay with us. We had a couple for ground support that stayed at the truck and trailer and then probably six or seven of us horses stayed, actually not that many probably five or six of us horses stayed here to do this bar close. And

that many, probably five or six of us horses stayed here to do this bar close. And

then we came back...

43 44

Q: The Library Bar?

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A: Yep, the Library Bar. So, we-, I don't remember what path we came back over here, but then we kind of hung out here just in the area to make sure that they didn't have any major issues.

3

2

- Q: Do you recall who the five to six horses that stayed back, uh, to do the Library Bar closing at the intersection of 4<sup>th</sup> and 13<sup>th</sup>? Who, who were those five to six horses?
- A: I don't remember. I don't even recall. We have-, we have so many horses I don't usually pay attention to whose riding with who, so I didn't-, I don't even know. In all honesty, I can't remember which horse I was riding at that moment, so I don't remember which horses were with me.

12 13

14

15

16

- Q: OK. Did you specifically-, do you recall witnessing officers, not necessarily mounted, but officers in general-, do you recall seeing an arrest occur right in front of the Library Bar where a man was possibly tackled or taken to the ground by a group of officers?
- 17 A: I don't remember that one specifically. No.

18

- 19 Q: OK.
- A: I remember a couple. The ones I do remember were like guys running behind that apartment building. I don't remember anything in front of the Library Bar. I remember a guy throwing rocks from behind this building that got arrested.

23 24

25 26

27

28

- Q: OK. And just for the record, you're referring to the, the brick building-, brick apartment building on the corner of 13<sup>th</sup> Avenue and 4<sup>th</sup> Street just across from the Library Bar in page three of the maps.
- A: Yep. Yep. So, that apartment building, there was someone throwing rocks at all the ground officers. I remember him getting arrested, but that was further down on like 12<sup>th</sup>.

29 30

- 31 Q: So, they chased him over there?
- 32 A: Yep.

33

- 34 Q: OK.
- A: Um, but as far as anybody in front of the Library Bar, I don't recall anybody getting arrested in front of the Library Bar or getting taken down to the ground.

37

- 38 Q: OK.
- 39 A: Not at all.

40

- 41 Q: Um, can I show you some video real quick?
- 42 A: Yeah.

43

- 44 Q: OK. This is going to take me a minute.
- 45 A: Yep.

Q: [pause- on audio from 12:34 to 13:43] We don't need audio, so I turned that 2 down. 3 A: OK. 4 Q: I wanna see if this is what you're describing as the last portion of your night 6 when you, uh, were at the Library Bar intersection seeing, um, the patrons go. 7 A: OK. 8 9 Q: And I don't think this player is gonna do it here. [pause- on audio from 14:07 to 14:49] It keeps trying to do the media player, but I don't think it's going to let it 10 play on there. Oh, there it is. OK. So, you can clearly see on this video 11 Southeast 13<sup>th</sup> Avenue. 12 A: Mm-hmm (indicating yes). 13 14 15 Q: Um, it looks like an arrest is happening there. 16 A: Yep. 17 18 Q: There are some horses. 19 A: Yep. 20 21 Q: Let's just watch this for a little while and see if it refreshes your memory. 22 A: OK. [pause- on audio from 15:17 to 15:45] This is the apartment complex 23 right here. 24 25 Q: Yes, it is. 26 A: OK. 27 28 Q: The Library Bar would be over here. A: Yep. 29 30 31 Q: That's a pretty good shot of your mounted officers there. 32 A: Yep. 33 34 Q: Uh, are you in that group? I know it's hard to tell [laughing], um... 35 A: Um, I'm, I would-, if this is just the one group that we left behind. I would 36 probably say I am in that group. 37 38 Q: There's no timestamp currently. 39 A: That should be me right there. 40 41 Q: Your horse is a... 42 A: Yep, Goliath. 43 44 Q: a white and .... 45 A: That's Goliath.

INT\_\_

Q: OK. White and black tail on Goliath? A: Yep. He's the only black horse with a white tail like that. 3 4 Q: OK. Is this refreshing your memory a little bit? A: Yeah. 6 7 Q: OK. Do you recall what happened over on that corner by the apartment 8 building? Was he a rock thrower or ...? 9 A: I can't say for sure, which person that was that got arrested. Um, from what I remember when the guy that was throwing rocks got-, there was police radio to 10 11 go with, you know, them calling it out. I would assume-, I would think that you 12 would hear that they are trying to chase the rock thrower at that time. I can't 13 remember exactly, though. 14 15 Q: Mm-hmm (indicating yes). 16 A: But that's-, they were throwing rocks from around this apartment building 17 quite a bit cause they had the, the apartment to shield them, so... 18 19 Q: Does this look like towards the end of your tour in Dinkytown? 20 A: We're-, you can tell that we're split up with our other group of horses cause 21 the group when we were all together there was so many people down there and 22 then when they dispersed is when the other group went to downtown, so I'm 23 guessing this is the second half of the evening. Closer towards like midnight-ish. 24 25 Q: Cause it looks like there's about six horses on the video? 26 A: Yep, and a lot less people around. 27 28 Q: OK. In this general time,... 29 A: Mm-hmm (indicating yes). 30 31 Q: um, you don't recall who was with you as far as mounted officers? 32 A: I really don't remember. 33 34 Q: During this timeframe... 35 A: Mm-hmm (indicating yes). I know who wasn't with me. I know Molly went 36 downtown [laughing]. 37 38 Q: OK. 39 A: If that helps at all. 40 41 Q: It does. 42 A: Cause we split. Me and Molly had to split that night, so, um...

45 guys split up, is that what you said?46 A: Yep.

43 44

8

Q: So, what I'm getting is, uh, right around midnight sometime that's when you

2 Q: Molly Fisch-... 3 A: Molly went downtown. 4 5 Q: Fischer. 6 A: Yep. 7 8 Q: Who else do you believe went with her? 9 A: Um, I know Chris Humphrey was stuck at the truck and I believe Becky 10 Madich was stuck at the truck, I believe, and then I might be able to tell you who these people are if... 11 12 13 Q: OK. Feel free to manipulate the computer, so you can rewind or whatever. 14 A: Let me see... It's hard cause we don't all ride the same horse ever. 15 16 Q: And just for the record, I'm gonna refer to this video that you're watching, it's 17 is on disc, we're gonna call that Disc A. 18 A: OK. [pause- on audio from 19:12 to 19:38] I know if I see them out there. 19 [laughing] I see the back of people and I can't tell one person from another. 20 [pause- on audio from 19:46 to 20:37] We all have our face masks down, so the 21 only person I recognize is myself cause of my sergeant stripes and that's the only 22 way I even recognize me. 23 24 Q: OK. 25 A: In all honesty, I can't-, I can't pick out anybody. 26 27 Q: So, during that time... 28 A: Mm-hmm (indicating yes). 29 Q: or anytime while you were in the Dinkytown area, do you recall seeing a 30 young man, uh, young white man, um, flipping the bird at police in general? 31 A: Not one in particular. There was many gestures made towards us that 32 33 evening just cause of the reason why we were-, us being down. People weren't really appreciating the police. 34 35 36 Q: OK. So, no young man in particular stands out as giving you guys the finger? 37 A: No. 38 39 Q: OK. Um, do you ever recall anytime during that evening in the Dinkytown area any of your mounted officers breaking away from the group of mounted 40

officers to address an issue on their own?

A: We stay together the whole time that I remember because of just the nature of what was going on we couldn't separate. Our horses were-, um, it was a lot

for them to see for one evening and this is the beginning of our riding season, so they hadn't seen any of this. So, we pretty much stayed really close together as

46 much as we could. I can't remember any of them breaking off.

INT Set

1					
2	Q: Um, even if it were just a short maybe 30 feet away, would that be unusual or				
3	do you recall seeing-, when I say breaking off I don't mean riding to the next				
4	block				
5					
0	A: Mm-hmm (indicating yes).				
6	Or hart a short distance Decreased to a single control from the second				
7	Q: Just a short distance. Do you recall seeing anyone ride away from the group				
8	in a hurried manner in order to address an issue?				
9	A: Not that I remember.				
10					
11	Q: OK. Do you recall ever seeing any of the mounted officers slap anyone?				
12	A: Mm-mmm (indicating no). No.				
13					
14	Q: Even backhand type of slap?				
15	A: No.				
16	·				
17	Q; OK.				
18	A: We were very much crowd control on this-, on these incidents and I didn't see				
19	anybody make contact with anybody.				
20	anybody mako odmadi mar anybody.				
21	Q: Did you recall hearing a mounted officer ordering someone to get back here				
22	or come here?				
	A: No.				
23	A. NO.				
24	O. O. All sinks Assistance and foots accessing this incident that we have				
25	Q: OK. All right. Are there any facts concerning this incident that you have				
26	knowledge of, but have not disclosed?				
27	A: No.				
28					
29	Q: Is there anything else that you would like to add to this statement that I have				
30	not asked you concerning this incident?				
31	A: No.				
32					
33	Q. Is this a true and accurate statement?				
34	A: Yes, it is.				
35	<b>,</b>				
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 FEDERATION OR UNION REPRESENTATIVE OR				
39	ATTORNEY.				
40	ATTOMMET.				
41	O. Do you understand this?				
	Q. Do you understand this?				
42	A: Yes.				
43					
44	OTATEMENT CONCLUDED AT 4400 HOURS				
45	STATEMENT CONCLUDED AT 1106 HOURS				
46					

1 2	Sat Tolde	10/2/14
3	Sergeant Lindsay Herron	Dáte'
4 5 6	SA MISHA	
7 8	Witness	
9 10 11 12	Job #: 15410	

INT Set

TODAY'S DATE IS SEPTEMBER 12, 2014. THE TIME IS 1318 HOURS. THIS 2 IS SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 3 NUMBER 14-06920 WITH ME IS SGT. TOM RYAN. TRANSCRIBED BY R. 4 METCALF. 5 6 RE: OPCR Case Number #14-06920 7 8 Q: Sgt. Ryan, could you please state your full name? 9 A: Thomas Edward Ryan. 10 11 Q: What is your present rank and work assignment? 12 A: Sergeant, First Precinct Day Watch. 13 14 Q: What is your employee number and date of appointment? 15 A: 006233 and September 24, 1987. On the department or as promoted? 16 17 Q: On the department. 18 A: Yep, '87. 19 20 Q: Thank you. 21 A: Yep. 22 23 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL 24 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR 25 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO 26 MPD POLICY AND PROCEDURE. 27 28 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST 29 30 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO 31 32 EMPLOYMENT ALLEGATIONS. 33 34 Q: Do you understand this warning? 35 A: Sure. 36 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR 37 38 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL 39 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING 40

43 Q: Do you understand this? 44 A: I do.

SUSPENSION OR DISCHARGE.

41 42

45

1 Q: Is it correct that you have read, understood, and signed the, the Data Practices Advisory, otherwise known as the Tennessen Warning?
3 A: I have.

**4** 5

6

7

Q: And have I informed you that the purpose of this statement relates to an internal investigation, specifically, an administrative review that is being

conducted regarding allegations that complainant, Anthony Seemann, alleges

that he was slapped by a mounted officer on April 13, 2014, at approximately

9 0015 hours in the Dinkytown area near the University of Minnesota?

10 A: You have.

11

12 Q: And have I explained that you are being called to explain the circumstances regarding this allegation?

14 A: You have.

15

16 Q: Sgt. Ryan, were you working on the early morning hours of April 13<sup>th</sup>?

17 A: I was.

18

19 Q: I believe your shift started on the day prior April 12<sup>th</sup>; is that correct?

20 A: Yes.

21

22 Q: And in what capacity were you working?

A: I was a-, one of the mounted police officers for the down-, or the Dinkytown riots-, or Dinkytown, uh, Frozen Four, um, demonstration or gathering. I mean,

25 yeah, whatever you wanna call it.

26

Q: OK. And, uh, at the beginning of your shift when you arrived in Dinkytown, um, could you tell me where you guys staged?

29 A: Uh, initially, I believe we were on-, I have to look at this map here.

30

31 Q: Yep, please feel free.

32 A: Um, McDonald's. Uh, we staged at-, on 14<sup>th</sup> Avenue Southeast in between 33 University and Southeast 4<sup>th</sup> Street.

34

35 Q: OK. And how many mounted officers approximately were with you that 36 night?

37 A: Um, approximately, I think eight to ten.

38

39 Q: OK. And during the night, um, did you guys stay as one group or did you 40 break into separate groups?

41 A: At what point of the evening?

42

43 Q: Um, let's say, up to approximately midnight, did you guys operate as one unit 44 or had you separated?

45 A: I don't recall.

Q: OK. Um, can you walk me through from when you got there and staged to 2 roughly midnight? What area were you in?

A: Um, OK, we arrived. Where did we park? We staged our horses, um, over by where they had the command post.

4 5 6

7

3

A: Um, we were a block away from them, uh, wherever that was. I don't know down-, or Northeast all that well.

8 9

10 Q: It's OK.

- A: Um, it was 15<sup>th</sup>. I think it might have been on 15<sup>th</sup> Avenue Southeast. We 11
- 12 walked down towards Dinkytown and, um, made a few passes through
- 13 Dinkytown with the horses as one to get them acclimated to the noise and, um,
- 14 just the layout. And my-, the recollection that I have is that when we staged for
- the crowds, uh, for the demonstration when people started pouring out of the 15
- bars, we staged at that location of 14th Avenue Southeast in between Southeast 16
- 4<sup>th</sup> Street and University. That's where our initial, um, staging area was for the 17 18 people that were inside that intersection causing a disturbance.

19 20

- Q: OK. As the night progressed, can you tell me roughly where you went?
- A: Ah, I remember that there was an initial, um, push down 14<sup>th</sup> Avenue 21
- 22 Southeast. Um, once the order-, the main problem was right at the intersection
- of Southeast 4th Street and 14th Avenue Southeast. That's where everybody had 23 gathered. Once the decision was made to start arresting people, the crowd 24
- dispersed, but we made an initial push down 14<sup>th</sup> Avenue Southeast. 25

26 27

- Q: Going northbound? Uh, in a north-, northeasterly direction?
- A: Well, from 4<sup>th</sup> East-, Southeast 4<sup>th</sup> Street to 5<sup>th</sup> Street.

28 29

- 30 Q: OK.
  - A: If that's north.

31 32 33

- Q: It, it's roughly north. Maybe north-, northeast.
- A: OK. Ah, we went up there. Um, I remember that push.

34 35 36

- Q: What did you guys do after that? Where did you go?
- A: Um, I'm not sure if we turned around and came back. Um, yeah.

37 38 39

- Q: Did you ultimately, uh, spend some time in front of the Library Bar at the intersection of 4<sup>th</sup> Street Southeast and 13<sup>th</sup> Avenue Southeast?
- 41 A: We did. I, I remember we were-, yes.

42

40

- 43 Q: Do you remember if the entire mounted contingency was in that intersection 44 or had some gone other locations?
- 45 A: I don't know if we had separated or not.

Q: OK. Do you recall being in that location? 2 A: I do. 3 4 Q: And was that the end of the evening in Dinkytown or did you go somewhere 5 after that? 6 -A: OK. I don't understand the question there. 7 8 Q: OK. Um, let me ask you this. 9 A: [inaudible]. OK. 10 11 Q: Sometime during the night, did you guys, um, pack up and move to the 12 downtown bar close? 13 A: We did. 14 Q: OK. Prior to that move to downtown, um, in the Dinkytown area, was that 15 intersection 4<sup>th</sup> Street Southeast and 13<sup>th</sup> Avenue Southeast, the last location 16 where you rode mounted as far as crowd control and having your horses 17 18 deployed for the crowds? A: OK. When we were at that intersection, we did-, we did a push from  $4^{th}$ -, Southeast  $4^{th}$  Street to  $5^{th}$  Street Southeast. 19 20 21 Q: OK. 22 23 A: Um, and then we came back to that intersection. 24 25 Q: OK. A: Um... 26 27 28 Q: I'm trying to get a handle on, you know, where you were operating throughout 29 the night. 30 A: Mm-hmm (indicating yes). 31 32 Q: That, that's fine. So... A: And I mean I'd like to be able to tell ya. I, I know that we went down 4th 33 Avenue Southeast. I know that we made a push down Southeast 4th Street, but 34 35 as far as giving you a timeframe, first we did this, next we did this, next. I mean 36 wherever the crowds were that's where we, we went. 37 38 Q: Understandable. 39 A: If the ground officers were saying, we need that crowd cleared, we would 40 push that way. 41 42 Q: OK. 43 A: Um...

INT TEL

44 45

46

Q: And you were in the Dinkytown area for several hours?

A: Until we got moved to downtown Minneapolis.

2 Q: And you don't recall what time that was? 3 A: No. I, I couldn't tell ya. 4 5 Q: OK. What horse were you on? 6 A: Um, Schafer, S-... 7 8 Q: What color is Schafer? 9 A: Kind of brown. I know there's a... 10 11 Q: It's OK. 12 A: OK. 13 14 Q: Um, I'm sorry. I think I interrupted you when you were going to spell Schafer. 15 A: Oh, S-C-H-A-F-E-R. 16 17 Q: OK. Thank you. 18 A: Yep. 19 20 Q: Were you on Schafer the entire evening? 21 A: I believe so. 22 23 Q: OK. 24 A: You don't change. 25 26 Q: OK. Prior to, um, turning on this recorder, we viewed a video. For the 27 record, we're calling this video Exhibit A. Um, did you in fact have a chance to 28 view part of this video? 29 A: I did. 30 31 Q: And did you see yourself on that video? 32 A: Ah, yes, I did. 33 34 Q: OK. Um, can you recognize Schafer as a horse that stands out to you, uh. 35 differentiated from the other horses or is there any doubt that that's you in the 36 37 A: No. I mean based on my helmet, my-, the jacket I'm wearing, the horse that 38 I'm on, um, yeah, my chevrons as well. I mean... 39 40 Q: Very good. 41 A: Um, there's no other horse like Schafer. I mean with the markings like that. 42 43 Q: OK. At the very beginning of the video, there was what appeared to be an 44 arrest on, um, I would called it the northwest corner of the intersection of 13<sup>th</sup> Avenue and 4th Street... 45

INT TEL

46

A: Mm-hmm (indicating yes).

- Q: Do you recall after seeing the video and that arrest take place-, do you recall seeing that in-, that night?
  - A: I remember an individual being, um, arrested there. Yes.

4 5

- Q: OK. Um, and during that time, roughly when this video was shot and I know this is kind of a loaded question here, but did you ever see anyone, a young male, give the finger to officers?
- 9 A: I don't remember that. I-, the individual that was on that corner...

10

- 11 Q: Yep.
- A: was antag-, uh, he was antagonizing officers. I remember he was standing out away from other people. Whether or not he gave a finger, I don't know.

14

- 15 Q: OK. Antagonizing officers, um, was that why he got arrested or did you see 16 him do anything else like assault or damage to property, or anything?
- 17 A: I, I don't know why he was arrested.

18

- 19 Q: OK.
- 20 A: I mean...

21

- Q: And during that arrest or thereafter, do you recall seeing anyone in particular that expressed dislike for the actions of the officer whether through verbal words or physical gestures?
- 25 A: No, I, I-, no, I didn't-, no one stood out.

26

- Q: OK. Um, do you recall at that time or anytime during the night seeing an officer break ranks? I'm assuming you guys all stay together as horses.
- 29 A: Mm-hmm (indicating yes).

30

- 31 Q: Since it's been described to me, it's like a pack mentality. They like to stay together.
- 33 A: Mm-hmm (indicating yes).

34

- 35 Q: Do you ever recall seeing an officer separate from the group to address an individual on the street physically?
- 37 A: I don't remember that.

38

- 39 Q: Did you ever see any mounted officer slap a young man that night?
- 40 A: No.

41

- 42 Q: Backhand a young man?
- 43 A: I don't remember that.

- 45 Q: OK. Um, did you slap anyone that night?
- 46 A. No, I didn't.

TODAY'S DATE IS SEPTEMBER 12, 2014. THE TIME IS 1724 HOURS. THIS IS SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 2 NUMBER 14-06920 WITH ME IS OFFICER REBECCA MADICH. 3. TRANSCRIBED BY R. METCALF. 4 5 RE: OPCR Case Number #14-06920 6 7 Q: Officer Madich, could you please state your full name and spell your last 8 name for me? 9 A: Rebecca Madich, M-A-D-I-C-H. 10 11 Q: What is your present rank and work assignment? 12 A: Patrol Officer, Second Precinct Middle Watch. 13 14 Q: What is your employee number and date of appointment? 15 A: Um, 05867. 1/4/99. 16 17 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL 18 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR **1**9 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO 20 MPD POLICY AND PROCEDURE. 21 22 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS 23 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST 24 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE 25 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO 26 EMPLOYMENT ALLEGATIONS. 27 28 Q: Do you understand this warning? 29 30 A: Yes. 31 IAM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR 32 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT 33 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL 34 BE SUBJECT TO DISCIPLINE-, DISCIPLINARY ACTION UP TO AND 35 NCLUDING SUSPENSION OR DISCHARGE. 36 37 Q: Do you understand this? 38 39 A: Yes. 40 Q: Is it correct that you have read, understood, and signed the Data Practices 41 Advisory, otherwise known as the Tennessen Warning? 42 A: Correct. 43 44 Q: Have I informed you that the purpose of this statement relates to an internal 45 investigation, and specifically, an administrative review that is being conducted 46

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regarding allegations that complainant, Anthony Seemann, alleges that he was 2 slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in the Dinkytown area near the University of Minnesota? 4 A: Yes. 5 6 Q: And have I explained that you're being called to explain the circumstances 7 regarding this allegation? 8 A: Yes. 9 Q: Officer Madich, could you tell me were you on duty on April 12<sup>th</sup> into 13<sup>th</sup> in 10 the Dinkytown area? 11 12 A: Yes, I was. 13 14 Q: In what capacity? 15 A: Um, working mounted patrol. 16 17 Q: OK. Do you recall what time you arrived in the Dinkytown area? 18 A: I don't, but it was still light out. 19 20 Q: OK. Um, could you tell me when you got to the Dinkytown area and tack up-, is that what you call it when you get the horses ready? 21 22 A: Yes. Yep. 23 24 Q: Tack up-, um, what did you guys do next? A: Um, after we tack up, we split into two groups, and basically, patrolled the 25 26 Dinkytown area for maybe 45 minutes or an hour, and then went back to the 27 trailer and untacked. 28 29 Q: OK. And what did you do personally from that point on? Did you ride again? 30 A: I did not ride again. No. 31 32 Q: OK. What did you do? 33 A: Um, we went and ate across the street at the park and then came back. And 34 two of the horses were taken out of the lineup and put back in the trailer, so 35 myself and two other officers were responsible for the horses and then the security of the truck and trailers in the parking lot. 36 37 38 Q: OK. Who were those two officers? 39 A: Um, Chris Humphrey and 40 Q: Did you ride anymore that evening in the Dinkytown area? 41 A: Not in the Dinkytown area. No. 42 43 44 Q: OK. Um, do you have any idea roughly what time you got to the trailer, and ate, and stayed at the trailer? 45 46 A: Um, I don't. Sorry. Maybe...

7				
2 3 4	Q: It's OK.			
3	A: Maybe eight, nine. I'm not			
4				
5	Q: Early in the evening?			
6	A: Earlier.			
6	A. Earlier.			
7				
8	Q: OK. By no means near midnight?			
9	A: No.			
10				
	O. May applied that			
11	Q: Way earlier that that?			
12	A: It was earlier than that.			
13				
14	Q: OK. I have no further questions. Are there any facts concernin-, concerning			
15	this incident that you have knowledge of, but have not disclosed?			
16	A: No.			
17				
18	Q: Is there anything else that you would like to add to this statement that I have			
19	not asked you concerning this incident?			
20	A: No.			
	7. No.			
21				
22	Q: Is this a true and accurate statement?			
23	A: Yes.			
24				
25	PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO			
26				
27	OTHER THAN YOUR UNION REP OR ATTORNEY.			
28				
29	Q. Do you understand this?			
30	A: Yes.			
31				
32				
33	STATEMENT CONCLUDED AT 1728 HOURS			
	STATEMENT CONCLUDED AT 1720 HOURS			
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- TODAY'S DATE IS SEPTEMBER 16, 2014. THE TIME IS 0942 HOURS. THIS IS SGT. WALTERS OF THE INTERNAL AFFAIRS UNIT INVESTIGATING OPCR CASE NUMBER 14-06920 WITH ME IS SGT. MOLLY FISCHER.
  TRANSCRIBED BY R. METCALF.

  RE: OPCR Case Number #14-06920

  Q: Sgt. Fischer, could you please state your full name and spell your last name for me?
- 10 A: Yes. Molly Fischer, F-I-S-C-H-E-R.
- 12 Q: What is your present rank and work assignment?13 A: I am a Sergeant with the police department and I work at the Mounted Patrol

14 Unit.

15

19

- 16 Q: What is your employee number and date of appointment?
- 17 A: My employee number is 2023. Date of appointment roughly, I don't know, somewhere in 2001 or 2002.

20 Q: OK.

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

26

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

32 33

- Q: Do you understand this warning?
- 34 A: Yes, I do.

35

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

41

- 42 Q: Do you understand this?
- 43 A: Yes, I do.

44

45 Q: Is it correct that you have read, understood, and signed the Data Practices 46 Advisory, otherwise known as the Tennessen Warning?

A: Yes.

2 3

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Q: Have I informed you that the purpose of this statement relates to an internal investigation, and specifically, an administrative review that is being conducted regarding allegations that complainant, Anthony Seemann, alleges that he was slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in the Dinkytown area near the University of Minnesota?

A: Yes, you have.

8 9

- 10 Q: And have I explained that you are being called to explain the circumstances regarding this allegation? 11
- 12 A: Yes, you have.

13

- Q: Sgt. Fischer, you do Mounted Patrol full-time? 14
- 15 A: Yes.

16

- Q: And if I could bring your attention to the night of April 12<sup>th</sup> into the early 17 morning hours of April 13<sup>th</sup>, do you recall if you were in a mounted capacity in the 18 19 City of Minneapolis?
- 20 A: Yes, I was.

21 22

- Q: Where did you begin your night?
- 23 A: Uh, we began, um, as a mounted unit. I mean obviously at the barn, but as far as within the city, um, we began at the University of Minnesota around the 24 25 Dinkytown area.

26 27

28 29

Q: OK. Do you recall how many mounted officers there were that night? A: Uh, there were technically ten horses. Um, ten rode prior to the game letting out. After the game actually let out and prior to the riots, there were only eight horses that had riders on them riding in the area.

30 31 32

- Q: OK. Um, I understand that at some point in the evening you guys made you 33 way downtown for bar close, is that correct? 34
  - A: That is correct.

35 36

37

38 39

40

- Q: Do you know what time you left Dinkytown to go downtown?
- A: I can't give you an exact time. I know that it was, um, after kind of the riot situation had calmed itself, um, at the University. Um, so, I would say roughly midnight would have been the time that we left cause we definitely downtown prior to bar close. I couldn't give you an exact time, so sometime between 12:00 and 12:30.

41 42 43

Q: OK. Um, when you were in Dinkytown, I don't need to know about the time when you first tacked up, and you got acclimated with the area, and all of that. A: OK.

45 46

Q: What I want to focus on is, um, let's start approximately when we viewed this video here. I'd shown you a video prior to this interview, is that correct?

A: That is correct.

Q: And I'm going to call that Exhibit A. Um, while watching Exhibit A video, uh, could you tell me what intersection that was at?

A: It appears that we were at the intersection of 4<sup>th</sup> Street and, let me find that, 13<sup>th</sup>.

- Q: That's correct. And do you recall being in that video?
- 11 A: Yes.

- Q: During that time, uh, was your mounted unit in one group or had it already split up into several groups?
- A: At the time of the video that you're showing, we are in our entirety of the eight horses.

- Q: Walk me through from that point on during your time in Dinkytown.
  - A: Um, my recollection of this point in time from this intersection when we started that you started the video was that there were numerous problem, um, people that the ground officers were dealing with and calling out that were specifically throwing, um, bricks and other, you know, hard objects at officers and actually striking some of them. So, there definitely was a lot of radio traffic, um, looking for this individual and trying to figure out where-, or individuals; I believe there was one main specific and then kind of two assistants of his apparently. So, there was a lot of time and energy spent on kind of figuring that stuff out as well as obviously, um, whoever was in command, Lt. Stoll, figuring out which direction we were still going to end up, you know, pushing people to make sure that we could clear, um, Dinkytown and make sure that it was back to a safe realm. So, we were pretty much standing by to wait to be given orders to be told what they would like us to do.

 Q: Right. And once you left that intersection, do you recall where you went? A: Uh, from that video that we watched, we pretty much didn't leave that intersection until we were ordered. Again, I'm-, I believe I'm remembering Sgt. Mosey, but that could be incorrect, who told us to go, um, down 13<sup>th</sup> towards University clearing, um, both sides of the sidewalks. So, at that point, we split up; four horses on one side and four on the other, clear down University. And at that point, we walked back to that 4<sup>th</sup> Street and 13<sup>th</sup> intersection. And, um, my recollection is Lt. Stoll asked if we could split four and four horses again, and asked a group of four us to go down to 4<sup>th</sup> Street and 14<sup>th</sup> and wait and then the other group stayed at 4<sup>th</sup> Street and 13<sup>th</sup> to wait. And I was the group that walked down to 4<sup>th</sup> Street and 14<sup>th</sup> Avenue.

Q: OK. Do you recall who the other mounted officers with you that went down to 4<sup>th</sup> Street?

A: Can I read my... 2 3 Q: Absolutely. 4 A: or list here. Actually, I'll just do the horse list that you have printed. 5 6 Q: And just for the record, um, have you and I corresponded regarding mounted patrol on the night of Frozen Four, April 12th, via email? 7 A: Yes, we have. 8 9 Q: And just for the record, you're looking at those emails for the lineup that you 10 produce for me? 11 A: That is correct. 12 13 14 Q: Thank you. A: And my recollection is, um, Tim Hanks was with me, um, Roger Smith was 15 16 with me. Um, let's see, those two weren't there. I believe, um, Josh Domek. That is the one I'm not as sure about, but I am-, cause I don't believe it was the 17 18 other ones, so he's the one that comes to mind, but that's the one I can't tell you 19 that I can remember exactly for sure. 20 21 Q: But you're pretty confident that... 22 A: I'm... 23 24 Q: Tim Hanks and Roger Smith... A: I'm-, yes, I know for sure that Tim Hanks and Roger Smith were with me. It's 25 the-, um, it's the other person that I'm not... 26 27 28 Q: That's OK. A: completely positive, but I believe it was Josh Domek. 29 30 Q: And you, Hanks, Smith, and possibly Domek were the ones that went down 31 to 14<sup>th</sup> and 4<sup>th</sup>... 32 33 A: Correct. 34 Q: once you split towards the end of your time in Dinkytown? 35 36 A: Yes. 37 Q: And did you remain down at that intersection until relieved of Dinkytown? 38 39 A: Yes. 40 41 Q: Or leave from Dinkytown? 42 A: Correct. 43 Q: Um, break down the list a little bit more for me. It looks like you were going 44 45 through and itemizing who was actually patrolling. A: Yeah, I was going through who I knew for sure was not with me. 46

- A: Um, ultimately, the-, I mean to explain this a little further. I pretty much
- 2 assumed I knew where you were going with it as far as that someone obviously
- 3 had made a statement about a white horse, so I was given you a answer of who
- people would that don't know anything about horses would believe were white 4
- 5 horses. The only actual really white horse we have is Kristo if you're going by
- 6 technical terms of what is a white horse. Diego is technically a buckskin horse;
- however, definitely a lighter color than any other horse, so could be assumed by 7
- some people as being a white horse. That's why I threw his name in there. Um, 8
- 9 Jesse is a lighter colored horse as well. Um, he actually changes color
- throughout the year, um, when his coat is heavier or a lighter color, so he tends 10
- to be kind of a gold color. So, again, if somebody was not aware of what a white 11
- 12 horse really is and they were just going with a lighter colored horse, technically,
- Jesse could fall in that realm. Otherwise, the rest of our horses are brown and 13
- 14 black.

15

- 16 Q: OK. That was a very good explanation. I, uh, printed some pictures from the
- Minneapolis Mounted Police Foundation photo, or Facebook. 17 A: Mm-hmm (indicating yes). 18

19

- 20 Q: And I'd like to show you that.
  - A: Mm-hmm (indicating yes).

21 22

- Q: You described your white horse as being Kristo? 23
- 24 A: Correct.

25

- 26 Q: And in the picture, that's clearly the lightest horse?
- A: Mm-hmm (indicating yes). 27

28

- Q: The next horse, you said was a tan or, uh, what was your word? 29 30
  - A: Buckskin.

31

- Q: Buckskin. And that was Diego? 32
  - A: That is correct.

33 34

- Q: So, Diego is definitely the second lightest. Do you see Jesse in that picture? 35 36
  - A: Yes. That's Jesse right there.

- Q: And would you say in that picture that Jesse is fairly dark, uh, almost as dark 38 39 as the rest?
- A: Yes. He, again, changes color throughout the year, so actually when his coat 40
- is lighter, meaning less thick, so summertime, which is more when this photo was 41
- taken, then his color tends to actually be darker. When his coat heavier and 42
- thicker, it's actually a lighter color, which would've actually been closer to the 43
- timeframe of the April, because they-, it was so cold this winter they actually had 44
- 45 really heavy-, really heavy coats, um, so they actually didn't lose their heavy

coats probably until late May. So, he was actually holding a heavier coat during 2 that timeframe, so... 3 Q: Which makes him lighter? 5 A: Correct. 6 7 Q: And, uh, could you look at the superimposed picture of Sgt. Mercil holding the 8 flag? 9 A: Yes, and that is Jesse there. So, again, you can see the lighter color. 10 Q: Very good. Thank you. Sgt. Fischer, um, do you recall seeing anyone make 11 obscene gestures towards police on the evening of Frozen Four in the Dinkytown 12 area? 13 A: There were numerous occasions of people making obscene gestures towards 14 the police pretty much from when we arrived down in Dinkytown to about the time 15 16 we, we left, so... 17 18 Q: OK. 19 A: that was a frequent occurrence. 20 Q: I understand. Um, to be more specific, do you recall ever seeing a young 21 22 white male make an obscene gesture towards police which caused a mounted officer to ride over to that person and address that situation? 23 A: I do not recall that. 24 25 Q: Do you recall seeing any arrest at the intersection of 4<sup>th</sup> Street and 13<sup>th</sup> 26 Avenue, uh, that is the intersection at the Library Bar? 27 28 A: Correct. 29 30 Q: Do you recall seeing an arrest occur there other than the one on the video that we watched, Exhibit A? 31 32 A: No. 33 34 Q: OK. Do you recall seeing any mounted officer slap any individual from his 35 mounted position? 36 A: No. 37 38 Q: Or her mounted position? 39 A: No. 40 Q: OK. Did you slap anyone that night? 41 42 A: Yes. 43 Q: OK. All right. Give me one second. [pause] Molly Fischer, uh, just for the 44 45 record, please state your sex? A: I'm a female. 46

1						
2	Q: Thank you. I have no further questions. Are there any facts concerning this					
3						
4	A: No.					
	A. INU.					
5						
6	Q: Is there anything else that you would like to add to this statement that I have					
7	not asked you concerning this incident?					
8	A: I do not believe so.					
9						
10	Q. Is it true-, is this a true and accurate statement?					
	,					
11	A: Yes.					
12						
13	PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO					
14	DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE					
15	OTHER THAN YOUR FEDERATION OR UNION REPRESENTATIVE OR					
16	ATTORNEY.					
17	ATTOMICET.					
	O. D. vov understand?					
18	Q: Do you understand?					
19	A: I do.					
20						
21						
22	STATEMENT CONCLUDED AT 1000 HOURS					
23						
24						
25						
26	Sgt. Molly Fischer Date					
27						
28						
29						
	\Although the control of the control					
30	Witness					
31						
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33	Job #: 15538					
34						
35						

TODAY'S DATE IS SEPTEMBER 17, 2014. THE TIME IS 1025 HOURS. THIS 2 IS SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 3 NUMBER 14-06920 WITH ME IS OFFICER HUMPHREY. TRANSCRIBED BY 4 R. METCALF. 5 6 RE: OPCR Case Number #14-06920 7 8 Q: Officer Humphrey, what is your full name? 9 A: It's Christopher Rogers Humphrey. 10 11 Q: What is your present rank and work assignment? 12 A: Officer in Third Precinct on Day Watch. 13 14 Q: What is your employee number and date of appointment? 15 A: 3188 is my badge number, and uh, I was hired in spring of '07-that was when-Lthink I-, Lalways get that wrong. I'm sorry. ( 16 17 18 Q: That's OK. 19 A: I was a CSO in '06 and then I was-, I became an Officer in spring of '07, I 20 believe. 21 22 Q: OK. 23 24 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL 25 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR 26 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO 27 MPD POLICY AND PROCEDURE. 28 29 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS 30 INVESTIGATION CANNOT BE USED AGAINST YOU IN A CRIMINAL 31 PROCEEDING, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, 32 THESE STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO 33 EMPLOYMENT ALLEGATIONS. 34 35 Q: Do you understand this? 36 A: I do. 37 38 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT 39 40 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL 41 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING 42 SUSPENSION OR DISCHARGE. 43

45 A: I do. 46

44

INT (RH)

Q: Do you understand this?

Q: Is it correct that you have read, understood, and signed the Data Practices 2 Advisory, otherwise known as the Tennessen Warning? 3 A: Yes. 4 5 Q: Have I informed you that the purpose of this statement relates to an internal 6 investigation, and specifically, an administrative review that is being conducted regarding allegations that complainant, Anthony Seemann, alleges that he was 7 slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in 8 9 the Dinkytown area near the University of Minnesota? 10 A: Yes. 11 12 Q: And have I explained that you're being called to explain the circumstances 13 regarding this allegation? 14 A: Yes. 15 16 Q: Officer Humphrey, were you on duty on the evening of April 12, 2014, into the early morning hours of April 13, 2014? 17 18 A: Yes. 19 20 Q: And in what capacity? A: I was assigned to the Mounted Patrol police vehicles and equipment that 21 22 niaht. 23 24 Q: Did you ride a horse that night? 25 A: I did not. 26 27 Q: OK. Um, were you in the Dinkytown area? 28 A: I was. 29 30 Q: And just explain a little bit your sup-, your role that night. A: It was a support role. We had our vehicles, trucks and trailers, parked away 31 from the Dinkytown area, so I was-, you know, I was near it. I wasn't actually 32 down there because I was assigned to protect the, the vehicles and make sure 33 that all the equipment was secured and properly maintained for the evening. 34 35 Q: OK. And during the evening in the Dinkytown area, uh, did any other officers 36 in the Mounted Unit join you at the, the equipment trailers? 37 was with me at the equipment trailers. 38 A: I believe 39 40 Q: Would that be 41 A: Yes. 42 43 Q: Anyone else? A: Uh, well, at certain points throughout the evening, all the mounted officers 44 45 were at the trailers and trucks because that's how we got there and how we left, 46 30~

1 2	Q: Right.
3 4 5	A: But, um, throughout the course of the evening, I, I believe it was just the two of us that were there for the majority of the time.
6 7 8	Q: OK. Um, eventually, did you move your operation to downtown Minneapolis? A: Yes.
9 10 11	Q: OK. Do you know what time that happened? A: I don't.
12 13 14 15 16	Q: During the evening or any time after that evening, do you recall hearing any officer from the Mounted Unit mention that they had used force against a civilian, in particular slapped a person?  A: I don't recall hearing that. No.
16 17 18 19 20 21 22 23 24	Q: OK. Um, I have no further questions. Are there any facts concerning this incident that you have knowledge of, but have not disclosed?  A: No.
	Q: Is there anything else that you would like to add to this statement that I have not asked you concerning this incident?  A: No.
25 26 27	Q. Is this a true and accurate statement? A: Yes.
28 29 30 31	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 REP OR ATTORNEY.
32 33 34	Q: Do you understand? A: I do.
35 36	STATEMENT CONCLUDED AT 1030 HOURS
37 38 39 <i>G</i>	8/1/14
40 41 42	Officer Christopher Humphrey Date
43 44	Witness
45 46	Job #: 15540 INT3

- TODAY'S DATE IS OCTOBER 6, 2014. THE TIME IS 1447 HOURS. THIS IS 2 SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 3 NUMBER 14-06920. WE ARE CURRENTLY IN ROOM 112 OF CITY HALL 4 WITH ME IS OFFICER TIMOTHY HANKS. ALSO, PRESENT IS LT. KROLL 5 FROM THE POLICE FEDERATION. TRANSCRIBED BY R. METCALF. 6 7 RE: OPCR Case Number #14-06920 8 9 Q: Officer Hanks, could you please state your full name and spell your last name for me? 10 11 A: Timothy Hanks, H-A-N-K-S. 12 13 Q: What is your present rank and work assignment? 14 A: Officer, Second Precinct Day Watch. 15 16 Q: What is your employee number and date of appointment? A: 02660. Date of appointment to officer or to the department? 17 18 19 Q: To the department. 20 A: Uh, is 8/26 of, I believe, 1993. 21 22 Q: OK. 23 24 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR 25 26 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO 27 MPD POLICY AND PROCEDURE. 28 29
  - UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS INVESTIGATION CANNOT BE USED AGAINST YOU IN A CRIMINAL PROCEEDING, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO EMPLOYMENT ALLEGATIONS.
- Q: Do you understand this warning? 36 A: Yes.
  - I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING SUSPENSION OR DISCHARGE.
- 43 44 Q: Do you understand this? 45 A: Yes.

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Q: Is it correct that you have read, understood, and signed the Data Practices 2 Advisory, otherwise known as the Tennessen Warning? 3 A: Yes. 4 5 Q: Have I informed you that the purpose of this statement relates to an internal 6 investigation, and specifically, an administrative review that is being conducted 7 regarding allegations that complainant, Anthony Seemann, alleges that he was slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in 8 9 the Dinkytown area near the University of Minnesota? 10 A: Yes. 11 12 Q: And have I explained that you are being called to explain the circumstances regarding this allegation? 13 14 A: Yes. 15 16 Q: Officer Hanks, were you in fact on duty in the City of Minneapolis in the Dinkytown area on the night of April 12, 2014, into the early morning hours of 17 18 April 13, 2014? 19 A: Yes. 20 21 Q: And in what capacity? 22 A: I was assigned to the Mounted Patrol Unit. 23 24 Q: OK. And do you recall roughly when you got down to the Dinkytown area? 25 A: Um, maybe around 2000 hours that evening or maybe a little bit earlier than 26 that. 27 28 Q: OK. And as the evening progressed and you get closer to midnight, um, do you recall what your assignment was around the midnight hour? 29 A: Um, we did some crowd control assisting, um, the ground people, um, and 30 31 just kind of helping keep, keep control of the crowds in the area. 32 33 Q: And were all of the mounted officers in one group or had they been broken 34 into more than one group by that time? 35 A: Um, we were broke into two separate teams, um, but at-, from time to time we 36 would come together as a group. 37 38 Q: Do you remember where you were last stationed in the Dinkytown area? 39 A: Um, no. 40 41 Q: Do you remember which horse you were riding that night?

42 43 44

Q: What color is Kristo?

45 A: Kristo is white.

A: Kristo.

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Q: Earlier I showed you a picture, we're gonna call this Exhibit J. Is that in fact 2 the entire Mounted Patrol Fleet that was in the Dinkytown area that night? 3 A: Yes. 4 5 Q: And do you see yourself in that picture? 6 A: Yes. 7 8 Q: And are you riding Kristo? 9 A: Yes. 10 11 Q: If I can also bring to your attention Exhibit K, do you recognize the person on 12 the white horse in that picture? A: Yes. 13 14 15 Q: Who is that? 16 A: That's me. 17 18 Q: And is it true, Officer Hanks, that you're wearing a gray stocking cap under 19 your helmet? 20 A: Actually, it's green. 21 22 Q: Green? 23 A: Yeah, it's a green colored stocking cap. 24 25 Q: OK. Did you wear that the entire night? 26 A: Yes. 27 28 Q: Thank you. And just for the record, Officer Hanks, what is your race? 29 A: Um, black. 30 31 Q: Thank you. Uh, towards the end of the evening, do you recall if the Mounted 32 Patrol Unit, um, was ever broken into two teams of four, still stationed in the 33 Dinkytown area, but covering two separate intersections of four mounted patrol 34 officers in support of ground troops? 35 A: Yes. 36 37 Q: And do you remember which two intersections were covered by Mounted 38 Patrol? A: We were at 4<sup>th</sup> and 13<sup>th</sup> Avenue when we broke into two groups. Yeah. 39 40 Q: And where did your group go or did it remain at 13<sup>th</sup> and 4<sup>th</sup>? 41 A: Um, we eventually moved. I guess that would be west on 13th towards 42

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44 45 University, um, cause as the team split up, one of-, the team that I was assigned

to ended up being, uh, pulled out of the area and to redeploy downtown.

Q: And do you remember how many mounted members you were with at that 2 time when you were deployed downtown? 3 A: Um, there were four of us that went downtown. 4 5 Q: Do you remember who exactly? 6 A: Not-, I know Sgt. Fischer was my supervisor, but I don't know who the other 7 two people that were-, who were with us. 8 9 Q: So, you were in the group with Sgt. Fischer? 10 A: Yes. 11 12 Q: OK. And the remaining four mounted officers, do you know where they were 13 stationed? A: They were also at 13<sup>th</sup> and 4<sup>th</sup>. 14 15 16 Q: So, am I gathering this correctly, is that when your group of four left to go downtown, the remaining four stayed at 13th and 4th? 17 A: I think so, but, um, I don't remember. They may have moved. We all may 18 have moved out of that area with us taking-, I remember pushing the sidewalks 19 from 4<sup>th</sup>-, from 4<sup>th</sup> Street Southeast towards University, but-, and I think we took 20 both sides of the sidewalks, so if that's the case both teams were-, we were still 21 22 at., we were in two separate teams, but on opposites sides of the street. 23 Q: OK. And you think that the teams remained-, um, the team that took the west 24 side of the 13<sup>th</sup> Avenue when pushing the crowd, was that one team that you're 25 26 referring to? 27 A: Yeah. 28 29 Q: And the other team was on the east side? 30 A: On the other-, yeah. 31 32 Q: And that's how you remained separated in groups of four? 33 A: And we stayed-, yeah. Yeah. 34 35 Q: OK. Are there any other white horses in the Mounted Patrol Fleet? 36 A: Um, we have a-, he's an off-white, but he's more tannish, but he looks white 37 horse. 38 39 Q: What's his name? 40 A: That is Diego. 41 42 Q: And do you recall who was riding Diego that night? 43 A: Officer Devick, Tim Devick.

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A: Yes.

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Q: OK. And is that true also in photograph Exhibit J?

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ATTORNEY.

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DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN YOUR FEDERATION, UNION REPRESENTATIVE, OR

1	Q. Do you understand this?	
2	A: Yes.	
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5	STATEMENT CONCLUDED, AT 1456 HOURS	
6	2. 2.//	
7		, , , , , , ,
8		10/15/14
9	Officer-Fimothy Hanks	Date
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11		
12		
13	Witness	
14		
15		
16	Job #: 16387	
17		
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INT\_\_\_TAI

- TODAY'S DATE IS OCTOBER 7, 2014. THE TIME IS 1131 HOURS. THIS IS 2 SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 3 NUMBER 14-06920. WE ARE CURRENTLY IN ROOM 112 OF CITY HALL WITH ME IS OFFICER ROGER SMITH. ALSO, PRESENT IS LT. KROLL 4 5 FROM THE POLICE FEDERATION. TRANSCRIBED BY R. METCALF. 6 7 RE: OPCR Case Number #14-06920 8
- Q: Officer Smith, could you please state your full name and spell your last name 9 10 for me?
- 11 A: Sure, it's Roger Dean Smith, S-M-I-T-H.

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15

- 13 Q: What is your present rank and work assignment? A: Presently an Officer at the Minneapolis Mounted Patrol full-time status. 14
- 16 Q: What is your employee number and date of appointment? A: Employee number is 06689. My date of appointment was September 26, 17 18 1993.
- 19 20 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR 21 22 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO
- 23 MPD POLICY AND PROCEDURE.
- 24 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS 25 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST 26 27 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE 28 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO 29 EMPLOYMENT ALLEGATIONS.
- 31 Q: Do you understand this warning? A: Yes. 32
- 33 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR 34 35 INCOMPLETE-. INTENTIONALLY INCOMPLETE STATEMENT. OR INTENTIONALLY OMIT INFORMATION THAT IS PERTINENT TO THIS 36 INVESTIGATION, YOU WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO 37 38 AND INCLUDING SUSPENSION OR DISCHARGE.
- 39 40 Q: Do you understand this? 41 A: Yes.
- 42 Q: Is it correct that you have read, understood, and signed the Data Practices 43 Advisory, otherwise known as the Tennessen Warning, which you're signing 44 45 now?
- 46 A: Yeah. Yeah, I've read it before.

Q: Yeah, nothing's changed. This just tells you where the data might be used.

6 A: [Advisory being signed] 7<sup>th</sup> right?

7 8 Q: Yes.

9 A: What time do you have, 11:34?

10

5

11 Q: 11:34, yes. And Roger, could you put date on that one? I think you missed 12 the year. Thank you, sir.

13 A: Uh-huh (indicating yes).

14 15

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Q: Officer Smith, have I informed you that the purpose of this statement relates to an internal investigation, and specifically, an administrative review that is being conducted regarding allegations that complainant, Anthony Seemann, alleges that he was slapped by a mounted officer on April 13, 2014, at approximately 0015 hours in the Dinkytown area near the University of Minnesota?

20 A: Yes.

21 22

Q: And have I explained that you are being called to explain the circumstances regarding this allegation?

A: Yes.

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Q: Officer Smith, were you on duty in the Dinkytown area of Minneapolis on April 12<sup>th</sup> evening hours into the early morning hours of April 13, 2014?

A: Um, yes. I'm not sure if I was there exactly at that time there, but, yes, I was, we were in the area from, uh, approximately 1600 in the afternoon-, 16-, 1700 in the afternoon all the way up until that time.

30 31 32

Q: OK. Was there a big event going on?

A: Yes.

33 34 35

Q: What was that called?

A: It was the Frozen Four, um, uh, riots from the University of Minnesota students. Um, it also occurred on Thursday night, uh, two nights previous, and, uh, um, but we were not at that, um, previous event.

39 40

Q: OK. And what was your, um, capacity while in the Dinkytown area?

41 A: I was with the Mounted Patrol Unit. Um, I was assigned to, um, the horse

42 Sampson when I was in the Dinky-, or no, I was with-, assigned to-, uh, well, the

early part of the night I rode Sampson, um, until we went back to the horse

44 trailers and got our riot gear on. Once I got the riot gear on and informed Sgt.

45 Fischer that Sampson was not going to be able to tolerate being out in the

46 crowds because he was getting way to amped up because of the train goin' by

and because of all the stuff, balloons, and all the people that were out there. So, 2 he was a pretty, uh, upset horse, so I suggested that I ride a different horse. So, 3 she put on Teak, so I was riding Teak for the rest of the night during the actual 4 pushing the crowd when we get to that. 5 6 Q: OK. And what color is Sampson? 7 A: Sampson is bay colored, so he's, he's, uh, like dark brown, um, or medium 8 brown with dark black long, uh, hair. 9 10 Q: OK. 11 A: [inaudible] has beautiful locks, so he's a good looking horse. 12 13 Q: And Teak, what color is Teak? 14 A: Teak is all black and he's got one white, uh, sock on his lower leg. 15 16 Q: OK. So, when you are riding in the Dinkytown area during the events in the 17 Dinkytown area for the Frozen Four, um, do you recall at some point when your 18 entire group of mounted officers was split up half going one location and another 19 half going another? 20 A: Um, yes, I recall we were probably halfway through the night probably if it's 21 during the, um, riots and stuff like that and I think we were over somewhere by 22 the Library. I think there's a Library Bar, and I think there's also a library right 23 there. I can't-, I don't remember that intersection... 24 25 Q: Mm-hmm (indicating yes). 26 A: what it was, but... 27 28 Q: I've got some maps here and photographs marked Exhibit I. I got a little map here, uh, on the first page, an aerial view on the second page, the third page is 29 the intersection of 13th Avenue Southeast and 4th Street Southeast showing in a 30 northwesterly direction there's an apartment building, and the last page is the 31 32 Library Bar... 33 A: OK. 34 35 Q: on the-, we'll call it the southeast-, or northeast direction from that 36 intersection. 37 A: OK. 38 39 Q: Um, do you recall at some point in the night, uh, when all eight mounted officers that were on duty were in that intersection of 13th and 4th? 40 41 A: Yes. 42 43 Q: And later on, did that group of eight split? 44 A: Yes. 45

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Q: Do you recall approximately what time that was?

A: Boy, um, I, I don't recall. I was gonna say somewhere around midnight. 2 3 Q: OK. 4 A: Maybe before that. 5 6 Q: And do you recall if there was a group of mounted officers that stayed at the intersection of 13th and 4th? 7 A: Yeah, I'm not sure if they stayed right at that intersection, but they were 8 supposed to stay in the Dinkytown area. 9 10 11 Q: OK. 12 A: And we-, four of us rode down to University and were going to patrol the rest 13 of the outer area. 14 15 Q: OK. So, you said four of you were patrolling the outer area. Do you recall 16 who was in your group? 17 A: Um, I believe Sgt. Fischer was in my group. I'm not-, I mean I'm-, I can't be 18 100% positive. Um, I'm just trying to remember. 19 20 Q: Do you remember any of the officers that were in the other group? 21 A: Well, I, I don't know who was assigned to what group, but I'll-, I mean I know-, 22 I know everybody that was down there that was riding. 23 24 Q: You just can't recall who... 25 A: I just can't recall who exactly that I was with cause I know there was Tim 26 Hanks, Tim Devick, Laura-, Laura Hanks, uh, myself, Molly Fischer, um, Sgt. 27 Herron. I think Sgt. Herron-, uh, I can't remember... 28 29 Q: OK. It's OK. 30 A: if Sgt. Herron was with me or... 31 32 Q: It's OK. 33 A: I, I'm sorry. I apologize. I just... 34 35 Q: Let's just do this. 36 A: I didn't-, I didn't talk to anybody previous to get any names on who was in 37 what in group, so... 38 39 Q: That's good. 40 A: Yeah. 41 Q: So, in the intersection-, in or near the intersection of 13<sup>th</sup> Avenue and 4<sup>th</sup> 42 43 Street.... 44 A: Yeah. 45

- 1 Q: do you ever recall seeing a young white man? I'm going to show you Exhibit
- M as Mary and N as in Nora. This is the same young man in both pictures. Do 2
- you recall ever seeing that young man give the finger to police in or around the
- intersection of 13th and 4th?
- 5 A: You know, there [laugh] I couldn't specifically say one person. There was a
- lot of people giving us the fingers. In fact earlier in the night, um, when we were
- 7 just lined up, nothing was going on, no riots going on, a female turns her back to
- 8 us when we're all lined up, has her friend videotape her and she's giving us the
- 9 finger, both fingers, so, um, nobody did anything about that, so I mean I-, um, it's
- just one of those things. I mean it's, it's a common event that people do that, 10
- 11 so...

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- 13 Q: Right.
- 14 A: Yeah.

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- Q: Did you ever see while in or near the intersection of 13th and 4th towards the 16
- 17 end of your ride in the Dinkytown area-, did you ever see any mounted officer,
- 18 um, address an individual on their own ride up to them and address them, uh,
- 19 either verbally or physically?
- 20 A: No.

21

- Q: OK. Did you ever see any mounted officer slap any individual in or around the intersection of 13<sup>th</sup> and 4<sup>th</sup> that evening? 22
- 23
- 24 A: No.

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- 26 Q: Did you slap anyone?
- 27 A: No.

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- 29 Q: OK. OK. I have no further questions. Are there any facts concerning this
- 30 incident that you have knowledge of, but have not disclosed?
- 31 A: No.

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- 33 Q: Is there anything else you would like to add to this statement that I have not
- 34 asked you about concerning this incident?
- 35 A: No.

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- 37 Q: Is this a true and accurate statement?
- 38 A: Yes.

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- 40 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO
- DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE 41
- 42 OTHER THAN YOUR FEDERATION, UNION REPRESENTATIVE, OR
- 43 ATTORNEY.

- 45 Q: Do you understand?
- 46 A: Yes.