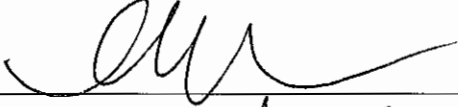
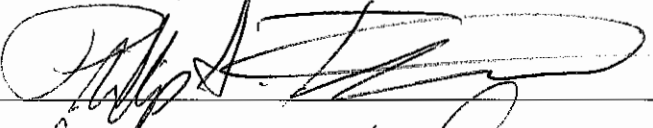
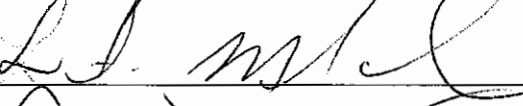



# The Office of Police Conduct Review Review Panel Session

---

## Sign-in Sheet

**Case #** 14-17538  
**Date** October 21, 2015  
**Time** 9 a.m. – 11 a.m.  
**Location** City Hall Room 239

PANELISTS	NAME	SIGNATURE
Civilian 1	Ngoc Nguyen	
Civilian 2	Phillip Trebatoski	
Sworn 1	Lt. Melissa Chiodo	
Sworn 2	Lt. Jeff Rugel	

Chair is: CIVILIAN

Chair's Name: Phillip Trebatoski

OPCR Case #14-17538 Alyssa Kiffmeyer PANEL RECOMMENDATION

Complaint Number 14-17538

Complainant: Alyssa Kiffmeyer

Officer: Blayne Lehner, Badge #4073

Jurisdiction: M.C. O. §§ 172.20

Date of Incident: August 04, 2014

Date Filed: August 28, 2014

Date of Panel: October 21, 2015

Panelists in Attendance (Sign below)

Panelist 1

**Ngoc Nguyen**

Civilian 1

Panelist 2

**Phillip Trebatoski**

Civilian 2

Panelist 3

**Lt. Melissa Chiodo**

Sworn 1

Panelist 4

**Lt. Jeff Rugel**

Sworn 2

The Chair is

**Phillip Trebtoski**

Civilian/Sworn

<b>Allegation 1</b>	
Excessive Force	
Civilian 1 Vote	Merit
Civilian 2 Vote	Merit
Sworn 1 Vote	Merit
Sworn 2 Vote	Merit
<b>Allegation 2</b>	
Violation of the P&P Manual	
Civilian 1 Vote	Merit
Civilian 2 Vote	Merit
Sworn 1 Vote	Merit
Sworn 2 Vote	Merit
<b>Allegation 3</b>	
Inappropriate Language	
Civilian 1 Vote	Merit
Civilian 2 Vote	Merit
Sworn 1 Vote	Merit
Sworn 2 Vote	Merit

**Incident Summary**

On 08/04/2014 at 2205 hours, Officer Blayne Lehner and Officer Marcus Lukes were dispatched to 2609 Blaisdell Ave S regarding two females in a physical fight. Video footage throughout the apartment building shows that Officers spent approximately 20 minutes assisting as one half of this dispute appears to be removing all of her belongings from an apartment and out of the building. Towards the end of this retrieval of property, Officers can be seen at the rear entrance of this apartment building. A female, later identified as Amy Nelson, can be seen walking to this rear entrance and standing in the exterior doorway. Video

in this rear entry shows Officer Lehner shoving Amy Nelson backwards, and she falls back onto the stairway. Officer Lehner then walks to Nelson while pointing his finger at her. Officer Lehner slaps the cellphone out of Nelson's hand, again shoves her down to the floor as she tries to get up, and stands over Nelson while pointing his finger in her face. It is alleged that Officer Lehner called Nelson a "cunt" during this incident.

#### Allegations

---

1. **Excessive Force:** It is alleged that Officer Blayne Lehner used unauthorized and unreasonable force against Amy Nelson without cause.
2. **Violation of the Policy and Procedure Manual § 5-306 Use of Force Reporting and Post Incident Requirements:** It is alleged that no CAPRS report was written by Officer Blayne Lehner documenting the use of force against Amy Nelson.
3. **Inappropriate Language § 5-105(15):** It is alleged that Officer Lehner called Nelson a "cunt" during this incident.

**Allegation #1: Excessive Force**

It is alleged that Officer Blayne Lehner used unauthorized and unreasonable force against Amy Nelson without cause.

**Supportive Findings:**

The panel finds merit with this allegation. Video evidence shows that Officer Lehner shoved the complainant into a stairway, slapped her phone away and pushed her up against a wall by her throat area. Both Officer Lehner and Officer Lukes admitted that Nelson was not threatening. Nelson's actions leading up to this point may have been frustrating, but the panel agrees that no force was necessary to resolve the issue Officer Lehner encountered at that time.

<b>YES <input checked="" type="checkbox"/></b>	<b>NO <input type="checkbox"/></b>	<b>REMAND <input type="checkbox"/></b>	<b>SPLIT <input type="checkbox"/></b>
<i>This allegation has merit.</i>	<i>This allegation does not have merit.</i>	<i>Remand to investigation for additional information.</i>	<i>There is no majority vote.</i>

**Allegation #2: Violation of the Policy and Procedure Manual § 5-306 Use of Force Reporting and Post Incident Requirements:**

It is alleged that no CAPRS report was written by Officer Blayne Lehner documenting the use of force against Amy Nelson.

**Supportive Findings:**

The panel finds merit with this allegation. Officer Lehner should have reported the use of force used during this call. He did not complete a CAPRS report.

<b>YES <input checked="" type="checkbox"/></b>	<b>NO <input type="checkbox"/></b>	<b>REMAND <input type="checkbox"/></b>	<b>SPLIT <input type="checkbox"/></b>
<i>This allegation has merit.</i>	<i>This allegation does not have merit.</i>	<i>Remand to investigation for additional information.</i>	<i>There is no majority vote.</i>

**Allegation #3: Inappropriate Language § 5-105(15)**

It is alleged that Officer Lehner called Nelson a "cunt" during this incident. Supportive

**Findings:**

The panel finds merit with this allegation. Amy Nelson was consistent in her statements to both the apartment manager and the investigator indicating she had been called a "cunt." Witness Shenita Esaw heard Officer Lehner call Nelson a "cunt." Esaw provided a credible statement which supports this allegation.

<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>	<b>REMAND</b> <input type="checkbox"/>	<b>SPLIT</b> <input type="checkbox"/>
<i>This allegation has merit.</i>	<i>This allegation does not have merit.</i>	<i>Remand to investigation for additional information.</i>	<i>There is no majority vote.</i>

**REVIEW PANEL**  
**OPCR Case #14-17538**

---

**Wednesday, October 21, 2015**

**09:00 a.m.**

- Nguyen
- Trebatoski
- Lt. Chiodo 
- Lt. Rugel 



---

**MEMORANDUM**

**To:** File  
**CC:** Chief Janeé L. Harteau  
**From:** Chief Janeé L. Harteau  
**Date:** 1/22/16  
**Re:** IAU Case #14-17538

---

Upon reviewing the case in detail, I fully support the panel's recommendation of termination of Officer Lehner.

Officer Lehner's actions were not consistent with the Minneapolis Police Department's core values of commitment, integrity and transparency or the MPD's guiding principle, "Did my actions reflect how I would want a family member of mine to be treated?" In addition, they are in direct conflict with how a law enforcement professional should act under the MN Law Enforcement Code of Ethics.

Public trust and procedural justice is vital in our ability to effectively protect and serve, and as a result I have lost all confidence in Officer Lehner's ability to serve the citizens of Minneapolis due to his poor judgment and his lack of integrity.

CONFIDENTIAL



1



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

**STEP 3 – LOUDERMILL HEARING**

Compose Discipline Letter

11-16-15                      1100 hours                      Chief's Office  
Date of Hearing                      Time of Hearing                      Location of Hearing

Recommended Discipline TERMINATION of Employment  
Was the employee present at the hearing?     Yes     No  
Has the employee been advised of the final recommendation?     Yes     No

**AGGRAVATING AND/OR MITIGATING FACTORS**

Officer Johnson's use of force was unprovoked, unreasonable, and not justified.

Prop. Ted Jensen #4205                      11-16-15  
Deputy Chief's Signature/Employee Number - Panel Chair                      Date  
Deputy Chief B. Tol                      Melina Andal  
Panel Member in Attendance                      Panel Member in Attendance  
 Concur     Not Concur                       Concur     Not Concur



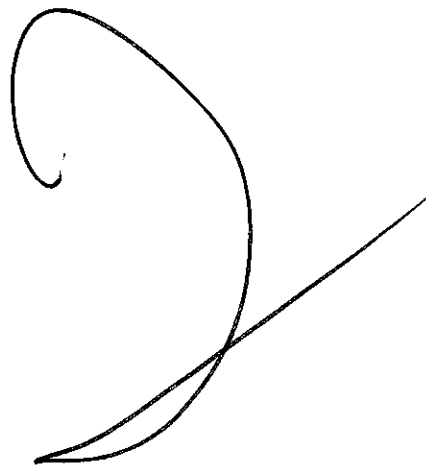
**Violation Category:** Allegations of employee misconduct are divided into four categories. Facts uncovered during the investigation may raise or lower the original category level.

Category	Investigating Entity	Reckoning Period	Discipline Range	Panel Members	Enhancements	Appeal
A	Precinct/ Unit	1 year from date of incident	Training; coaching	One-on-one meeting with supervisor	2 same or similar A in one year = B 3 of any type of A in one year=B	No
B	IAU	3 years from date of incident	Oral or written reprimand; up to 40 hours suspension	3 member panel: Inspector or Captain and two Lieutenants or a Lieutenant and the employee's Sergeant	2 same or similar B in three years = C 3 of any type of B in three years=C	Yes
C	IAU	5 years from date of incident	Written reprimand; up to 80 hours suspension; demotion	3 member panel: Inspector or Captain and two Lieutenants or a Lieutenant and the employee's Sergeant	2 of any type of C in five years = D	Yes
D	IAU	Entire length of employment	Up to 720 hours suspension; demotion; termination	3 member panel: combination of Bureau Head(s) and Inspectors/ Captains	No Enhancements	Yes

\* This is a sample list of discipline that can be imposed and is not exhaustive of all available discipline.

**Reckoning Periods**

- A- Violation- One year (non-disciplinary)
- B- Violation- Three years
- C- Violation- Five years
- D- Violation- Indefinite



# **TABLE OF CONTENTS**

*OPCR Case #14-17538*

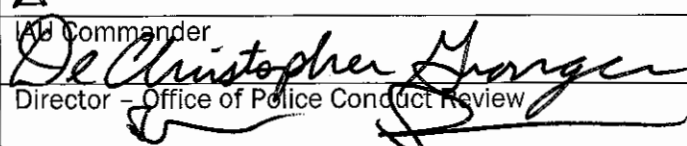
- 00- Discipline Worksheet
- 01- Table of Contents
- 02- OPCR Form #3401
- 03- Memorandum by Lt. Brian Anderson
- 04- Emails between Alyssa Kiffmeyer and MPD Supervisors
- 05- Case Summary
- 06- Statement of Officer Blayne Lehner
- 07- Statements of Alyssa Kiffmeyer
- 08- Statement of Amy Nelson with Officers' Photographs Used During Interview
- 09- Statement of Azekia Saunders
- 10- Statement of Officer Marcus Lukes
- 11- Statement of Andrea Fossmo
- 12- Statement of Shenita Esaw with Photographs Used During Interview
- 13- Statement of Erica Rogers
- 14- VisiNet Reports and Records
- 15- Workforce Director Records
- 16- MECC Audio – 911 calls and Dispatched Call
- 17- Video Surveillance Discs with Viewing Instructions and Interpretative Summary
- 18- Photographs of Apartment Building
- 19- Correspondence Records
- 20- Maps – Aerial and Street
- 21- MPD Policy and Procedure with Discipline Matrix and Force Continuum
- 22- Employee Profile

3



F-3401



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

COMPLAINT INFORMATION					
Case Number	Precinct	CCN	Date of Incident	Time	Preference
14-17538	5	14-273552	August 04, 2014	10:34 PM	Police
Location of Incident		City/State/Zip		Date of Complaint	
2609 Blaisdell AVE		Minneapolis, MN 55408		August 6, 2014	
Complainant Name (Last, First, Middle Initial)			Sex	Race	DOB
Commander Granger					
Home Address		City/State/Zip		Primary Telephone	
				(612) 673-2945	
<b>BADGE/NAME</b>		<b>ALLEGED POLICY VIOLATIONS</b>			
4073; Lehner, Blayne		<p>OPCR Ord. § 172.20(1) - Excessive Force                      OPCR Ord. § 172.20(2) - Inappropriate Language or Attitude                      OPCR Ord. § 172.20(8) - Violation of the P&amp;P Manual                      MPD P&amp;P § 5-105(15) - PROFESSIONAL CODE OF CONDUCT: Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden.                      5-303 AUTHORIZED USE OF FORCE - MN Stat. §609.06 (s1) states "When authorized, except as otherwise provided in (s2), reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist: In effecting a lawful arrest..." MN Stat. §609.06 (s1), MPD policies shall utilize the United States Supreme Court decision in Graham vs Connor as a guideline for reasonable force.                      MPD P&amp;P § 5-306 USE OF FORCE - REPORTING AND POST INCIDENT REQUIREMENTS 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.</p>			
<b>ALLEGATION SUMMARY</b>					
<p>On 08/04/2014 at 2205 hours, Officer Blayne Lehner and Officer Marcus Lukes were dispatched to 2609 Blaisdell Ave S regarding two females in a physical fight. Video footage throughout the apartment building shows that Officers spent approximately 20 minutes assisting as one half of this dispute appears to be removing all of her belongings from an apartment and out of the building. Towards the end of this retrieval of property, Officers can be seen at the rear entrance of this apartment building. A female, later identified as Amy Nelson, can be seen walking to this rear entrance and standing in the exterior doorway. Video in this rear entry shows Officer Lehner shoving Amy Nelson backwards, and she falls back onto the stairway. Officer Lehner then walks to Nelson while pointing his finger at her. Officer Lehner slaps the cellphone out of Nelson's hand, again shoves her down to the floor as she tries to get up, and stands over Nelson while pointing his finger in her face. It is alleged that Officer Lehner called Nelson a "cunt" during this incident.</p>					
<b>SUPERVISOR ASSESSMENT</b>					
<b>MEDIATION</b> <input type="checkbox"/> Refer to Mediation <b>COACHING</b> <input type="checkbox"/> Refer to Precinct <b>INVESTIGATIONS</b> <input type="checkbox"/> Preliminary Investigation: Investigator <input type="checkbox"/> Admin Investigation: Investigator			<b>DISMISS</b> <input type="checkbox"/> Reckoning Period Expired <input type="checkbox"/> No Basis <input type="checkbox"/> Failure to State a Claim <input type="checkbox"/> Failure to Cooperate <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Lack of Jurisdiction <input type="checkbox"/> Withdrawn <input type="checkbox"/> Duplicate		
<b>FINAL APPROVED INVESTIGATIVE REPORT</b>					
<input checked="" type="checkbox"/> Refer to Panel					
Ad Commander  Director - Office of Police Conduct Review				Date 10-13-15 Date 10-13-15	

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

COMPLAINT INFORMATION						
Case Number	Precinct	CCN	Date of Incident	Time	Preference	
14-17538	5	14-273552	August 04, 2014	10:34 PM	Police	
Location of Incident		City/State/Zip		Date of Complaint		
2609 Blaisdell AVE		Minneapolis 55408		August 29, 2014		
Complainant Name (Last, First, Middle Initial)				Sex	Race	DOB
Kiffmeyer, Alyssa (?)				Female	{?}	{?}
Home Address		City/State/Zip		Primary Telephone		
{?}{?}		{?}, {?} {?}		(612) 870-4493		
BADGE/NAME	ALLEGED POLICY VIOLATIONS					
4073; Lehner, Blayne	<p>OPCR Ord. § 172.20(1) – Excessive Force                      OPCR Ord. § 172.20(2) – Inappropriate Language or Attitude                      OPCR Ord. § 172.20(8) – Violation of the P&amp;P Manual                      MPD P&amp;P § 5-301- USE OF FORCE: Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used.                      MPD P&amp;P 5-105(10) PROFESSIONAL CODE OF CONDUCT -Employees shall not use indecent, profane or unnecessarily harsh language in the performance of official duties or in the presence of the public.                      MPD P&amp;P § 5-306 USE OF FORCE – REPORTING AND POST INCIDENT REQUIREMENTS: 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.</p>					
ALLEGATION SUMMARY						
<p>On 08/04/2014 at 2205 hours, Officer Blayne Lehner and Officer Marcus Lukes were dispatched to 2609 Blaisdell Ave S regarding two females in a physical fight. Video footage throughout the apartment building shows that Officers spent approximately 20 minutes assisting as one half of this dispute appears to be removing all of her belongings from an apartment and out of the building. Towards the end of this retrieval of property, Officers can be seen at the rear entrance of this apartment building. A female, later identified as Amy Nelson, can be seen walking to this rear entrance and standing in the exterior doorway. Video in this rear entry shows Officer Lehner shoving Amy Nelson backwards, and she falls back onto the stairway. Officer Lehner then walks to Nelson while pointing his finger at her. Officer Lehner slaps the cellphone out of Nelson's hand, again shoves her down to the floor as she tries to get up, and stands over Nelson while pointing his finger in her face. It is alleged that Officer Lehner called Nelson a "cunt" during this incident.</p>						

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

SUPERVISOR ASSESSMENT	
<p><b>MEDIATION</b>  <input type="checkbox"/> Refer to Mediation</p> <p><b>COACHING</b>  <input type="checkbox"/> Refer to Precinct</p> <p><b>INVESTIGATIONS</b>  <input type="checkbox"/> Preliminary Investigation: Investigator  <input checked="" type="checkbox"/> Admin Investigation: Investigator <b>sworn-sworn</b></p>	<p><b>DISMISS</b>  <input type="checkbox"/> Reckoning Period Expired  <input type="checkbox"/> No Basis  <input type="checkbox"/> Failure to State a Claim  <input type="checkbox"/> Failure to Cooperate  <input type="checkbox"/> Exceptionally Cleared  <input type="checkbox"/> Lack of Jurisdiction  <input type="checkbox"/> Withdrawn  <input type="checkbox"/> Duplicate</p>
<p><b>FINAL APPROVED INVESTIGATIVE REPORT</b>  <input type="checkbox"/> Refer to Panel</p>	
<p>IAU Commander  </p>	<p>Date  <b>10/20/14</b></p>
<p>Director - Office of Police Conduct Review  </p>	<p>Date  <b>10.20.14</b></p>

Mem  
LT. Anderson

# Internal Memorandum

Date: August 19, 2014

To: Internal Affairs

From Lt. Brian Anderson #0091

RE: Review Incident for possible policy violation

---

On 8/12/2014 I received an email by Sgt Ryan Johnson requesting to changes his hours to meet with an apartment building manager who had concerns about an officer and his actions on calls at her building at 2609 Blaisdell Ave S. The Property Manager is Alyssa Kiffmeyer of Common Bond Communities Whittier Community Housing and City Flats Apartments. Her phone number is 612-870-4493 | Fax: 612-870-8419 This email had the chain of responses and concerns about possible multiple incidences which I will include. I approve for Sgt Johnson to meet with her. Sgt Johnson met with property manager at 1100 hrs on 8/18/2014. After speaking with her and seeing video of an incident, Sgt Johnson contacted me to meet up later that night. At approx. 2200 hrs we met and he fills me in and showed me a small portion of the video that he saw.

On 08/04/2014 at 2205 hrs squad 511 Officers Lehner #4073 and Officers Lukes #4261 responded to a fight call in apartment #305 CCN 14-273552 . Remarks in the call stated two females in physical fight. Officers arrive and video was viewed by Sgt Johnson that it starts with the officers standing at the security door waiting. After a short time a female approaches who was on the phone and opens the door. A short time later Officer Lehner walks past Officer Lukes and hand checks the female in the chest area causing her to stumbles back and fall down on the stairs landing on her buttocks. Another camera in the entry way shows Officer Lehner walk up to her while on the ground and slaps the cell phone out of her hand and when the female attempts to get up Officer Lehner hand checks her in the chest/ neck area into the wall and she fall to the ground again. Officer Lehner then stands over her and points at her talking. After a short time he steps away and lets her pick up her phone and talks alittle more and she leaves. The video is good quality but no audio. Officer Lukes never comes into the entry way and remains outside.

The property manager could not make a copy and would have to have her IT person do it. The female in the video had complained to the property manager and that's when she looked it up. The name of the female in the video is unknown at this time but lives at the apartments but is in the process of being evicted. Another email has been sent to obtain the video and name of female.

A review of the call was done on visinet and found closing remarks stating "two females in a verbal...one female very DK and uncooperative...change to recovered property".

I attempted to look up any reports in CAPRS and found nothing.

On 8/19/2014, I contacted Lt. Halvorson of IA and informed him of the incident in question and the concerns I had.

Possible other calls at the building close to the time period:

**\*\*8/4, 10:05 pm: 14-273552 (recovered property)**

**\*\*8/5, 4:14 am: 14-273921**

**\*\*8/5, 6:03 pm: 14-274626**

**\*\*8/6, 11:22 pm: 14-276380 (This one was a disturbance call for noise; it was just two people talking with a baby and wasn't loud at the time of officers' arrival)**

KIFF. +MPD

5/20/21



## Walters, Jason

---

**From:** Johnson, Ryan  
**Sent:** Tuesday, August 19, 2014 8:28 PM  
**To:** Anderson, Brian W.  
**Subject:** FW: Police matter

My email to her yesterday and her reply today FYI.

Ryan

-----Original Message-----

**From:** Kiffmeyer, Alyssa [mailto:Alyssa.Kiffmeyer@commonbond.org]  
**Sent:** Tuesday, August 19, 2014 9:04 AM  
**To:** Johnson, Ryan  
**Cc:** Studer, Melinda  
**Subject:** RE: Police matter

I am working on this for you, I have still not heard back from my IT dept. on coming out and getting the footage onto a disk. I am out of the office for the day today training a new Manager.

I will speak with the parties involved in the incident, the specific resident who was pushed has not really been back here since the incident. She was aware I was meeting with you though.

I am going to be looping in my Advantage Services Coordinator on this (the social worker that works with these families), I would prefer if any meetings were set up between the MPD and my residents that myself, or Melinda be present, I am sure the residents will want it that way.

I will follow up with IT today, contact the residents and get back to you with this information as soon as possible, as I take this matter very seriously as well and I can't allow this behavior/language from the police on this property.

Thank you for your time and I will get back to you shortly.

-----Original Message-----

**From:** Johnson, Ryan [mailto:Ryan.Johnson@minneapolismn.gov]  
**Sent:** Monday, August 18, 2014 11:50 PM  
**To:** Kiffmeyer, Alyssa  
**Subject:** RE: Police matter

Ms. Kiffmeyer,

Thank you again for your time this morning. I wanted to reiterate to you that we take matters like this very seriously and we will surely be looking into this matter further.

In addition to the copies of the video footage you showed me today I would like to ask you for the names of the involved parties and any contact information you might have for them.

That would be specifically the woman who was pushed by the officer, and the others that were in the apartment that the police were called to earlier for the domestic situation.

Please let me know when you think you will be able to either e-mail or get the disk(s) with that footage, and that contact information to me so we can continue to look into this. Maybe emailing that contact information to me would be best. If you would be able to drop off the video footage in a sealed envelope to the front desk of the 5th Precinct they will put it in my box. If that won't work I could arrange for it to be picked up at your building during the day. Please make sure the footage includes all footage from the entire incident- including the more "mundane" footage of them handling the call.

Best Regards,

Sgt Ryan Johnson  
5th Pct Dogwatch

-----Original Message-----

From: Johnson, Ryan  
Sent: Sunday, August 17, 2014 3:59 PM  
To: 'enoughjohnsons@comcast.net'  
Subject: FW: Police matter

---Original Message---

From: Kiffmeyer, Alyssa [mailto:Alyssa.Kiffmeyer@commonbond.org]  
Sent: Thursday, August 14, 2014 7:46 AM  
To: Johnson, Ryan  
Subject: Re: Police matter

That will work for me, I have nothing on my calendar for Monday.

On Aug 13, 2014, at 10:36 PM, "Johnson, Ryan"  
<Ryan.Johnson@minneapolisismn.gov<mailto:Ryan.Johnson@minneapolisismn.gov>> wrote:

I'll see you Monday then.

I'll call you mid-morning to set up a time which I assume will be early afternoon if that fits your schedule.

Ryan

From: Kiffmeyer, Alyssa [mailto:Alyssa.Kiffmeyer@commonbond.org]  
Sent: Wednesday, August 13, 2014 9:55 AM  
To: Johnson, Ryan  
Subject: RE: Police matter

Monday August 18th would work fine with me, just let me know what time will work for you. I will see if I can get my IT department to get the footage up loaded on a CD for you, it is not the easiest thing to do.

Thank You

Alyssa

From: Johnson, Ryan [mailto:Ryan.Johnson@minneapolismn.gov]  
Sent: Tuesday, August 12, 2014 9:17 PM  
To: Kiffmeyer, Alyssa  
Subject: RE: Police matter

Ms Kiffmeyer,

Do you have a number that I can contact you at and we will set up a meeting during the day that works for you? I will adjust my schedule to meet you. I had that approved under these circumstances as we want to get to the bottom of this as soon as possible too.

I think the best day for me would actually be Monday, if we can't make it happen tomorrow afternoon.

Please have a copy of any video for me to look at with you. If you could put it on a disk or drive for me that may also be helpful.

Thanks Again,

Sgt Ryan Johnson

From: Kiffmeyer, Alyssa [mailto:Alyssa.Kiffmeyer@commonbond.org]  
Sent: Monday, August 11, 2014 9:31 AM  
To: Johnson, Ryan  
Cc: Moryc, Anne  
Subject: RE: Police matter

Good morning Sergeant Ryan,

I am sorry I was not able to get back to you over the weekend, it seems our schedules are opposite from one another. Last week I had 2 separate incidents on my property that concerned me. I would just like to discuss what protocol is for these types of incidents. I am very concerned with the behavior of the officers on my property. I have had 2 separate complainants about the same officer, the first one I brushed off, as when people get in trouble with the law they always like to blame someone else or tell me the story about what happened and how it was not their fault etc. But when I received the second complaint about the same officer doing the same thing, it then just concerned me.

One of my big issues is, these officers, which I have dealt with some during the day, come to my building, are rude to me, rude to my residents and don't actually take care of the issue they were called for. The behavior I have seen on my cameras is not ok, especially in front of children. My fear is, when they arrive and are name calling these children's parents and treating them terribly (even if what they did was wrong), what will then happen with the youth learning to have ANY respect for the MPD and we have a vicious cycle here. I have over 45 children on this property, that's 45 children who are going to grow up not liking the MPD and we have started a vicious cycle. At this point, I unfortunately am glad that I do not live in this neighborhood.

I would like to set up a meeting with you to speak to you about protocol in some situations and get your take on some of the issues we have here at Whittier. My issue is I have 2 kids under 3 and a husband who works at night, so it is difficult to schedule things later in the evening.

If you can give me some options on your schedule I can look into getting a sitter.

Thank You

Alyssa Kiffmeyer

Property Manager

From: Johnson, Ryan [mailto:Ryan.Johnson@minneapolismn.gov]

Sent: Friday, August 08, 2014 8:12 PM

To: Kiffmeyer, Alyssa

Subject: Police matter

Ms. Kiffmeyer-

I just left you a message at the general number you had emailed Sgt. Anne Moryc at.

She is out until next week and forwarded your email to me. If this is urgent please email me back otherwise we night supervisors are available from 7:30pm-5:30am and we deal with business at that time.

Special consideration might be able to be made under some circumstances for one of us to flex our schedule but that is really the exception to the rule. Do you have a number I could reach you at tomorrow evening and we could review your concern?

Thanks,

Sgt Ryan Johnson

5th Pct

Minneapolis Police Dept.

## Walters, Jason

---

**From:** Johnson, Ryan  
**Sent:** Tuesday, August 12, 2014 8:00 PM  
**To:** Anderson, Brian W.  
**Subject:** FW: Incident at Whittier Community Housing

LT-

Please review regarding a complaint this lady has. I will handle it but it should be done in person and she can really only meet during the day unless she goes way out of her way to meet during DOGS hours.

I will come in one afternoon and either FLEX my day or get 4 hours of OT to meet with her- depending on her schedule.

Please advise-

RYAN

---

**From:** Moryc, Anne  
**Sent:** Monday, August 11, 2014 7:33 PM  
**To:** Johnson, Ryan  
**Cc:** Gangnon, Phillip (Police)  
**Subject:** FW: Incident at Whittier Community Housing

Ryan,

Thank you for taking the lead on this. She seemed to have some urgency in her emails, so I'm glad you have made a connection. I asked Chelsea for some information since I think that is where she got my contact info from initially. This is what she responded. It may help you figure out the situation a little better. Thank you again for taking care of this!  
Anne

---

**From:** Adams, Chelsea R.  
**Sent:** Monday, August 11, 2014 1:21 PM  
**To:** Moryc, Anne  
**Subject:** RE: Incident at Whittier Community Housing

Yes... I gave her the Incident # and told her to give it to you. I guess she didn't or forgot. There are no police reports in CAPRS, only 911 call notes.

Basically, she was told by a resident that the resident was being assaulted by a male half and that the officers who responded to the 911 call didn't really help her, and that they just left because they said she wasn't responding but the resident said she couldn't respond because she was being assaulted. It's unclear to me what was going on based on the 911 call report times and so I told her she just needed to talk to a Sgt.

She seems to feel as though she has not had good response other times too at the building, so she might want to know about the sort of response she should expect, etc.

14-273921 is the one she's mainly concerned about. She might bring up a few others at the same time:

Below is the info I gave her at her request on the others:

\*\*8/4, 10:05 pm: 14-273552 (recovered property)

\*\*8/5, 4:14 am: 14-273921

\*\*8/5, 6:03 pm: 14-274626

\*8/6, 11:22 pm: 14-276380 (This one was a disturbance call for noise; it was just two people talking with a baby and wasn't loud at the time of officers' arrival)

-Chelsea

Chelsea Adams  
Crime Prevention Specialist  
Fifth Precinct Minneapolis Police Dept  
3101 Nicollet Av, Mpls, MN, 55408  
612.673.2819  
[Chelsea.adams@minneapolismn.gov](mailto:Chelsea.adams@minneapolismn.gov)

---

**From:** Moryc, Anne  
**Sent:** Friday, August 08, 2014 2:38 PM  
**To:** Adams, Chelsea R.  
**Subject:** Fwd: Incident at Whittier Community Housing

Hi!  
I'm out of town until later next week. I forwarded this to Phil and Ryan to hopefully help her out. Do you know what it is about so maybe they can look up a report to help her out?  
Hope all is well!  
Anne

Sent from my iPhone

Begin forwarded message:

**From:** "Kiffmeyer, Alyssa" <[Alyssa.Kiffmeyer@commonbond.org](mailto:Alyssa.Kiffmeyer@commonbond.org)>  
**Date:** August 8, 2014 at 2:05:08 PM EDT  
**To:** "'[anne.moryc@minneapolismn.gov](mailto:anne.moryc@minneapolismn.gov)'" <[anne.moryc@minneapolismn.gov](mailto:anne.moryc@minneapolismn.gov)>  
**Subject:** FW: Incident at Whittier Community Housing

Good afternoon Anne, I was just wondering if we could set up a time to meet regarding the below situation I wrote to you about on 8/6. Please contact me as soon as possible to speak about this. This is my second request for a response.

Thank You.

---

**From:** Kiffmeyer, Alyssa  
**Sent:** Wednesday, August 06, 2014 3:02 PM  
**To:** '[anne.moryc@minneapolismn.gov](mailto:anne.moryc@minneapolismn.gov)'  
**Subject:** Incident at Whittier Community Housing

Good afternoon Anne, on 8/4/2014 we had a incident occur at my building (2609 Blaisdell Ave S, Minneapolis, MN 55408). I would like to meet with the supervisor of the officers that were here, on my property to go over the details of the incident. I understand that there are evening Sgts and day Sgts, since my office hours at from 8:30 to 3:30 and I am not available to come in late in the evening Chelsea Adams gave me your contact information. What happened here is VERY concerning to me, and could

possibly concern you as well. I have a very nice camera system in this building and would like to go over some footage with you.

Please let me know a time when you could be available to meet with me.

Thank You

**Alyssa Kiffmeyer**

**Property Manager**

CommonBond Communities

Whittier Community Housing and City Flats Apartments | Minneapolis, MN

City Flats/Whitter 612-870-4493 | Fax: 612-870-8419

[commonbond.org](http://commonbond.org) | [facebook](https://www.facebook.com/commonbond)

*CommonBond builds stable homes, strong futures, and vibrant communities.*

Case  
Summary



**Office of Police Conduct Review  
Investigative Report**

Complaint Number 14-17538  
Investigator Sgt. Jason Walters  
Officer Officer Blayne Lehner, Badge #4073  
Jurisdiction **M.C. O. §§ 172.20**  
Date of Incident 08/04/2014  
Complaint Filed 08/06/2014

---

**CASE OVERVIEW**

On 08/04/2014 at 2205 hours, Officer Blayne Lehner and Officer Marcus Lukes were dispatched to 2609 Blaisdell Ave S regarding two females in a physical fight. Officers spent approximately 20 minutes assisting as one half of this dispute, Melissa Desjarlais, removed all of her belongings from an apartment and out of the building. Towards the end of this retrieval of property, Officers again encountered the other half of the dispute, Amy Nelson, at the rear entrance of this apartment building. Video surveillance cameras capture footage of Officer Lehner shoving Amy Nelson twice and slapping a cellphone out of her hand. Apartment building manager Alyssa Kiffmeyer brought this incident to the attention of Minneapolis Police Department supervisors after seeing the video footage.

**SUMMARY OF ALLEGATIONS**

**Allegation: Force**

1. **Authorized Use of Force:** It is alleged that Officer Blayne Lehner used unauthorized and unreasonable force against Amy Nelson without cause.
2. **Use of Force Reporting:** It is alleged that no CAPRS report was written by Officer Blayne Lehner documenting the use of force against Amy Nelson.

**Allegation: Professional Code of Conduct**

3. **Language:** It is alleged that Officer Blayne Lehner called Amy Nelson a "cunt" during the incident.

## **EVIDENCE**

- **Statements**
  - a) Alyssa Kiffmeyer (two statements)
  - b) Amy Nelson
  - c) Azekia Saunders
  - d) Officer Marcus Lukes (Badge #4261)
  - e) Officer Blayne Lehner (Badge #4073)
  - f) Andrea Fossmo
  - g) Shenita Esaw
  - h) Erica Rogers
  
- **Records**
  - a) Memorandum from Lt. Brian Anderson to Internal Affairs
  - b) Email correspondence
  - c) VisiNet reports and records
  - d) Workforce Director records
  - e) MECC audio – 911 calls and dispatched call
  - f) Video surveillance footage and interpretative summary by Erica Rogers
  - g) Photographs of apartment building
  - h) Officers' photographs used during Nelson's interview
  - i) Still images from video used during Esaw interview
  - j) Correspondence records
  - k) Maps – aerial and street

## **CASE INVESTIGATION**

This matter was brought to the attention of the Internal Affairs Unit, and this investigator was assigned to the case on 08/20/2014.

### **Correspondence**

Alyssa Kiffmeyer, the property manager of Common Bond Communities at 2609 Blaisdell Ave S, emailed Sgt. Anne Moryc regarding the incident at this apartment building on 08/04/2014. Kiffmeyer's email was dated 08/06/2014, and she was requesting to meet with the supervisor of the officers that had been at her property on 08/04/2014 regarding an incident "VERY concerning" to her. Kiffmeyer wrote that she had a very nice camera system in her building and wanted to go over some footage with the supervisor.

Alyssa Kiffmeyer again emailed Sgt. Anne Moryc on 08/08/2014 requesting a meeting.

Sgt. Moryc, who was a 5<sup>th</sup> Precinct Dogwatch Supervisor at the time, received the emails but was out of town until the following week. She forwarded the information to Sgt. Phillip Gagnon and Sgt. Ryan Johnson.

Sgt. Ryan Johnson had email correspondence with Alyssa Kiffmeyer. In this correspondence, Sgt. Johnson was attempting to facilitate a meeting with Mrs. Kiffmeyer. Emails exchanged between the two further spelled out Mrs. Kiffmeyer's concern for officers' conduct at her property. Mrs. Kiffmeyer wrote in part:

Last week I had 2 separate incidents on my property that concerned me. I would just like to discuss what protocol is for these types of incidents. I am very concerned with the behavior of the officers on my property. I have had 2 separate complainants about the same officer, the first one I brushed off, as when people get in trouble with the law they always like to blame someone else or tell me the story about what happened and how it was not their fault etc. But when I received the second complaint about the same officer doing the same thing, it then just concerned me.

One of my big issues is, these officers, which I have dealt with some during the day, come to my building, are rude to me, rude to my residents and don't actually take care of the issue they were called for. The behavior I have seen on my cameras is not ok, especially in front of children. My fear is, when they arrive and are name calling these children's parents and treating them terribly (even if what they did was wrong), what will then happen with the youth learning to have ANY respect for the MPD and we have a vicious cycle here. I have over 45 children on this property, that's 45 children who are going to grow up not liking the MPD and we have started a vicious cycle. At this point, I unfortunately am glad that I do not live in this neighborhood.

Sgt. Ryan Johnson met with Alyssa Kiffmeyer, and he then apprised Lt. Brian Anderson of the matter.

Lt. Brian Anderson wrote a memorandum regarding this complaint dated 08/19/2014. He emailed this memo to the Internal Affairs Unit. See the memorandum below.

## Internal Memorandum

Date: August 19, 2014

To: Internal Affairs

From Lt. Brian Anderson #0091

RE: Review Incident for possible policy violation

On 8/12/2014 I received an email by Sgt Ryan Johnson requesting to changes his hours to meet with an apartment building manager who had concerns about an officer and his actions on calls at her building at 2609 Blaisdell Ave S. The Property Manager is Alyssa Kiffmeyer of Common Bond Communities Whittier Community Housing and City Flats Apartments. Her phone number is 612-870-4493 | Fax: 612-870-8419 This email had the chain of responses and concerns about possible multiple incidences which I will include. I approve for Sgt Johnson to meet with her. Sgt Johnson met with property manager at 1100 hrs on 8/18/2014. After speaking with her and seeing video of an incident, Sgt Johnson contacted me to meet up later that night. At approx. 2200 hrs we met and he fills me in and showed me a small portion of the video that he saw.

On 08/04/2014 at 2205 hrs squad 511 Officers Lehner #4073 and Officers Lukes #4261 responded to a fight call in apartment #305 CCN 14-273552 . Remarks in the call stated two females in physical fight. Officers arrive and video was viewed by Sgt Johnson that it starts with the officers standing at the security door waiting. After a short time a female approaches who was on the phone and opens the door. A short time later Officer Lehner walks past Officer Lukes and hand checks the female in the chest area causing her to stumbles back and fall down on the stairs landing on her buttocks. Another camera in the entry way shows Officer Lehner walk up to her while on the ground and slaps the cell phone out of her hand and when the female attempts to get up Officer Lehner hand checks her in the chest/ neck area into the wall and she fall to the ground again. Officer Lehner then stands over her and points at her talking. After a short time he steps away and lets her pick up her phone and talks alittle more and she leaves. The video is good quality but no audio. Officer Lukes never comes into the entry way and remains outside.

The property manager could not make a copy and would have to have her IT person do it. The female in the video had complained to the property manager and that's when she looked it up. The name of the female in the video is unknown at this time but lives at the apartments but is in the process of being evicted. Another email has been sent to obtain the video and name of female.

A review of the call was done on visinet and found closing remarks stating "two females in a verbal...one female very DK and uncooperative...change to recovered property".

I attempted to look up any reports in CAPRS and found nothing.

On 8/19/2014, I contacted Lt. Halvorson of IA and informed him of the incident in question and the concerns I had.

Possible other calls at the building close to the time period:

\*\*8/4, 10:05 pm: 14-273552 (recovered property)

\*\*8/5, 4:14 am: 14-273921

\*\*8/5, 6:03 pm: 14-274626

\*\*8/6, 11:22 pm: 14-276380 (This one was a disturbance call for noise; it was just two people talking with a baby and wasn't loud at the time of officers' arrival)

## **VisiNet Reports**

The VisiNet report related to the call at 2609 Blaisdell Ave S, apartment #305, on 08/04/2014 documents the incident as described by Lt. Anderson in his memorandum above.

- Incident number 14-273552.
- The call came in at 2204 hours; Shay from apartment #203 was the caller.
- Squad 511, Officer Blayne Lehner and Officer Marcus Lukes, were dispatched at 2205 hours to this call of two females in a physical fight in apartment #305.
- Squad 511 arrived on the call at 2209 hours.
- The call was cleared "Advised" with remarks stating, "two females in a verbal...one female very dk and uncooperative....change to recover property"
- Squad 511 cleared the call at 2241 hours.

A second call for service at 2609 Blaisdell Ave S came in at 0414 hours on 08/05/2014. This was a Domestic Assault In Progress call to apartment #202 on an unrelated matter. Officers Lehner and Marcus again responded to this call, and they cleared it with "No Service."

In addition, Mrs. Kiffmeyer stated in an email to Sgt. Johnson that "Last week I had 2 separate incidents on my property that concerned me...I have had 2 separate complainants about the same officer..." VisiNet was searched for all calls to 2609 Blaisdell Ave S between 01/07/2014 and 11/05/2014. The only two calls that show Officer Lehner at 2609 Blaisdell Ave S are the two mentioned above, 08/04/2014 and 08/05/2014. These two reports are in this case file.

## **CAPRS Reports**

CAPRS was searched for any documentation of the incident on 08/04/2014 at 2609 Blaisdell Ave S in which Officer Blayne Lehner and Officer Marcus Lukes responded. No report could be found for the incident.

## **CASE INVESTIGATION (continued)**

On 08/29/2014, this investigator went to 2609 Blaisdell Ave S to speak with those involved with these allegations. Upon speaking with the property manager, Alyssa Kiffmeyer, she walked this investigator through the apartment complex as she identified potential witnesses and pointed out their apartments.

Mrs. Kiffmeyer identified Shenita Esaw of apartment #302 as a witness that saw everything. Ms. Esaw was described as a black female, 5'7" tall, and approximately 300 pounds. Shenita Esaw can be seen on the video footage wearing a gray shirt. There was no answer at her apartment door, so

this investigator slipped a business card under the door. Ms. Esaw's phone number was supplied to this investigator by Mrs. Kiffmeyer as (612)607-3071, but attempts to call this number on 09/15/2014 found the phone to be disconnected. Ms. Esaw was mailed a certified letter on 09/15/2014 requesting her cooperation. This letter was delivered and signed for by Esaw on 09/18/2014, but she did not respond to this investigator.

Mrs. Kiffmeyer identified Andrea Fossmo from apartment #202 as the female alleged to have been called a "cunt" by an officer at 2609 Blaisdell Ave S prior to this 08/04/2014 incident. Upon receiving no answer at her apartment door, this investigator left a business card. Upon receiving no response, Ms. Fossmo was mailed a certified letter on 09/15/2014. This letter was returned to sender "Unclaimed."

April Baker lives in apartment #213. April Baker answered her door and informed this investigator that she did not want to get involved. Upon explanation of this investigator's role in this matter, Ms. Baker agreed to give a statement but requested a moment to get herself together. Ms. Baker agreed to meet this investigator in the management office of this apartment building, but she never showed up to give her statement.

Mrs. Kiffmeyer identified Melissa "Missy" Desjarlais as Amy Nelson's girlfriend and the other half of the dispute on 08/04/2014. Mrs. Kiffmeyer stated that Melissa Desjarlais does not live at 2609 Blaisdell Ave S, but she had been staying with Amy Nelson. Attempts to take a statement from Melissa Desjarlais on 08/29/2014 were unsuccessful even though Amy Nelson made attempts to convince Ms. Desjarlais to speak with this investigator while she was on the premises that day. A business card was left for her, but she did not respond. A certified letter was mailed to her at Amy Nelson's address on 09/15/2014. This letter was received by and signed for by Amy Nelson on 09/25/2014, but Desjarlais did not respond to this investigator. A voicemail was left on Desjarlais' phone (763-445-0529) on 09/15/2014, but she did not return the call.

## **Video**







A disc containing twelve video clips and an interpretive summary was provided by Alyssa Kiffmeyer for this case investigation. This disc is within this case file and is labeled "Original."

A second disc was created to assist in the viewing of this video footage. This second disc contains the same twelve video clips and interpretive summary; however, a video player was added for ease of use. Stacey Bailey (fka Stacey Potthier) from the Minneapolis Police Department Crime Lab – Video Forensics assisted in finding the proper video player to view the video clips. Instructions to view the clips will also be included in the case file along with this second disc.

The twelve clips are separated into two file folders, "Video Recorder 1" and "Video Recorder 2." Each file folder has six clips. It should be noted that this video surveillance system does not record as one fluid clip. The video skips moments when no motion is detected; therefore, the timestamp is crucial to comprehending the chain of events. Also, there is no audio on any of the video clips.

The following descriptions of video clips are not in chronological order. In short, Officer Lehner and Officer Lukes arrive at the apartment building, gain entry and walk to Amy Nelson's apartment. They remain at the apartment for quite some time as personal property is moved out. They then go to the rear entryway of the building as the retrieval of property is completed. Amy Nelson walks down to the rear entryway and interacts with the officers. The officers leave the building shortly thereafter. The following descriptions of video clips shows these events, but not in chronological order.

"Video Recorder 1" contains the following clips:

-  20140804221200\_CH05\_204592300
-  20140804221200\_CH06\_204603657
-  20140804221200\_CH07\_204609990
-  20140804221200\_CH08\_204616917
-  20140804221200\_CH10\_204621893
-  20140804221200\_CH11\_204638273

The first video clip shows the front exterior of the apartment building. Officers Marcus Lukes and Blayne Lehner can be seen approaching and eventually entering the building at the front door.

The second video clip is of the interior of the front entryway of the building. Officers Lukes and Lehner are seen being let into the building at 10:17:10PM.

The third clip shows the interior hallway and lobby of the building immediately inside the front entryway. Officers can be seen walking through at 10:17:26PM.

The fourth clip shows officers walking down a hallway at 10:17:40PM.

The fifth and sixth clips are captured by two separate cameras in the rear entryway of the building where the interaction between Amy Nelson and Officer Lehner occurs. Each clip shows a different angle of this incident as described below, and each description below is accompanied by frames from the sixth clip.

- Several persons are seen moving personal belongings out of the building via this back door which leads to the alley.

- At 10:32:05PM Officers Lehner and Lukes enter this rear entryway and appear to monitor the situation.





- At 10:34:05PM Amy Nelson enters this rear entryway. She appears to be talking on a cellular phone as she has this phone up to her right ear.



- Nelson walks to the rear exterior door, opens it, and stands on the threshold facing out.



- Within seconds, Officer Lehner can be seen through the glass next to this exterior door approaching and facing Nelson. The video time stamp is 10:34:13PM.

- At 10:34:23PM, Officer Lehner pushes Amy Nelson backwards.



- Nelson ends up seated on the stairs behind her. She again raises the cellular phone to her right ear to continue her phone call. Officer Lehner slowly walks towards Nelson while pointing his right index finger at her.



- When Officer Lehner reaches the stairs, he places his right foot up on the stairs and lowers his right hand to his thigh. Officer Lukes can be seen behind Officer Lehner holding the exterior door open and watching this interaction from the doorway.



- As Nelson is seated on the stairs in front of Officer Lehner, she pulls the cellular phone away from her ear and looks at it momentarily before placing back to her ear.



- When the phone is placed back to her ear, Officer Lehner reaches out and swats Nelson's right forearm/wrist with his right hand.



- This causes the cellular phone to fly out of Nelson's right hand and land on the floor, skipping away from Nelson. As this happens, Nelson's right hand reaches down to the floor and her left hand comes up towards Officer Lehner as Nelson attempts to get up from her seated position on the stairs.







- Officer Lehner immediately grabs Nelson's left hand with his right hand and uses his left hand placed against Nelson's neck to push Nelson backwards.



- Nelson lands back on the floor after never fully reaching a standing position. She is now on the landing above the stairs. She props herself up on her right elbow on the floor as Officer Lehner slowly walks up and stands over her, again pointing his index fingers at Nelson.





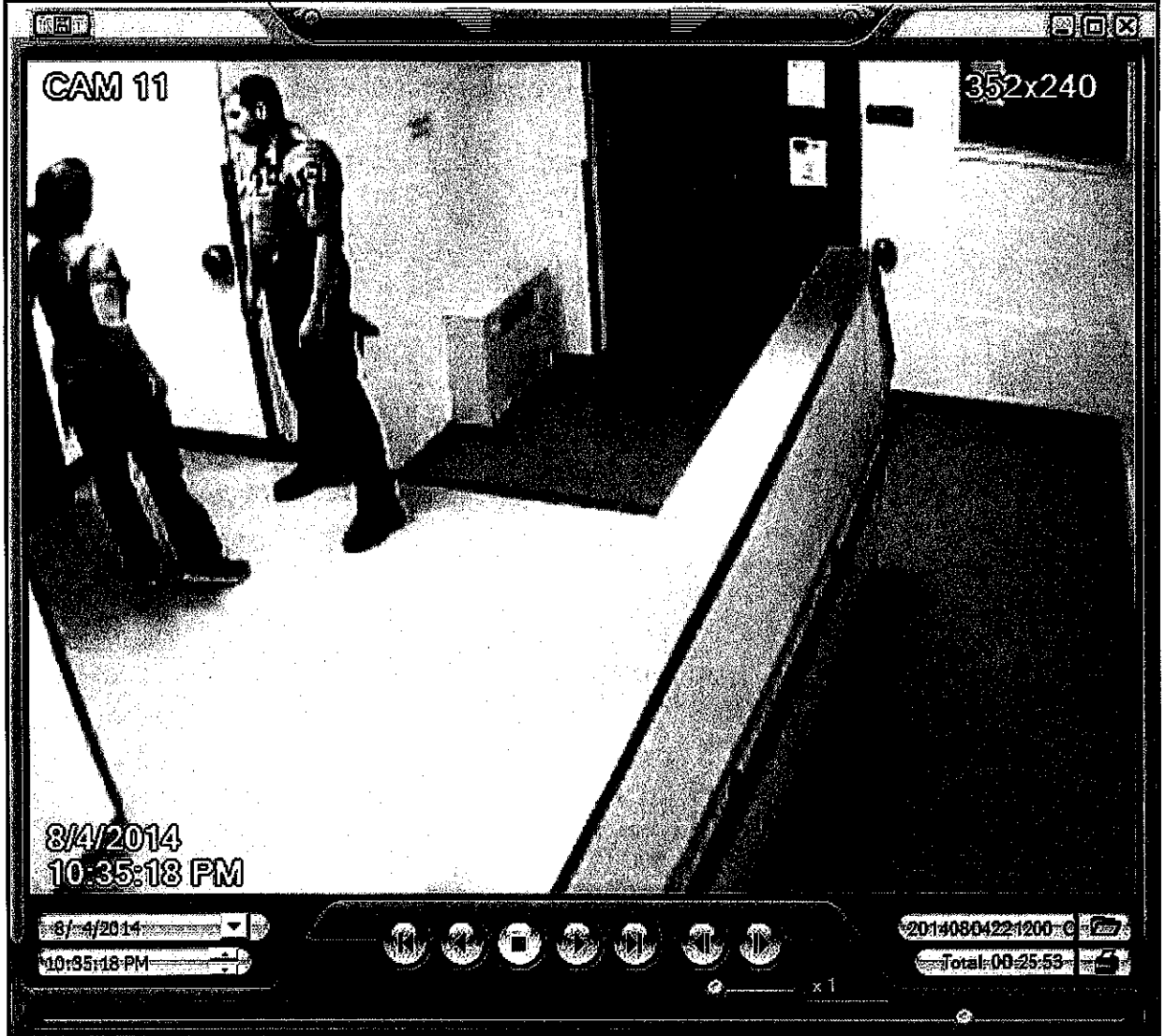
- Words are exchanged between Nelson and Officer Lehner. Officer Lehner then stands up and backs away from Nelson. Officer Lehner appears to gesture to Nelson to go pick up her phone.



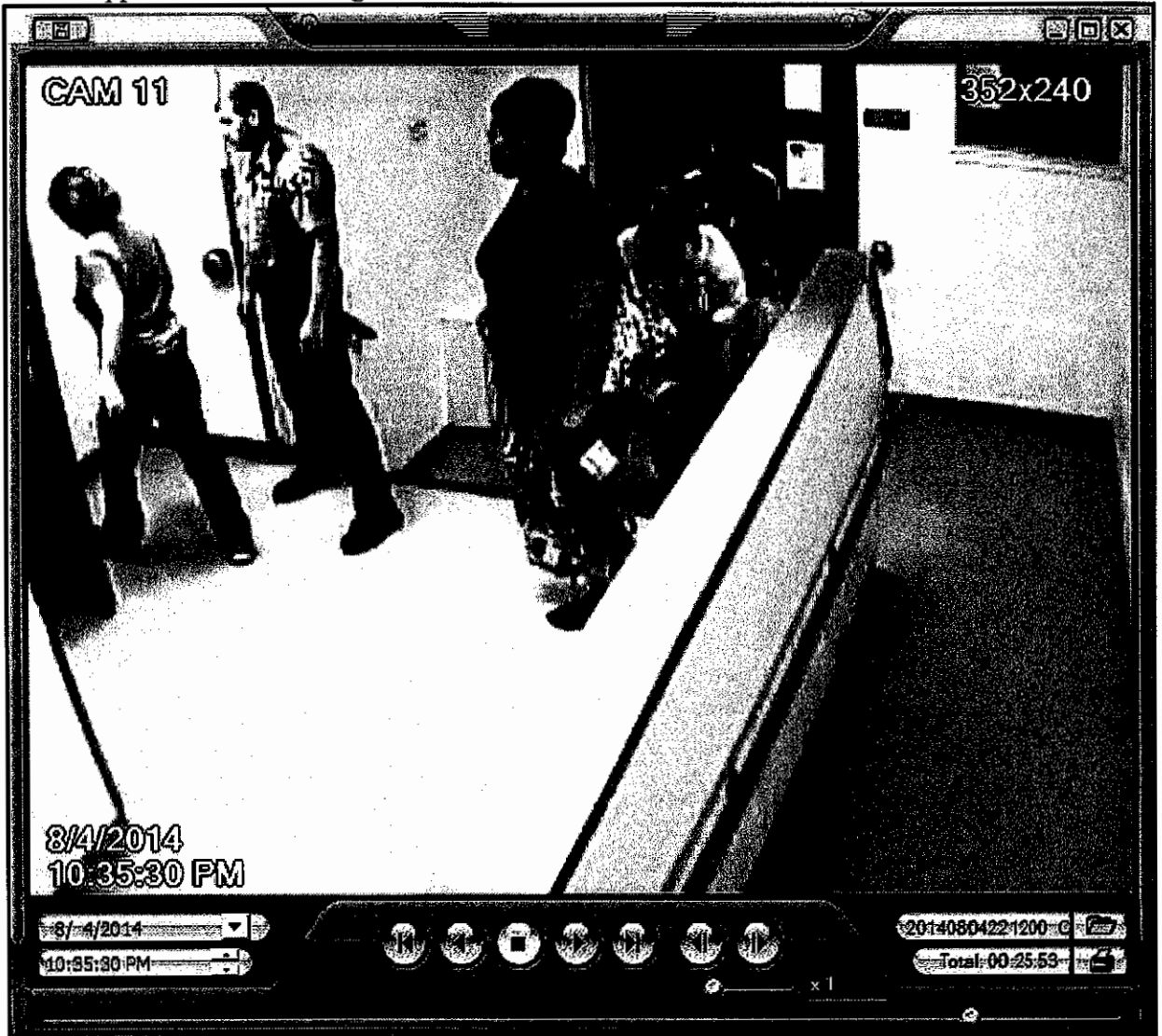
- Nelson then gets up off of the floor and retrieves the phone.



- More discussion occurs between Nelson and Officer Lehner, and Nelson appears to be doing most of the talking.



- Others start to file back into the building via this backdoor. All of them, including Nelson, then disappear into the building.











- Officers Lehner and Lukes leave the building via the backdoor.



- Officers remain at the backdoor until the last frame of the video at 10:39:05PM.



The "Video Recorder 2" file folder contains these six clips:

-  20140804221820\_CH01\_204944831
-  20140804221820\_CH02\_204950541
-  20140804221820\_CH03\_204959667
-  20140804221820\_CH04\_204976499
-  20140804221820\_CH14\_205004813
-  20140804221820\_CH16\_205028276

The first video clip shows the exterior of the secondary front doors on the west side of the building. Officers are seen exiting this door at 10:39:59PM.

The second clip shows the lobby inside the secondary front door of the building. Hallways intersect at this lobby, and there is a stairway off of this lobby as well. Officers are seen walking through the hallway and ascending the stairs upon arrival at 10:18:20PM. They are seen again descending the stairs and heading towards the back of the building on the first floor at 10:32:05PM. Amy Nelson is seen descending the stairs and heading towards the back of the building on the first floor at 10:34:22PM. Officers are seen passing through this lobby and exiting the secondary front door of this building at 10:39:46PM.

The third clip shows another angle of this lobby inside the secondary front door but is pointed down a hallway back towards the rear of the building. At the end of this hallway is a door on the right that leads to the rear entryway where Amy Nelson's final encounter with officers occurs. The footage from this camera shows much of what the second clip shows, but it also shows more of the personal property being moved out. In addition, Amy Nelson can be seen talking with April Baker and Shenita Esaw after her final encounter with officers in the rear entryway.

The fourth clip shows the exterior of the building outside of the rear entryway where Amy Nelson's last encounter with officers occurs. During the video clip, involved persons can be seen hauling personal property out of the building and down a long handicap ramp towards the alley. At 10:32:50PM, officers are seen exiting the rear door; they remain just outside of this door until Amy Nelson opens the door and stands on the threshold at 10:34:38PM. Officer Lehner immediately starts to walk slowly towards Nelson. At one point, Officer Lehner can be seen gesturing with his left hand in what appears to be instructions to Nelson to go back inside.



Nelson remains on the threshold. Officer Lehner steps in front of Nelson and appears again to give a hand gesture to go inside. Nelson does not move from the threshold as she appears to be talking on the phone.



At 10:34:51PM, Officer Lehner pushes Nelson backwards into the building and then follows her inside. Officer Marcus Lukes stands in the doorway holding the exterior door open and watching Officer Lehner's interaction with Nelson inside.



No one besides Officer Lukes is anywhere near this exterior door at this time. After a few moments, Officer Lukes appears to gesture to persons down towards the alley as if giving permission to approach the door. The persons that had been helping Melissa move out eventually walk back up towards the door and enter at 10:35:53PM. Officer Lehner exits the building at 10:36:13PM. Both officers re-enter the building at 10:39:33PM.

The fifth clip is from one of two cameras mounted above Amy Nelson's apartment door. Property is being moved out of the apartment. Officers arrive, and speak briefly with a young girl in a black T-shirt. Officer Lehner enters the apartment, and the young girl attempts to step between Officer Lehner and Officer Lukes to also enter the apartment. Officer Lukes uses the fingertips of his right hand to gently push the girl backwards, and he enters the apartment behind Officer Lehner.



At 10:19:28PM, Amy Nelson is seen in the hallway outside of the apartment. She speaks with Officer Lehner who comes out of the apartment. After a few minutes, Nelson starts to walk back towards the apartment but Officer Lehner puts his hand up and steps in her way. They then partially disappear out of the camera view at the bottom of the screen. Further discussion occurs between Officer Lehner and Nelson, and more property is moved out of the apartment by others. At 10:26:00 hours when it appears that most of the property and people are out of the apartment, Nelson is allowed back into the apartment. She almost immediately throws a pedistal fan out of the apartment and into the hallway.

At 10:26:56PM, Officer Lukes can be seen holding the apartment door shut with Nelson inside.



This goes on for about a minute, then officers again talk with Nelson, who is still inside the apartment, through an open apartment door. Officers remain at the apartment door until 10:31:46PM. At 10:33:45PM, Nelson leaves the apartment.



The sixth clip is from the second camera mounted above Nelson's apartment door. The angle points down a different hallway, but the footage shows much the same as the fifth clip. Of note, at 10:21:00 hours when Nelson attempt to enter the apartment but is stopped by Officer Lehner, the interaction between the two is much more clear. Contrary to the two of them leaving the camera frame in the fifth clip, Officer Lehner can be seen standing in front of Nelson while holding his left hand up as if telling Nelson to stop.



Nelson presses forward towards the apartment, and in doing so, presses her upper chest into Officer Lehner's hand.



Nelson then backs up and shoves Officer Lehner's hand away.



Property is removed from the apartment as officers monitor the situation.

**Photographic Evidence**

This investigator photographed the back entryway of 2609 Blaisdell Ave S.







Also photographed was the hallway and door of apartment #305 with two surveillance cameras mounted on the ceiling above.



An aerial image / map of 2609 Blaisdell Ave S was printed with an arrow pointing at the back entryway; it was used during some of the following interviews.





## Alyssa Kiffmeyer Statement

Alyssa Kiffmeyer was interviewed on 08/29/2014 at 1019 hours at 2609 Blaisdell Ave S. She stated that, upon arriving to work on 08/05/2014, she was made aware that there had been a physical domestic incident up in apartment #305. She spoke with the resident, Amy Nelson, at National Night Out that evening, and Kiffmeyer noticed bruises all over Nelson's arms and the base of her neck. Amy Nelson told Alyssa Kiffmeyer about the incident regarding her and her girlfriend and an incident that happened between her and a police officer. Kiffmeyer checked the camera footage from the building the following morning, 08/06/2014, and saw a physical altercation between Nelson and the officer in the back of the building.

On 08/05/2014, Nelson had also told Kiffmeyer that she had a couple shots of vodka on the night in question. Nelson also had not gone into detail about her incident with the police officer, and Nelson never stated whether her bruises were from the physical altercation with her girlfriend, Missy, or from the police. Nelson had mentioned that Missy had walked off with some of her stuff, and the police officers had basically let Missy take whatever she wanted out of the apartment.

Kiffmeyer mentioned that Amy Nelson has a temper. When asked to elaborate, Kiffmeyer stated that Nelson has a bad attitude in general and does lose her temper quite easily.

Kiffmeyer explained some of the video footage, adding that she provided all of the footage from the moment officers arrived at the apartment building. She explained that Missy's two daughters, along with Shenita Esaw, had helped Missy remove property from Nelson's apartment, and this was done while police were present. The property was then taken out the back door of the building to the alley.

When asked about her email to Sgt. Ryan Johnson on 08/11/2014 where she mentioned two separate complaints about the same officer, Kiffmeyer stated, "Um, I didn't at the time-, it had to have been early June, late May. At some point, I don't know the exact date, a resident came in, told me that the police, um, had come to her apartment. Her baby's daddy had called the police, and, um, they arrived. She was intoxicated at the time. The officer used foul language with her. Um, he called her a cunt to be specific. Um, at the time, I didn't really think too much of it. She was intoxicated. It was a domestic issue. I didn't think very much of it at the time. And then when I, um, received another comp-, received this complaint-, or heard about this incident..." Kiffmeyer went on to say that there was an allegation from Amy Nelson and witnesses that the officer also called Nelson a "cunt" during the 08/04/2014 incident. This got Kiffmeyer thinking, so she sent a still picture of the officer from the video footage to Andrea Fossmo, the prior complainant regarding the language. Andrea did identify him as the officer.

## Amy Nelson Statement

Amy Nelson was interviewed on 08/29/2014 at 1117 hours at 2609 Blaisdell Ave S in the management office.

Amy Nelson confirmed that she had a domestic incident with her girlfriend, Melissa "Missy" Desjarlais on 08/04/2014. Nelson stated that she remembered the evening even though she later claims that she blacked out. Someone called police because Nelson and Desjarlais were having an argument over what Nelson described as something "stupid really over nothing." The conflict was apparently over cigarettes. This conflict became physical when Melissa started packing her belongings to leave, including the food. Melissa first pushed Amy Nelson out of the way, and then Amy pushed Melissa.

Police arrived. Nelson stated that April and Shenita helped Melissa carry her belongings out of the building. These two neighbors had also helped mediate the whole domestic situation. Nelson stated, "They were kind of keeping me from my anger getting higher, and I did assault Melissa, but nothing happened, like the police didn't take me or anything. I mean I assaulted her, but it was because I was blacked out, you know, cause I had-, I had, I had a couple drinks, you know." Nelson stated that she hadn't consumed so much alcohol that she blacked out, but she stated she had three or four shots with her medication that made her black out.

While up at the apartment, Nelson recalled that the officers were holding her in the apartment when Melissa Desjarlais had gone out with all of her stuff. She said that one of the officers was holding the door shut.

Nelson stated, "Um, the police-, the police were rude, like they were just-, they were forceful. I mean I carry a pocket knife. They seen my pocket knife. They grabbed the pocket knife and whipped it into the apartment. Um, they pushed the other little girl, that's not Melissa's daughter, though, it's her fri-, her daughter's friend. Um..." She went on to state, "She was standing in the doorway when Melissa was packing her belongings and they pushed her out of the way for no reason. I said something to them. I said why did you push her, and they told me to shut up. And I was like, well, you don't need to push her. She's not in the way. And Melissa was just packing her stuff to go, you know. They were letting her get her belongings, and I had said that she had a ring of mine and a jack and could I get those things because she had those belongings of mine on her. And they refused this, you can get them another time, you know, and so, I had called the precinct back on my, my little prepaid phone. And that's the phone that they threw in the back hallway out of my hand."

Nelson was upset that Melissa Desjarlais was taking some of her belongings, so she had called 911 even though the police were already on scene. Nelson stated that her intent when calling 911 was just to find out what she could do to get her stuff; she stated that it was not an emergency situation. She was then transferred to the 5<sup>th</sup> Precinct and was talking to an officer at the precinct when the phone was knocked out of her hand by the officer on scene. She stated, "I was talking to the precinct, and they said I had to go talk to the officers and ask the officers for the police report and ask them to get those belongings. And I said I've been asking the officers to get the belongings,

they won't let me get the belongings, they told me another time. You know, and they wouldn't let me get those two belongings. I got them now like..."

Amy Nelson was asked about her encounter with police in the back entry to the apartment building. She stated that officers had told her to stay in her apartment until Melissa Desjarlais was completely gone, but Nelson said she would have had no clue if she was gone or not because she couldn't see the parking lot from her apartment. Nelson came down to the back hallway, and the officers saw her come down to this back hallway. Nelson figured that Desjarlais was gone and wanted to talk to the officers about her belongings.

Officers again instructed Nelson to go back upstairs because Desjarlais was apparently still in the parking lot. Nelson said that she didn't want to talk to Desjarlais, and she was not trying to go out into the parking lot; she just wanted to know what she could do later to get her belongings. She also said that she had not yelled at Desjarlais when down at the back door. Nelson stated, "And that's when the officer smacked the phone out of my hand and shoved me, and I landed on the ground. And he was standing over me, hollering at me." When asked what the officer was saying to her, Nelson stated, "I'm a little smart ass. And he should take me in. And he was just saying all kinds of stuff. I don't, I don't know everything that he was saying because I was scared because he was pushing me." When asked if the officer ever called her any names, Nelson answered, "Yeah, he called me a cunt." When asked how many times (the officer called her a cunt), Nelson stated, "Several times. He called me a little cunt, I'm a little bitch. He was just calling me all kinds of names. Telling me to shut-, shut the F up, once or twice..."

Nelson stated the following:

- The officer "smacked" her phone from her hand before he pushed her.
- She had been standing at the top of the back stairs when the officer first pushed her.
- When asked if she fell down when the officer pushed her, she stated, "I flew."
- She had told the officer that she was on the phone with the 5<sup>th</sup> Precinct.
- She was on depression medication, Latuda. This medication intensifies the effects of alcohol.
- She did not believe that she had any previous dealings with the officer that pushed her.

Nelson was shown a photograph of Officer Marcus Lukes and a photograph of Officer Blayne Lehner separately. These photographs were printed from Workforce Director.

When shown the photograph of Officer Marcus Lukes, she stated that he was "Officer Larkins," and he was there during the incident in question. She stated that she spoke to the precinct the very next day and was given the officers' names and badge numbers. When asked if he was the one that pushed her, Nelson answered, "Mm-hmm (indicating yes). Because the one with the mustache and the hair that was receding was the one that was just standing there." Nelson was asked to make notes on the photograph indicating that this was the officer that pushed her and smacked the phone out of her hand. She also signed this photograph.

When shown the photograph of Officer Blayne Lehner, Nelson stated that she did not recognize this officer. She made this note on the photograph and signed it. She said that she recalled that officer that pushed her not having any hair.

Nelson was asked if she thought she was being rude to the officer before he pushed her. She stated, "I know I was being rude because he was being rude to me." When asked if she remembered saying anything in particular to him that might have (caused the push), Nelson stated, "No, I just told him that I was talking to the precinct and the precinct said that I'm supposed to ask them for the police report and they're supposed to let me get my belongings if she's getting her belongings. And they told me another time. They told me that several times actually."

When asked if she received any injuries from the incident, Nelson answered, "Um, I had bruises, but, uh, some of them might've been from Shenita and April trying to restrain me from getting mad and putting hands on Melissa because of her leaving and stuff like that. So, I'm, I'm gonna say that most of 'em are from them, but I had a big bruise on my elbow from them (the officer) pushing me." She added that she has anemia which causes her to bruise easily. This investigator observed only a bruise on her bicep, but Nelson said that this bruise was not related to the incident in question.

Nelson stated that the cell phone that the officer knocked out of her hand is still usable; the battery and back came off, but it was not broken.

### **Azekia Saunders Statement**

Azekia Saunders was interviewed on 09/15/2014 at 1145 hours over the telephone. Ms. Saunders lives at 2609 Blaisdell Ave S, and she at this address on 08/04/2014 during the incident in question.

Saunders stated that she had heard Nelson and Desjarlais "physically fighting" that night in their apartment. April and Shenita were present. Desjarlais' daughter was outside crying and saying "I'm scared for my mom, she's hitting my mom, Amy's hitting my mom." Saunders went into the apartment, and Amy Nelson was hitting Melissa Desjarlais with a broomstick. April and Shenita were trying to calm the fight down.

Police were called and responded. Saunders stated, "Amy was-, kept going on and on and the police kept telling her to be quiet and she wouldn't be quiet. So, then like he kept saying be quiet, be quiet, and then I just went downstairs and helped her girlfriend carry her stuff downstairs. And then when I was downstairs, um, I guess Amy came down there and the police had follow-, followed her down. And then I was outside and I just saw her like yelling, and then he was saying something and then I think he pushed her or something." Saunders later added, "Um, well, I was outside after I helped Missy bring her stuff to her car. I was standing outside the backdoor and Amy had come down. And then the police were-, she was-, it still looked like she was yelling cause I was looking in-, I was looking inside, but I wasn't inside. She was still yelling and then all of a sudden she fell. I don't know if he-, I think he pushed her or something. I don't know." When asked what

Amy Nelson was doing right before she was pushed, Saunders stated, "Oh, I don't even know cause I didn't-, I know it looked like she was yelling. Yeah. I didn't hear anything she said or..."

### **Officer Marcus Lukes Statement**

Officer Marcus Lukes was interviewed under Garrity on 11/05/2014 in the Minneapolis Police Department Internal Affairs Office. Also present was his Federation Representative, Lt. Robert Kroll.

Officer Lukes recalled working Squad 511 with Officer Lehner on 08/04/2014. When asked about a call at 2609 Blaisdell that night, he stated, "Yes. Two females in a physical fight in Apartment 305. Um, we got there, got let into the building. Uh, two females were yelling back and forth at each other screaming. There was children inside crying, scared of one female. Uh, she appeared to be extremely intoxicated, yelling, and screaming. The other female calmed down once we arrived and just wanted to get her stuff and leave. Um, we told her that we would wait for her while she gathered her stuff. She was scared of the other female, and, uh, we waited while she moved her stuff and-, along with her children and neighbors helping." Officer Lukes clarified that Amy Nelson was the intoxicated female he was referring to. When asked what led him to believe she was intoxicated, he answered, "The, the outburst, yelling, screaming, swearing, uh, the smell of alcoholic beverage, her not listening, trying to speak over us, just the blatant outbursts constantly. And she had no regard for the children that were there. They were-, they were crying and she-, you know, we tried to calm her down, get her at least quiet, so we can get the children out cause they didn't need to be in the middle of this, and she had no regard for anything we said or otherwise."

Officer Lukes was shown video footage of the incident near the apartment door prior to the incident in the back entryway. This video showed Officer Lukes and Officer Lehner in and around the apartment as property was being retrieved. Officer Lukes was asked about a portion of the footage which shows him holding the apartment door shut. He explained, "Amy was inside. The other female -- I'm not sure of her name -- was outside with her-, with the belongings and Amy was told to stay inside the apartment. She was inside continually yelling, hollering. She was told to repeat-, we told her numerous times to stay inside and she-, we can tell she was trying to open the door, and because the other female and her children were in the hallway trying to get her stuff, I held the doorknob to keep it safer for the other gal, for myself, for my partner because she was screaming and hollering, continuing trying to open the door and not listening to what she was told."

Officer Lukes stated that he never saw any physical violence between the females, just yelling. He stated that Desjarlais was "very cooperative and thankful for us being there."

Officer Lukes was shown the video footage from the back entryway of the building. He stated that the footage showed girls removing personal belongings out the back door. He said that Amy was told to stay up in the apartment while Desjarlais and her daughters moved their stuff out, so they

could do it safely. Amy eventually appears in the footage, and she appears to be talking to someone on the phone. Officer Lukes did not know who she was on the phone with.

Officer Lukes was then asked to narrate the video as it played from this point. He states that Amy is at the backdoor on the phone, but he didn't recall if she was yelling or threatening. Officer Lukes did not feel that Amy was a threat to him or his partner at that time. He stated that she "gets pushed back by Officer Lehner" and "falls on the step." He stated that he didn't know why Officer Lehner pushed her in the way he did. Officer Lehner then knocked the cellphone out of Amy's hand. As Amy was trying to get up, Officer Lehner pushed her back a second time. Amy is laying on her back, and Officer Lehner is standing above her, pointing at her. Officer Lukes stated that he did not know what Officer Lehner's intentions were or why he did what he did; he just remembered that they had told Amy to stay in her apartment so they could safely get the other female's belongings out. When asked if he felt that Officer Lehner's actions were appropriate or if he felt that some unnecessary force was being used, Officer Lukes answered, "She was very intoxicated, not listening to any verbal commands from officers. She continued and we were being very patient. Um, as you said, we were there approximately 20 minutes. Um, she continually disobeyed verbal commands from myself, my partner. Um, I, I don't know what her plan was nor do I know what Officer Lehner felt."

- Officer Lukes was asked if he recalled anything that was said by Officer Lehner to Amy, and he stated no. When later asked what Officer Lehner was saying to Amy during the encounter in the rear entryway, Officer Lukes answered, "I don't remember what he said to her."
- When asked if he recalled Officer Lehner calling Amy a cunt, he stated no. He also stated that he did not recall Officer Lehner calling Amy any derogatory names.
- When asked "at any point, while on the scene prior to leaving, did you and Officer Lehner discuss taking Amy to jail?" Officer Lukes stated, "I don't recall if we did or not. We were kind of-, cause as outside I was during part of it because of the other half was still outside and I kind of was in the door in between while he was dealing with Amy...I, I don't remember if we did or not." He also stated that he did not remember if they had talked about possibly putting Amy into detox because of her intoxication. When asked, "Once you guys left, did you have any discussion as to, um, whether she should have gone to jail, detox? Did you have any discussion about, uh, the force that was just witnessed on this video?" he answered, "I don't remember."
- Officer Lukes stated that he did not believe that a CAPRS report was necessary for "pushing someone," and he did not consider this a takedown technique. He also stated that he did not recall having a conversation with Officer Lehner about a CAPRS report, and he did not feel the need to contact a supervisor regarding what he had witnessed.
- Officer Lehner entered the CAD remarks to the call.

## Officer Blayne Lehner Statement

Officer Blayne Lehner was interviewed under Garrity on 11/18/2014 in the Minneapolis Police Department Internal Affairs Office. Also present was his Federation Representative, Lt. Robert Kroll.

Officer Lehner recalled being dispatched to a 911 call to essentially a disturbance at 2609 Blaisdell Ave S, Apartment 302. He stated, "Continue? So, when we got there, we arrived in the front. We rang the buzzer to try to get in. We waited for a while. Eventually, we were let in by a resident who just happened to walk to the front door. We made our way to Apartment 302, and once we got there, we were met by either one or two, or maybe three girls at the front door of the apartment. While we came up through the stairway and entered into that hallway, you could hear yelling going on inside the apartment. We turned the corner. Um, I observed two younger females and possibly another -- I can't remember for sure if she was inside the apartment or in the hallway -- but they were crying. I asked them real quickly what was going on and -- we could hear screaming inside the apartment -- and they stated that, um, their mother was inside, um, being yelled at by, they said, her girlfriend. So, we essentially made entry into the apartment and we separated the two. And I was out in the hallway with the-, Amy, her first name is. I don't know her last name. And while out in the hallway, I talked with Amy while Marcus was inside the apartment talking with the other female, the other half, and Amy explained to me that she was pissed off because-, had something to do with a cellphone. Earlier, she tried to call the-, her better half and she didn't answer, and she got mad about it, confronted her when she came back, and things spiraled out of control. The other half, Amy's other half -- I can't remember her name -- decided she wanted to get her property to move out, so they were in the process of moving their property out of the apartment, which again angered Amy, and she just got bent out of shape about it."

When asked to describe Amy Nelson, Officer Lehner stated, "Amy was out of control. She was so-, she was loud enough in her apartment that actually the neighbors who were what 20, maybe 50 feet down hallway actually came out because they heard the screaming and yelling. I think they know each other from just living on the same floor, so they actually were trying to mediate before we got there between Amy and the other female and her kids. Um, when it came to her verbal actions, it was every cuss word you can think of. You know like get the fuck out of my apartment. You know fuck her. She's-, you guys have no reason to be here. Um, we're just in the middle of something. She starts talking about this cellphone stuff and briefly why the argument started, and she would just get out of control. And she would be constantly yelling at the kids who were in the hallway trying to get this stuff moved and trying to yell from out in the hallway past me into her girlfriend to try to intimidate her inside to telling her you don't have to move your stuff out one minute to get the fuck outta here you worthless piece of shit. She was just all over the place. Um, her demeanor was, you know, she, she had like an aggressive behavior demeanor. I don't know how to really describe it, but you can see it. At one point in the video, she's in the hallway, I'm standing in the threshold of the doorway in between her and getting into the apartment, she tries to move past me to get into the apartment, so I just put my hand up and she swats my hand off. And then I verbally tell her, you know, don't do that and to stay in the hallway, and she does, but you can still tell she's extremely agitated and she's almost to the point where she's going to get aggressive with either us, especially if we were to leave get aggressive with her girlfriend or her kids."

Officer Lehner stated that Amy Nelson never tried to attack Melissa Desjarlais in front of them because they didn't give her a chance to because of the way they were standing and where they positioned Amy. He said that nothing that about physical violence was told to them other than one of the daughters mentioning fighting which Officer Lehner perceived as verbal fighting. He added that both Amy Nelson and Melissa Desjarlais both denied anything physical had occurred.

When asked if he had any indicators that Amy had been consuming alcohol that night, Officer Lehner stated, "Oh, absolutely. You could smell it all over. She reeked of it." When asked if he would consider her drunk, he answered, "Yeah. She was drunk for sure."

When asked about Officer Marcus Lukes holding the apartment door shut, Officer Lehner stated, "When all this stuff was put out in the hallway, Amy was actually out there and I was trying to explain to her, look, if there's anything out here you don't want her to take, you can put it back in the hallway and she doesn't have to take it. Um, she would scream and yell at you and call you names and all that, but at one point she grabs a sweater and yanks it out and throws it past me into the apartment, and she pretty much left it at that. So, once the victim-, or not the victim-, but once her other half got all of her stuff out of the apartment, she brought it up and put out in the hall, and we positioned ourselves so Amy was essentially between Marcus, myself-... I'm sorry. We were between Amy and the property and then the other female who came out of the apartment just so-, because Amy was so agitated just so she wouldn't fight with her. So, once they moved their stuff down to the elevator, which is about 15 feet away, with the help of the neighbors, we moved and let Amy back into her apartment, but we told her that she has to stay in her apartment. We're going to stay here the entire time until the other half gets all their stuff and leaves, and normally, I don't do that, but in this case Amy was so out of control we-, I knew that she was going to go downstairs and bother them and maybe physically fight them if we were to leave. So, she went into her apartment and all the stuff is loaded into the elevator and they went down. I told Marcus just you wait in 30 seconds she's gonna come out and you could hear her at the doorway, so Marcus held it shut. So, he held it for I don't how long, but then eventually he let go of it. And after another period of time, I stayed up there again because I knew she was going to come out again. She actually opened the door and then Marcus confronted her at the doorway and told her to stay inside, and I believe I told her at that point, too, if she comes out again she's gonna be arrested for disorderly conduct and that's because the neighbors were involved. They were irritated. You can see during that video other neighbors coming through the hallway while we're standing there with just absolute disgusted looks on their faces because of her actions. So, she didn't really acknowledge it. All she did is slam the door in Marcus' face. So, I think we waited a little bit longer up there and then we went down to the rear because one of the girls, I believe, said that's where their car was parked. So, we went down to the rear and we waited down there while they were still moving her stuff to like a Jeep or something that was parked in the back."

Officer Lehner stated that Amy had an attitude and had exhibited aggressive behavior towards him and everyone else earlier up by her apartment. He stated, "she was told flat out that if she came out of the apartment she would be arrested for disorderly conduct and she knew this."

Video from the rear entryway of the building was then discussed with Officer Lehner. Amy Nelson had come down to this rear entry door and was standing at the threshold. Officer Lehner knew that she was on the phone, and he believed that she was talking to somebody in the police department



because "She mentioned something about how she's already talking to you guys (Police), something like that, referring to how she's talking to us on the phone. Now, what that meant I have no idea."

He went on to state that Amy came down to the rear door threshold and stops there. Officer Lehner and Officer Lukes are outside of this door. Everyone else is outside loading the vehicle. Officer Lehner confronts Amy at the door and "told her just back off and that, um, she was to go back up to her apartment because I was trying to be as nice as I could to Amy to not take her to jail and I waited a brief second after telling her that and she wouldn't move. I told her to back up, she didn't, and it's hard to tell in the angle, but we're approximately a foot from each other. Because if I were to move back, she'd have access to get out the back, so I didn't want her out there. So, I kind of cut off her exit to the building if that makes sense. So, I told her to back up, she won't. She just leans against the pillar and just stands there, so I push her and then you can see in the video of her being pushed back by me." When asked what the intent of his push was, he answered, "My intent of the push is I told her she-, to back up, and now, because she's not doing what I'm telling her to do, she's under arrest -- like I told her before if she comes out of the apartment -- for disorderly conduct." He added, "So, she's at the back door. I'm telling her go back in your apartment and she won't, so now it's just over, back up, she won't. So, now, she's gonna be placed under arrest for disorderly conduct. I push her back and it's-, you can't-, because this is 2D, you can't really tell the distance here, but the distance isn't as short as what this is here. It's, it's a little bit of a distance, so when she gets pushed she stumbles. Because she's drunk, she ends up stumbling backwards and falling back on the steps."

After adjusting the playback of the video, Officer Lehner continued, "So, again, this is her at the back door, I'm telling her to back up, she won't, and I had already earlier told her she'd be placed under arrest, so I pushed her. And you can see that she stumbles and then eventually trips on the steps, and essentially sits down. You can also see me enter in there and I'm pointing directly at her, looking her in the eye, telling her she is under arrest. And she is supposed to put the phone down and turn around and she won't. So, while you keep playing it, I step closer and then she just essentially ignores me. So, once I-, she puts the phone up, I hit it out of her hand, and then she starts to tense and tries to get up, but then I just push her down again. It's very quick. I'm just replaying it for the recorder. But again, this is very quick the actions of what's going on. This whole thing from when the push happens to essentially it's done it's about 35-, 40 seconds. Again, she is just ignoring me now. So, she stands up and puts her hand on my chest, so I take that as an aggressive action, so I push her back again. And now, I'm over the top of her and she's more submissive now. So, I'm telling her while I'm pointing at her just stop resisting and to get on her stomach, so I can handcuff her. But someone back by Marcus yells something about please don't arrest her, you know, we'll take care of her. And it's-, I tried to look at both angles of this video to try to get it to match, but it's, it's hard to have it match. But while I'm talking to her and telling her that she's under arrest and to knock it off, she's not in control, we are, I'm tired of her, and to roll over, somebody tells me, please, don't do it, we'll take care of her. So, then, of course, I have a change of heart because I've been dealing with her for 20 minutes and she's drunk, and the person that she's been dealing with has almost all of her stuff loaded up and the solution is going to be solved once they leave. So, in about another 10-, 15 seconds, this whole thing is over. And the neighbors come or somebody says to me that we'll take her. So, eventually, the neighbors come up and you can see me

let her up. I back away here on video and I let her up. I tell her to get her cellphone and she's still pissed at me."

Officer Lehner stated that he had heard someone ask him to not arrest Amy, and that is the point in the video where he is seen stepping back and away from Amy, then letting her up. He added, "And here I'm waiting because somebody had said, we'll take care of her. I'm waiting for them to come in. And right here, she's arguing with me and still being loud and aggressive, and they finally walk in and I believe it's the lady in the gray shirt who is now yelling at her telling her to get back and go up to your apartment. So, they take her and it's essentially over. We walk down to the back, they leave, and then she never comes back down, so then we leave."

Officer Lehner was asked if it was his intent to knock Amy to the ground when he pushed her back from the threshold of the door. He responded, "The intent was to get her back away from me. She was too close and she's in that threshold of the door. It's too tight. I push her back, so then I engage her in this open foyer right here...And because she's drunk, she stumbles and falls." He also stated that his intent was to create distance between him and Amy because she was going to be placed under arrest. When asked to explain why he wanted to create distance between him and Amy when he was going to place her under arrest, Officer Lehner answered, "Like I stated earlier, we're in that threshold of the doorway- -and it's tight. I had a lot of stuff on my belt and I fought with people before. If I can get her into this foyer in the back here, I have more room to maneuver myself, so the reason for to her getting being pushed away from the threshold of the doorway is to create distance from me, get her in that foyer, it knocks her off balance, such as a distractionary technique, then I can move into that foyer and take her down appropriately if I have to or I can spin her around and push her up against the wall. And in her case, she was too drunk. She just tripped over herself and fell down." When asked if he thought that he could have accomplished the this result with a lesser amount of force or less aggressive push, Officer Lehner answered, "Again, when you review the video and I'm at 10:21-, or at 1021 hours when we were in the hallway, she tried to get back into that apartment and I simply put my hand up very, very low level of, if you wanna call it, force and told her to stay away, and her reaction to me was to bat my hand down and yell at me. So, knowing what happened in the past and us being so close to each other, simply putting my hands up and grabbing her, I knew in my mind that she would fight with me. So, to push her away into that foyer so I could have room in case she did was the option that I chose."

Officer Lehner explained why he chose verbal commands in telling Amy to put her phone away and to turn around so that he could place handcuffs on her while she was seated on the stairs instead of taking hold of her and forcibly putting handcuffs on her. He stated the reason for this was "Because I'm trying to be nice. She is smaller than me, she's drunk, and I understand that. And I'm trying to do whatever I can not to have to lay my hands on her because I know what's gonna happen. I'm gonna grab her by the arm while she's facing me and then it's a little struggle in this foyer where she's already seated down, I'm gonna try to get her to do what I asked her to do, but again she doesn't. So, at that point, like I said earlier, once the phone is swatted out, she actually reaches up and puts her hand on my chest, so then I push her down again. And at that time, I'm over again telling her again, trying to be nice, so I don't have to lay my hands on her."

When asked if he had used any harsh language towards Amy in the back lobby, Officer Lehner stated, "Harsh as in yelling at her, absolutely." When asked if he had used any foul, profane, or

name calling language, he answered, "No. No. And you had mentioned earlier that I had called her a cunt, there's absolutely no way I would ever use that word period. There's two words I don't use and it's the C-word and the N-word, so- I get in trouble with my ex-wife for that word, so." Officer Lehner was asked about Amy's recollection of him calling her a cunt several times and specifically calling her "a little cunt" and "a little bitch;" he did not remember saying these things. When asked if he remembered telling Amy to "shut the fuck up," he stated, "That I may have said. Now, with-, I knew I told her to shut up guaranteed. Now, did I say shut the fuck up, I guess I don't know, so-... But yes that I guarantee during that contact if she would've been arguing with me I would've told her to shut up."

Officer Lehner stated that he never considered taking Amy to detox "because she lived there. It was her apartment and she was not medically -- how do you say that -- she was not unable to care for herself."

When asked if he felt that he ever lost his temper with Amy, Officer Lehner stated, "I don't think I did. I thought I used an enormous amount of restraint having to be there that whole time and did I push her yes and did I push her again yes, and that was to make sure I could control her enough to try to give her verbal commands to handcuff her. I was trying to give her every opportunity to do this stuff on her own, so I wouldn't have to manhandle her to make her do it."

Officer Lehner, when asked, stated that he is 5'9" tall, and he believed that Amy about 5'5" tall. He stated that Amy is much smaller than he is. Officer Lehner stated that he did not feel that Amy posed a threat to him or his partner.

Officer Lehner was asked if he felt that any more force other than verbal commands and keeping her on the floor where he could control her was necessary. He stated, "No, absolutely not." When asked if he considered the second push of Amy a takedown technique, and he answered, "I would-, I would say no it's not. You know the first push was to push her away and the other was to keep her down. I don't-... A takedown technique to me is grabbing somebody like in an arm bar or your essentially you have them around the upper chest and you trip 'em. That's more of a takedown... This is more like, she's already down, to control her...So, I guess I would say no it's not a takedown."

The definition of "Use of Force" in the Minneapolis Police Department Policy and Procedures was discussed with Officer Lehner. A copy of the definition under Policy and Procedures 5-302 was provided to Officer Lehner. Here is that definition:

**Use of Force:** Any intentional police contact involving:(08/17/07) (10/01/10)

- The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain or produces injury to another; or
- Any physical strike to any part of the body of another;
- Any physical contact with a person that inflicts pain or produces injury to another; or
- Any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury.

Officer Lehner stated, "Well, any intentional police contact involving -- and you're right -- any physical contact with a person, but you know-... So, yes, it would be bullet point two any physical strike. Well, like I said, the use of force I understand it, but the definitions that the department has how does it cover a push because you have an-, a-, any physical strike to any part of the body of another. Is a push a physical strike? I would say no."

When asked if the third bullet point of this definition applies to this incident, Officer Lehner answered:

A: Bullet point three, any physical contact with a person that inflicts pain or produces injury to another. So, are you supposed to take just the first half of the definition or the whole thing?

Q: It would be any reasonable police officer would believe that force would cause injury or produce pain or injury.

A: Sure.

Q: So, do you think that applies here?

A: Do I think that a push would cause pain or injury? No. But I'm not going to be difficult, which I was earlier.

Q: I want you-, I want you...

A: But, uh, when it comes to physically controlling this individual-

Q: Mm-hmm (indicating yes).

A: -if you're going to consider that force, then yes that's what I was doing. I was physically controlling this individual. I told her to get back, she wouldn't, so I pushed her. Is that a physical contact with another individual? Yes, it is.

Bullet point four was discussed:

Q: And let's, uh, look at bullet point four. Could you please read bullet point four, uh, right here, out loud?

A: Under use of force?

Q: Yes, please.

A: Any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury.

Q: Do you think that applies?

A: No, because she wasn't going to get injured. I just...

Q: Your intent was to take her into custody-

A: Right.

Q: -not to cause harm or injury-

A: Right.

Q: -or degrade her, or humiliate, or intimidate? Are you telling me that that's the truth?

A: Yes, it was just to take her into custody.

Q: OK.

A: And like I said, I'm not trying to be difficult here with this-

Q: No, you're not.

A: -on the use of force. It's-, it was a push.

Minneapolis Police Department Policy and Procedure 5-306 Use of Force - Reporting and Post Incident Requirements, section B, was discussed with Officer Lehner. Here is that Policy and Procedures in effect at the time of this incident.

**B. Supervisor Notification and CAPRS Reporting Requirements**

**1. No CAPRS Report Required**

Unless an injury or alleged injury has occurred, or officers are made aware of a previously existing injury, the below listed force does not require a CAPRS report or supervisor notification: (08/19/15)

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

**2. CAPRS Report Required – No Supervisor Notification required**

Unless an injury or alleged injury has occurred, or officers are made aware of a previously existing injury, the following listed force requires a CAPRS report, but does not require supervisor notification: (08/19/15)

- Takedown Techniques
- Chemical Agent Exposures

**3. CAPRS Report Required - Supervisor Notification Required**

All other force, injury or alleged injury incidents, or situations in which officers are made aware of a previously existing injury, 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. (08/19/15)

**4. Supervisors shall not conduct a force review in any situation in which they used force, regardless of what force they used. Any other supervisor of any rank shall conduct the force**

review. (04/16/12) (08/19/15)

5. 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.

6. 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.

Q: If you'll note the first section here, it's say no CAPRS report is required for escort holds, joint manipulation, nerve pressure points, handcuffing, or drawing a gun and pointing it.

A: Yep.

Q: Do you believe that your force was any of those items?

A: Like I said, what is a push?

Q: Right.

A: I mean it's not a takedown. You know, like I said before, I pushed her away to get her back.

This line of questioning was continued later in the interview.

A: You know there's so many people that you go up to in a hallway and say hey, sir, you're under arrest-

Q: Mm-hmm (indicating yes).

A: -you grabbed them by the arm, and you push them up against the wall and grab their other arm. I've never ever done a statement on or put it in the CAPRS report.

Q: Right. And clearly that says that no CAPRS report is required when you do escort holds, joint manipulation, things like that.

A: But that wasn't an escort hold. The example I gave it was a push up against a wall.

Q: Right. Joint manipulation, arm bar, you know physical...

A: Yeah.

Q: Yeah. I understand the argument. So, because you didn't feel that you had used force on her, is that why you didn't do a CAPRS report on this?

A: Correct.

Q: And you didn't feel that there was any force to report to a supervisor?

A: No.

Officer Lehner's Federation Representative, Lt. Robert Kroll, wanted to put something on the record.

Q: OK.

LT. KROLL: Can I put something on the record?

Q: You sure can if, uh, if it's relevant and...

LT. KROLL: It's the-, the, the use of force policy we have is, for lack of a better term, it's a disaster.

Q: Yeah. We're not going to discuss that here.

LT. KROLL: But it was-, it's-, it was updated last in '10 and it was in response to a situation that happened. And use of force is, is governed by Graham versus Connor and, and our...

Q: And it clearly is reasonable-, what a reasonable officer at that time would believe is reasonable. We're not arguing that point.

LT. KROLL: But I mean something that you were trying to get out of him it's under use of force and it gives you several bullet points if you're using them and it didn't apply, but then if you look at the prior page non-deadly force where it talks about physical subduing or controlling then it would be. It's, it's just a convoluted policy.

Questioning of Officer Lehner continued.

Q: I wanted to, uh, get his answer as to whether he believed force was used and clearly you said no and that's fine. I had to ask because that tells me that's why you didn't do your report, which is what you said, correct?

A: Correct.

Officer Lehner was asked who added remarks to this call for service in CAD after clearing the scene. He stated that he assumed he had added the remarks, but he couldn't remember for sure.

When asked if there was anything that you would change about this incident, Officer Lehner answered, "I should've arrested her because if I would've arrested her everything would've been documented through the arrest report. And I had a change of heart at the end there again throughout this entire thing because I didn't-, cause she was drunk. You know why arrest someone just because their drunk. And is that my mistake? No. If I were to do it again, I still wouldn't have arrested her because of the, the neighbors coming up and asking we'll take care of her. Yeah."

## **Andrea Fossmo Statement**

On 08/13/2015 this investigator again went to 2609 Blaisdell in an attempt to contact Andrea Fossmo. Upon receiving no answer at her apartment, a letter was slipped under the door. Later that day, Andrea Fossmo called back. A statement was taken over the phone after she stated that she highly doubted that she could pick any officer that she has had dealings with out of a photo line-up.

Andrea Fossmo stated that she was not present or involved with the incident involving Amy Nelson on 08/04/2014.

Fossmo was asked about the incident during the summer of 2014 when Minneapolis Police Department Officers came to her apartment as stated by the apartment manager, Alyssa Kiffmeyer. Fossmo stated that it had been a domestic argument that she was having with her daughter's dad sometime in late July or early August. When asked if one of the officers had called her a name, she stated that one of them did call her a "dumb bitch." When asked if she was ever called a "cunt," she stated, she could not recall.

Fossmo was asked if manager Kiffmeyer had shown her video regarding the incident with Amy Nelson, and she stated no. She was asked if she had identified any officers in any video from her building as the officer that called her a dumb bitch or other names, and she answered no.

## **Shenita Esaw Statement**

In August of 2015, this investigator again attempted to contact Shenita Esaw. It was learned through Alyssa Kiffmeyer that Esaw had moved to Torre de San Miguel apartments in St. Paul. This investigator went to 58 E. Wood Street in St. Paul, the office of Torre de San Miguel, on 08/17/2015. It was learned that Shenita Esaw lives at 34 E. Wood Street, apartment B. Ms. Esaw was found to be home, and she consented to a recorded statement on 08/17/2015.

A set of still images from the surveillance videos was printed, marked Exhibits A through F, and used during this interview with Esaw. She was asked to label people in the images and write on the images. These images will be in the case file with Esaw's transcribed statement.

Esaw stated that she recalled the incident involving Amy Nelson on 08/04/2014. When asked what had happened before Police arrived, she stated, "Amy had got mad because Missy was leaving and getting herself stuff with her daughter. All of a sudden, Amy started jumping on Missy, punching her in the face, hitting her in the face while Amy...while Missy -- excuse me -- was trying to get her stuff about the house. Missy came running to my door asking me for help, so I went over there to help her to try to stop Amy from hitting her because she was getting her stuff and she was trying to leave." Esaw recalled having to get in between Missy and Amy, and she even had to physically restrain Amy. She added that she thought that an officer had arrived and seen Amy "whack" Missy with a plastic fan pedestal.



Shenita Esaw then stated that she helped Missy move her things out of the apartment. During this time, Esaw said that Amy hit the officer. She said, "Yeah, she hit him, and he told her don't do it again, and she did it again." Esaw stated that she saw Amy hit the officer when she was standing right by her apartment door. She confirmed this location in Exhibit D. When asked how Amy hit the officer, Esaw stated, "She pushed him and then he told her I wouldn't do that again if I were you, and she did it again, and he told her now you're pissing me off. And then, she did it again. And while downstairs, she did something. He was telling her to go in, go in, and she kind of like charged, and he pushed her back like I said go in the house or you're gonna go fucking jail now. And that was the end of it."

Esaw was asked if she ever heard the officer call Amy any names, Esaw stated, "A cunt." She said that she heard the officer call Amy this name, adding, "Well, shit, she pissed him off. She kept hitting her...hitting him - - excuse me." Esaw identified Officer Lehner in Exhibit E as the officer that Amy hit, and she said that this is the same officer that called Amy a cunt "cause she kept hitting him." Esaw stated that she only heard this officer call Amy this name once.

Esaw was shown the still images from the surveillance videos (Exhibits A – F), and she described them as follows:

- A) "Me walking out with some of the stuff and Missy getting the rest of her stuff." Esaw stated that she is the girl in gray.
- B) Esaw stated that this was the officer and her neighbor, April. Also in the image is Esaw's ex-boyfriend, Ken.
- C) The back exterior by the alley
- D) Esaw labeled Amy in this picture. The young girls are Missy's daughter and Missy's daughter's friend.
- E) Esaw labeled Missy in this picture along with an arrow pointing at Officer Lehner and the label, "Called Amy a cunt."
- F) April, Amy, and Esaw.

When asked about the incident in the back lobby when the officer was standing over Amy before everyone came walking back up from the alley to the back door, Esaw stated, "I didn't see that part." She also did not see the officer push Amy inside the door. She also stated that she did not hear any of the conversation around the events in the back lobby because she was helping Missy take her belongings out. Esaw did, however, answer "Oh, yeah" when asked if Amy had been yelling down towards the alley at them when she came to the back door. She stated that she did not remember what Amy was saying, but it was something to Missy.

Esaw was asked further questions about events in the back lobby:

Q: OK. Now, when you guys were walking up, April, you and Ken were approaching the back door, and Amy and this officer are having their, um, interaction inside that lobby, did anyone of you three or anyone that was helping Missy ever say to the officer "Please don't arrest her. We'll take her inside."?

A: I think April did.

Q: April did?

A: I think April told him that, like we'll just try to get her in.

Q: And did April ask the officer "Please don't arrest her."?

A: I don't think so.

Q: You don't think so. What did April say and when did she say it?

A: I can't not...I can't really remember. I remember she said...no, actually, she was talking to Amy, like you need to get in the house cause he's gonna take yo-, he's gonna take you to jail.

Q: So, she wasn't asking the officer not to arrest her?

A: No, he didn't arrest her.

After the encounter in the rear lobby, Esaw is seen on video talking with Amy and April (Exhibit F). When asked if she remembered what Amy told her at that time, Esaw stated, "Mmm, I thought she was saying like the, the cop did something to her, but I didn't catch it cause I didn't see it and I was just trying to get into my apartment cause usually in subsidized housing we're...if we're in any mischief, we can get put out, so..."

When asked if Amy has a temper, Esaw answered, "All the time. Always. Ugh, I just...ugh, being her neighbor was the worst. It was just the worst." Esaw also stated that Amy was drunk on the night in question, along with the rest of them.

### **Alyssa Kiffmeyer's Second Statement**

On 09/04/2015 this investigator again contacted Alyssa Kiffmeyer to confirm who had written the interpretive summary that was included on the video disc she provided in August of 2014. She stated that she had made a request to Common Bond Communities I.T. Department to get a copy of the video of the event, and Ericka Rogers (651-291-1750) had written the interpretive summary.

### **Erica Rogers' Statement**

On 09/08/2015, this investigator called Erica Rogers of the IT Department at Common Bond Communities. Erica Rogers recalled making a video disc of the events on 08/04/2014 at 2609 Blaisdell Ave S. Rogers also recalled writing an investigative summary of the events. When asked where the information came from for this investigative summary, Rogers stated that it was from watching the video.

## MECC – 911 Call, Dispatch Audio, and Amy Nelson’s 911 call

The original 911 call came into MECC at 2204 hours. The caller was Shay. Shay reported that Amy and Melissa were fighting, and she needed help to break them up.

Squad 511 was dispatched to this call at 2205 hours.

Amy Nelson called 911 while Officers were at 2609 Blaisdell Ave.

All three of the above audio files from MECC were burned to a disc and will be contained within this case file.

Amy Nelson stated that she was on the phone with the precinct when the phone was knocked out of her hand. Here is the transcribed phone call to 911.

Q: 911. What is the address of the emergency?

A: There wasn't an emergency. The cops showed up at my door due to an argument and this girl gets stuff of mine, hers out of my house, but they won't let me get stuff out of her vehicle. What can I do about this?

Q: Who won't let-, the, the police won't get-, let you get stuff out of-, out of her car?

A: Nope, they won't. They said another day meaning she's gotta come back and get shit. [crying] And she fuckin' put hands on me, and I only put hands on her because she put hands on me. This is not the first time that she fuckin' verbally and physically abused me. She has domesticated against me in Dakota County that she is on probation for right now. Do you know what I mean? Like and I don't understand why they wouldn't let me get my stuff if she can get all of her stuff out of my apartment. She dumped her fuckin' cat box of litter and shit all over my floor, and left it there like that. And they said that's fine.

Q: Let me get you in touch...

A: Do you know how gross that is?

Q: Let me get you in touch with the precinct.

A: Thank you.

Q: OK. Hold on.

[dial tone, number being dialed, phone ringing]

Q: I'll get you past the automated line as well.

[phone picks up stating, "You have reached the City of Minneapolis Fifth Police..."]

[number dialed, phone ringing]

Call ends.

Since the above 911 call was transferred to the 5<sup>th</sup> Precinct, MECC audio files were searched for related recordings from the 5<sup>th</sup> Precinct desk. None were found to exist between 01/01/2014 and 08/22/2014. According to Scott Peterson of MECC Information Technology, there was an issue with the recording system and the IP phones during that time, and the phones were not recorded.

## **SUMMARY OF EVIDENCE**

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

1. Officer Blayne Lehner and Officer Marcus Lukes were working Squad 511 on 08/04/2014; they were dispatched to a "Fight" call at 2609 Blaisdell Ave S, apartment #305, at 2205 hours.
2. Amy Nelson and Melissa Desjarlais were involved in a domestic in apartment #305.
3. Officer Blayne Lehner and Officer Marcus Lukes assisted as Melissa Desjarlais retrieved property from apartment #305. Azekia Saunders, April Baker, and Shenita Esaw helped Desjarlais bring her personal property to a vehicle in the back alley behind the apartment building.
4. Towards the end of the retrieval of property, Amy Nelson walked down to the rear entryway of the building where she again encountered Officers Lehner and Lukes. Video captures their interaction.
5. Officer Lehner is seen on video shoving Amy Nelson backwards, and Nelson falls back onto stairs in the rear entryway. Officer Lehner then walks to Nelson while pointing his finger at her. Officer Lehner slaps the cellphone out of Nelson's hand, again shoves her down to the floor as she tries to get up, and stands over Nelson while pointing his finger in her face.
6. Officer Marcus Lukes observes this interaction between Officer Lehner and Amy Nelson through the open rear door.
7. Officer Lehner allows Amy Nelson to get up off of the floor and retrieve her cell phone.
8. Amy Nelson leaves the rear entryway and goes back into the apartment building.
9. Officers leave the apartment building and clear the call.

## **DISCUSSION**

**Allegation #1:** It is alleged that Officer Blayne Lehner used unauthorized and unreasonable force against Amy Nelson without cause. If this allegation is found to be true, it would violate the following Minneapolis Police Department's Policy:

### **5-303 AUTHORIZED USE OF FORCE (10/16/02) (08/17/07)**

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

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

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

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

#### **The *Graham vs Connor* case references that:**

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

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

The "reasonableness" of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

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

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

The alleged use of force by Officer Lehner against Amy Nelson will be broken down into three separate components for analysis and discussion: the initial shove backwards, the slapping of the cellphone out of Nelson's hand, and the second shove.

**Initial shove:**

- On surveillance video from the building, Officer Lehner is seen shoving Amy Nelson backwards from the rear door's threshold. Nelson had been standing still on the threshold talking on a cellular phone. Nelson ends up in a seated position on the stairs.
- Azekia Saunders, Shenita Esaw, and Andrea Fossmo stated that they did not see this alleged force. However, Shenita Esaw stated in her Internal Affairs interview that Amy Nelson had been yelling something to Missy. Azekia Saunders stated, "And then I was outside and I just saw her like yelling, and then he was saying something and I think he pushed her or something."
- In her Internal Affairs interview, Amy Nelson stated that officers had told her to stay in her apartment until Melissa Desjarlais was completely gone, but Nelson said she would have had no clue if she was gone or not because she couldn't see the parking lot from her apartment. Nelson came down to the back hallway, and the officers saw her come down to this back hallway. Nelson figured that Desjarlais was gone and wanted to talk to the officers about her belongings. Officers again instructed Nelson to go back upstairs because Desjarlais was apparently still in the parking lot. Nelson said that she didn't want to talk to Desjarlais, and she was not trying to go out into the parking lot; she just wanted to know what she could do later to get her belongings. She also said that she had not yelled at Desjarlais when down at the back door. Nelson stated, "And that's when the officer smacked the phone out of my hand and shoved me, and I landed on the ground. And he was standing over me, hollering at me."

Nelson was asked if she thought she was being rude to the officer before he pushed her. She stated, "I know I was being rude because he was being rude to me." When asked if she remembered saying anything in particular to him that might have (caused the push), Nelson stated, "No, I just told him that I was talking to the precinct and the precinct said that I'm supposed to ask them for the police report and they're supposed to let me get my belongings if she's getting her belongings. And they told me another time. They told me that several times actually."

- Under Garrity, Officer Marcus Lukes stated that Amy was told to stay up in the apartment while Desjarlais and her daughters moved their stuff out, so they could do it safely. While narrating the surveillance video of the incident, Officer Lukes said that Amy came to the back door while on the phone, but he didn't recall if she was yelling or threatening. He said that she "gets pushed back by Officer Lehner" and "falls on the step." He stated that he didn't know why Officer Lehner pushed her in the way he did.
- Under Garrity, Officer Lehner stated that Amy had an attitude and had exhibited aggressive behavior towards him and everyone else earlier up by her apartment. He stated, "She was

told flat out that if she came out of the apartment she would be arrested for disorderly conduct and she knew this.”

He later stated that he confronts Amy at the door when she came down and “told her just back off and that, um, she was to go back up to her apartment because I was trying to be as nice as I could to Amy to not take her to jail and I waited a brief second after telling her that and she wouldn’t move. I told her to back up, she didn’t, and it’s hard to tell in the angle, but we’re approximately a foot from each other. Because if I were to move back, she’d have access to get out the back, so I didn’t want her out there. So, I kind of cut off her exit to the building if that makes sense. So, I told her to back up, she won’t. She just leans against the pillar and just stands there, so I push her and then you can see in the video of her being pushed back by me.”

When asked what the intent of his push was, he answered, “My intent of the push is I told her she-, to back up, and now, because she’s not doing what I’m telling her to do, she’s under arrest -- like I told her before if she comes out of the apartment -- for disorderly conduct.” He added, “So, she’s at the back door. I’m telling her go back in your apartment and she won’t, so now it’s just over, back up, she won’t. So, now, she’s gonna be placed under arrest for disorderly conduct. I push her back and it’s-, you can’t-, because this is 2D, you can’t really tell the distance here, but the distance isn’t as short as what this is here. It’s, it’s a little bit of a distance, so when she gets pushed she stumbles. Because she’s drunk, she ends up stumbling backwards and falling back on the steps. You can also see me enter in there and I’m pointing directly at her, looking her in the eye, telling her she is under arrest.”

Officer Lehner was asked if it was his intent to knock Amy to the ground when he pushed her back from the threshold of the door. He responded, “The intent was to get her back away from me. She was too close and she’s in that threshold of the door. It’s too tight. I push her back, so then I engage her in this open foyer right here...And because she’s drunk, she stumbles and falls.” He also stated that his intent was to create distance between him and Amy because she was going to be placed under arrest. When asked to explain why he wanted to create distance between him and Amy when he was going to place her under arrest, Officer Lehner answered, “Like I stated earlier, we’re in that threshold of the doorway- -and it’s tight. I had a lot of stuff on my belt and I fought with people before. If I can get her into this foyer in the back here, I have more room to maneuver myself, so the reason for to her getting being pushed away from the threshold of the doorway is to create distance from me, get her in that foyer, it knocks her off balance, such as a distractionary technique, then I can move into that foyer and take her down appropriately if I have to or I can spin her around and push her up against the wall. And in her case, she was too drunk. She just tripped over herself and fell down.” When asked if he thought that he could have accomplished the this result with a lesser amount of force or less aggressive push, Officer Lehner answered, “Again, when you review the video and I’m at 10:21-, or at 1021 hours when we were in the hallway, she tried to get back into that apartment and I simply put my hand up very, very low level of, if you wanna call it, force and told her to stay away, and her reaction to me was to bat my hand down and yell at me. So, knowing what happened in the past and us being so close to each other, simply putting my hands up and grabbing her, I

knew in my mind that she would fight with me. So, to push her away into that foyer so I could have room in case she did was the option that I chose.”

**Slap of cellular phone out of Nelson’s hand:**

- On surveillance video from the building, Officer Lehner is seen using his right hand to swat Amy Nelson’s right wrist, causing the cell phone she is holding to fly out of her hand and land on the floor.
- Azekia Saunders, Shenita Esaw, and Andrea Fossmo stated that they did not see this alleged force.
- In her Internal Affairs interview, Amy Nelson stated that she had told the officer that she was on the phone with the 5<sup>th</sup> Precinct, and the officer “smacked” the phone out of her hand. She said that the phone had come apart when it hit the floor, but when reassembled, it worked fine.
- Under Garrity, Officer Marcus Lukes stated that Officer Lehner had knocked the cell phone out of Amy Nelson’s hand.
- Under Garrity, Officer Lehner stated that he was telling Amy Nelson that she was under arrest “And she is supposed to put the phone down and turn around and she won’t. So, while you keep playing it, I step closer and then she just essentially ignores me. So, once I-, she puts the phone up, I hit it out of her hand...”

Officer Lehner explained why he chose verbal commands in telling Amy to put her phone away and to turn around so that he could place handcuffs on her while she was seated on the stairs instead of taking hold of her and forcibly putting handcuffs on her. He stated the reason for this was “Because I’m trying to be nice. She is smaller than me, she’s drunk, and I understand that. And I’m trying to do whatever I can not to have to lay my hands on her because I know what’s gonna happen. I’m gonna grab her by the arm while she’s facing me and then it’s a little struggle in this foyer where she’s already seated down, I’m gonna try to get her to do what I asked her to do, but again she doesn’t. So, at that point, like I said earlier, once the phone is swatted out, she actually reaches up and puts her hand on my chest, so then I push her down again.”

**Second shove:**

- On surveillance video from the building, Officer Lehner is seen shoving Amy Nelson with his left hand a second time as she attempts to get up from the stairs immediately following the slapping of her cellular phone out of her hand.
- Azekia Saunders, Shenita Esaw, and Andrea Fossmo stated that they did not see this alleged force.



- In her Internal Affairs interview, Amy Nelson was asked if she fell down when the officer pushed her. She answered, "I flew."
- Under Garrity, Officer Marcus Lukes narrated the video and stated that, as Amy was trying to get up, Officer Lehner pushed her back a second time. Amy is laying on her back, and Officer Lehner is standing above her, pointing at her. Officer Lukes stated that he did not know what Officer Lehner's intentions were or why he did what he did; he just remembered that they had told Amy to stay in her apartment so they could safely get the other female's belongings out.
- Under Garrity, Officer Lehner stated that he hit the phone out of Amy Nelson's hand "and then she starts to tense and tries to get up, but then I just push her down again. It's very quick. I'm just replaying it for the recorder. But again, this is very quick the actions of what's going on. This whole thing from when the push happens to essentially it's done it's about 35-, 40 seconds. Again, she is just ignoring me now. So, she stands up and puts her hand on my chest, so I take that as an aggressive action, so I push her back again. And now, I'm over the top of her and she's more submissive now. So, I'm telling her while I'm pointing at her just stop resisting and to get on her stomach, so I can handcuff her. But someone back by Marcus yells something about please don't arrest her, you know, we'll take care of her. And it's-, I tried to look at both angles of this video to try to get it to match, but it's, it's hard to have it match. But while I'm talking to her and telling her that she's under arrest and to knock it off, she's not in control, we are, I'm tired of her, and to roll over, somebody tells me, please, don't do it, we'll take care of her. So, then, of course, I have a change of heart because I've been dealing with her for 20 minutes and she's drunk, and the person that she's been dealing with has almost all of her stuff loaded up and the solution is going to solved once they leave. So, in about another 10-, 15 seconds, this whole thing is over. And the neighbors come or somebody says to me that we'll take her. So, eventually, the neighbors come up and you can see me let her up. I back away here on video and I let her up. I tell her to get her cellphone and she's still pissed at me."

Officer Lehner stated that he had heard someone ask him to not arrest Amy, and that is the point in the video where he is seen stepping back and away from Amy, then letting her up. He added, "And here I'm waiting because somebody had said, we'll take care of her. I'm waiting for them to come in. And right here, she's arguing with me and still being loud and aggressive, and they finally walk in and I believe it's the lady in the gray shirt who is now yelling at her telling her to get back and go up to your apartment. So, they take her and it's essentially over. We walk down to the back, they leave, and then she never comes back down, so then we leave."

Officer Lehner was asked if he felt that any more force other than verbal commands and keeping her on the floor where he could control her was necessary. He stated, "No, absolutely not." When asked if he considered the second push of Amy a takedown technique, and he answered, "I would-, I would say no it's not. You know the first push was to push her away and the other was to keep her down. I don't-... A takedown technique to me is grabbing somebody like in an arm bar or your essentially you have them around the

upper chest and you trip 'em. That's more of a takedown... This is more like, she's already down, to control her...So, I guess I would say no it's not a takedown."

Further force discussion -

- According to MPD Policy and Procedure 5-302:
  - Passive Resistance is defined as "A response to police efforts to bring a person into custody or control for detainment or arrest. This is behavior initiated by a subject, when the subject does not comply with verbal or physical control efforts, yet the subject does not attempt to defeat an officer's control efforts."
  - Active Resistance is defined as "A response to police efforts to bring a person into custody or control for detainment or arrest. A subject engages in active resistance when engaging in physical actions (or verbal behavior reflecting an intention) to make it more difficult for officers to achieve actual physical control."
  - Active Aggression is defined as "Behavior initiated by a subject that may or may not be in response to police efforts to bring the person into custody or control. A subject engages in active aggression when presenting behaviors that constitute an assault or the circumstances reasonably indicate that an assault or injury to any person is likely to occur at any moment."
- According to MPD Policy and Procedure 5-302, Objective Reasonable Force is defined as "The amount and type of force that would be considered rational and logical to an "objective" officer on the scene, supported by facts and circumstances known to an officer at the time force was used."
- According to MPD Policy and Procedure 5-302, Use of Force is defined as "Any intentional police contact involving:
  - The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain or produces injury to another; or
  - Any physical strike to any part of the body of another;
  - Any physical contact with a person that inflicts pain or produces injury to another; or
  - Any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury.

This definition was discussed with Officer Lehner under Garrity.

Officer Lehner stated, "Well, any intentional police contact involving -- and you're right -- any physical contact with a person, but you know... So, yes, it would be bullet point two any physical strike. Well, like I said, the use of force I understand it, but the definitions that the department has how does it cover a push because you have an-, a-, any physical strike to any part of the body of another. Is a push a physical strike? I would say no."

When asked if the third bullet point of this definition applies to this incident, Officer Lehner answered:

A: Bullet point three, any physical contact with a person that inflicts pain or produces injury to another. So, are you supposed to take just the first half of the definition or the whole thing?

Q: It would be any reasonable police officer would believe that force would cause injury or produce pain or injury.

A: Sure.

Q: So, do you think that applies here?

A: Do I think that a push would cause pain or injury? No. But I'm not going to be difficult, which I was earlier.

Q: I want you-, I want you...

A: But, uh, when it comes to physically controlling this individual-

Q: Mm-hmm (indicating yes).

A: -if you're going to consider that force, then yes that's what I was doing. I was physically controlling this individual. I told her to get back, she wouldn't, so I pushed her. Is that a physical contact with another individual? Yes, it is.

Bullet point four was discussed:

Q: And let's, uh, look at bullet point four. Could you please read bullet point four, uh, right here, out loud?

A: Under use of force?

Q: Yes, please.

A: Any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury.

Q: Do you think that applies?

A: No, because she wasn't going to get injured. I just...

Q: Your intent was to take her into custody-

A: Right.

Q: -not to cause harm or injury-

A: Right.

Q: -or degrade her, or humiliate, or intimidate? Are you telling me that that's the truth?

A: Yes, it was just to take her into custody.

Q: OK.

A: And like I said, I'm not trying to be difficult here with this-

Q: No, you're not.

A: -on the use of force. It's-, it was a push.

- Under Garrity, Officer Lehner stated that he was going to arrest Amy Nelson for disorderly conduct after she came down to the rear entryway after being told to stay in her apartment. He described, "Amy was out of control. She was so-, she was loud enough in her apartment that actually the neighbors who were what 20, maybe 50 feet down hallway actually came out because they heard the screaming and yelling. I think they know each other from just living on the same floor, so they actually were trying to mediate before we got there between Amy and the other female and her kids. Um, when it came to her verbal actions, it was every cuss word you can think of. You know like get the fuck out of my apartment. You know fuck her. She's-, you guys have no reason to be here. Um, we're just in the middle of something. She starts talking about this cellphone stuff and briefly why the argument started, and she would just get out of control. And she would be constantly yelling at the kids who were in the hallway trying to get this stuff moved and trying to yell from out in the hallway past me into her girlfriend to try to intimidate her inside to telling her you don't have to move your stuff out one minute to get the fuck outta here you worthless piece of shit. She was just all over the place. Um, her demeanor was, you know, she, she had like an aggressive behavior demeanor. I don't know how to really describe it, but you can see it. At one point in the video, she's in the hallway, I'm standing in the threshold of the doorway in between her and getting into the apartment, she tries to move past me to get into the apartment, so I just put my hand up and she swats my hand off. And then I verbally tell her, you know, don't do that and to stay in the hallway, and she does, but you can still tell she's extremely agitated and she's almost to the point where she's going to get aggressive with either us, especially if we were to leave get aggressive with her girlfriend or her kids."

Officer Lehner stated that he had a change of heart and decided not to arrest Amy Nelson after he heard someone back by Officer Lukes yell something about please don't arrest her, we'll take care of her.

In Shenita Esaw's interview, she was asked if she heard anyone say this as they approached the rear entryway. She stated, "I think April did. I think April told him that, like we'll just try to get her in." When asked if April had asked the officer to not arrest Amy, Esaw answered, "I don't think so." She added, "I can't not... I can't really remember. I remember she said...no, actually, she was talking to Amy, like you need to get in the house cause he's gonna take yo-, he's gonna take you to jail."

Under Garrity, Officer Lukes was asked "at any point, while on the scene prior to leaving, did you and Officer Lehner discuss taking Amy to jail?," Officer Lukes stated, "I don't recall if we did or not. We were kind of-, cause as outside I was during part of it because of the other half was still outside and I kind of was in the door in between while he was dealing with Amy...I, I don't remember if we did or not." He also stated that he did not remember if they had talked about possibly putting Amy into detox because of her intoxication. When asked, "Once you guys left, did you have any discussion as to, um, whether she should have gone to jail, detox? Did you have any discussion about, uh, the force that was just witnessed on this video?," he answered, "I don't remember."

- Officer Lehner, when asked, stated that he is 5'9" tall, and he believed that Amy about 5'5" tall. He stated that Amy is much smaller than he is. Officer Lehner stated that he did not feel that Amy posed a threat to him or his partner. Officer Lukes stated that he did not feel that Amy was a threat to him or his partner.
- When asked under Garrity if he felt that he ever lost his temper with Amy, Officer Lehner stated, "I don't think I did. I thought I used an enormous amount of restraint having to be there that whole time and did I push her yes and did I push her again yes, and that was to make sure I could control her enough to try to give her verbal commands to handcuff her. I was trying to give her every opportunity to do this stuff on her own, so I wouldn't have to manhandle her to make her do it."
- Amy Nelson's injuries:
  - Kiffmeyer stated in her Internal Affairs interview that she noticed bruises all over Nelson's arms and the base of her neck the day after the incident.
  - When asked if she received any injuries from the incident, Nelson answered, "Um, I had bruises, but, uh, some of them might've been from Shemita and April trying to restrain me from getting mad and putting hands on Melissa because of her leaving and stuff like that. So, I'm, I'm gonna say that most of 'em are from them, but I had a big bruise on my elbow from them (the officer) pushing me." She added that she has anemia which causes her to bruise easily. This investigator observed only a bruise on her bicep, but Nelson said that this bruise was not related to the incident in question.
  - In her Internal Affairs interview, Shenita Esaw recalled having to get in between Missy and Amy prior to Police arrival, and she even had to physically restrain Amy.
- Officer Lehner was asked under Garrity if there was anything that he would change about this incident, Officer Lehner answered, "I should've arrested her because if I would've arrested her everything would've been documented through the arrest report. And I had a change of heart at the end there again throughout this entire thing because I didn't, cause she was drunk. You know why arrest someone just because their drunk. And is that my mistake? No. If I were to do it again, I still wouldn't have arrested her because of the, the neighbors coming up and asking we'll take care of her. Yeah."
- Officer Lehner's Internal Affairs Blue Card documents previous "Sustained" Category B and Category C level violations for Minneapolis Police Department Policy and Procedures 5-303 Authorized Use of Force. These incidents are:

<b>Incident Date</b>	<b>Complaint #</b>	<b>Allegation</b>	<b>Severity</b>	<b>Outcome</b>
09/13/2011	IA 12-74	Force 5-303	B	Sustained
04/27/2012	IA 12-95	Force 5-303	B	Sustained
05/29/2012	IA 12-182	Force 5-303	C	Sustained
06/06/2012	IA 12-93	Force 5-303	C	Sustained

- The reckoning period for “B” level violations per the Minneapolis Police Department Discipline Process is 3 years from the date of incident. All of the above previous incidents fall within the 3 year reckoning period of this current allegation.
- The reckoning period for “C” level violations per the Minneapolis Police Department Discipline Process is 5 years from the date of incident. All of the above previous incidents fall within the 5 year reckoning period of this current allegation.
- The Minneapolis Police Department Complaint Process Manual states in part that two same or similar Category B level violations in 3 years equal a “C” level violation. Also, it states that two of any type of Category C level violations in 5 years equals a “D” level violation.
- If this current allegation were found to be true and sustained at a Category B level, per the Minneapolis Police Department Discipline Process, the violation would be enhanceable to a Category C level violation.
- If this current allegation were found to be true and sustained at a Category C level, per the Minneapolis Police Department Discipline Process, the violation would be enhanceable to a Category D level violation.

**Allegation #2:** It is alleged that no CAPRS report was written by Officer Blayne Lehner documenting the use of force against Amy Nelson. If this allegation is found to be true, it would violate the following Minneapolis Police Department’s Policy:

**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.

- Escort Holds
- Joint Manipulations

- Nerve Pressure Points (Touch Pressure)
- Handcuffing
- 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.

- Takedown Techniques
- 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.

- 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)
- 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.
- 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.

- No CAPRS report could be found relating to this incident.
- Officer Lehner and Officer Lukes cleared this call "Advised."
- Under Garrity, Officer Lukes stated that he did not believe that a CAPRS report was necessary for "pushing someone," and he did not consider this a takedown technique. He also stated that he did not recall having a conversation with Officer Lehner about a CAPRS report, and he did not feel the need to contact a supervisor regarding what he had witnessed.

- Minneapolis Police Department Policy and Procedure 5-306 Use of Force - Reporting and Post Incident Requirements, section B, was discussed with Officer Lehner under Garrity. Here is that line of questioning:

Q: If you'll note the first section here, it's say no CAPRS report is required for escort holds, joint manipulation, nerve pressure points, handcuffing, or drawing a gun and pointing it.

A: Yep.

Q: Do you believe that your force was any of those items?

A: Like I said, what is a push?

Q: Right.

A: I mean it's not a takedown. You know, like I said before, I pushed her away to get her back.

This line of questioning was continued later in the interview.

A: You know there's so many people that you go up to in a hallway and say hey, sir, you're under arrest-

Q: Mm-hmm (indicating yes).

A: -you grabbed them by the arm, and you push them up against the wall and grab their other arm. I've never ever done a statement on or put it in the CAPRS report.

Q: Right. And clearly that says that no CAPRS report is required when you do escort holds, joint manipulation, things like that.

A: But that wasn't an escort hold. The example I gave it was a push up against a wall.

Q: Right. Joint manipulation, arm bar, you know physical...

A: Yeah.

Q: Yeah. I understand the argument. So, because you didn't feel that you had used force on her, is that why you didn't do a CAPRS report on this?

A: Correct.

Q: And you didn't feel that there was any force to report to a supervisor?

A: No.

Questioning of Officer Lehner continued.

Q: I wanted to, uh, get his answer as to whether he believed force was used and clearly you said no and that's fine. I had to ask because that tells me that's why you didn't do your report, which is what you said, correct?

A: Correct.



- If this current allegation were found to be true and sustained at a Category B level, per the Minneapolis Police Department Discipline Process, the violation would be enhanceable to a Category C level violation for the following reasons:
  - Three of any type of Category B level violations in 3 years equals a “C” level violation.
  - Officer Lehner’s Internal Affairs Blue Card documents a total of five previously “Sustained” Category B level violations that fall within the 3 year reckoning period of this current allegation. These incidents are:

Incident Date	Complaint #	Allegation	Severity	Outcome
09/13/2011	IA 12-74	Discretion	B	Sustained
“	“	Force	B	Sustained
“	“	Search/Seizure	B	Sustained
04/07/2012	IA 12-46	Code of Conduct	B	Sustained
04/27/2012	IA 12-95	Force	B	Sustained

- If this current allegation were found to be true and sustained at a Category C level, per the Minneapolis Police Department Discipline Process, the violation would be enhanceable to a Category D level violation for the following reasons:
  - Two of any type of Category C level violations in 5 years equals a “D” level violation.
  - Officer Lehner’s Internal Affairs Blue Card documents a total of three previously “Sustained” Category C level violations that fall within the 5 year reckoning period of this current allegation, one of which is for Force Reporting. These incidents are:

Incident Date	Complaint #	Allegation	Severity	Outcome
05/29/2012	IA 12-182	Force 5-303	C	Sustained
05/28/2012	IA 12-182	Force Reporting	C	Sustained
06/06/2012	IA 12-93	Force 5-303	C	Sustained

**Allegation #3:** It is alleged that Officer Blayne Lehner called Amy Nelson a “cunt” during the incident in question. If this allegation is found to be true, it would violate the following Minneapolis Police Department’s Policy:

**5-105 PROFESSIONAL CODE OF CONDUCT (A-D)**


15. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden. (04/01/93)

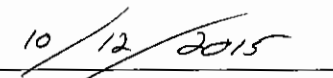
- Alyssa Kiffmeyer mentioned two separate incidents when a Minneapolis Police Department Officer called a resident a “cunt.” One was allegedly in early summer, and the other was this incident in question on 08/04/2014. Kiffmeyer claimed that Andrea Fossmo was the victim of the early summer incident. Kiffmeyer stated that she sent a still image from the video on 08/04/2014 to Andrea Fossmo, and Fossmo identified the officer (Officer Lehner) as the same officer that had called her the name.
- In her Internal Affairs interview, Amy Nelson was asked what the officer was saying to her during the 08/04/2014 incident. Nelson stated, “I’m a little smart ass. And he should take me in. And he was just saying all kinds of stuff. I don’t, I don’t know everything that he was saying because I was scared because he was pushing me.” When asked if the officer ever called her any names, Nelson answered, “Yeah, he called me a cunt.” When asked how many times (the officer called her a cunt), Nelson stated, “Several times. He called me a little cunt, I’m a little bitch. He was just calling me all kinds of names. Telling me to shut-, shut the F up, once or twice...” Nelson stated that she did not believe that she had any previous dealings with the officer that pushed her.
- Under Garrity, Officer Lukes was asked if he recalled anything that was said by Officer Lehner to Amy, and he stated no. When later asked what Officer Lehner was saying to Amy during the encounter in the rear entryway, Officer Lukes answered, “I don’t remember what he said to her.” When asked if he recalled Officer Lehner calling Amy a cunt, he stated no. He also stated that he did not recall Officer Lehner calling Amy any derogatory names.
- Officer Lehner was asked under Garrity if he had used any harsh language towards Amy in the back lobby, Officer Lehner stated, “Harsh as in yelling at her, absolutely.” When asked if he had used any foul, profane, or name calling language, he answered, “No. No. And you had mentioned earlier that I had called her a cunt, there’s absolutely no way I would ever use that word period. There’s two words I don’t use and it’s the C-word and the N-word, so- -I get in trouble with my ex-wife for that word, so.” Officer Lehner was asked about Amy’s recollection of him calling her a cunt several times and specifically calling her “a little cunt” and “a little bitch;” he did not remember saying these things. When asked if he remembered telling Amy to “shut the fuck up,” he stated, “That I may have said. Now, with-, I knew I told her to shut up guaranteed. Now, did I say shut the fuck up, I guess I don’t know, so-... But yes that I guarantee during that contact if she would’ve been arguing with me I would’ve told her to shut up.”
- In Andrea Fossmo’s interview, she was asked about the incident during the summer of 2014 when Minneapolis Police Department Officers came to her apartment as stated by the apartment manager, Alyssa Kiffmeyer. Fossmo stated that it had been a domestic argument that she was having with her daughter’s dad sometime in late July or early August. When asked if one of the officers had called her a name, she stated that one of them did call her a “dumb bitch.” When asked if she was ever called a “cunt,” she stated, she could not recall. Fossmo was asked if manager Kiffmeyer had shown her video regarding the incident with Amy Nelson, and she stated no. She was asked if she had identified any officers in any

video from her building as the officer that called her a dumb bitch or other names, and she answered no.

- In her Internal Affairs interview, Shenita Esaw was asked if she ever heard the officer call Amy any names, Esaw stated, "A cunt." She said that she heard the officer call Amy this name, adding, "Well, shit, she pissed him off. She kept hitting her...hitting him - - excuse me." Esaw identified Officer Lehner as the officer that called Amy a cunt "cause she kept hitting him." Esaw stated that she only heard this officer call Amy this name once.
- VisiNet was searched for all calls to 2609 Blaisdell Ave S between 01/07/2014 and 11/05/2014. The only two calls that show Officer Lehner at 2609 Blaisdell Ave S were on 08/04/2014 and 08/05/2014.
- Officer Lehner was originally investigated for an alleged Policy and Procedure violation of 5.105(10), as seen in his notification letter. However, this potential Policy and Procedure violation was changed to 5.105(15) because the word "cunt" has the direct correlation with the female gender, and "gender/sex" is one of the protected classes under Federal law. This was changed at the direction of Commander Granger.

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

  
OPCR Investigator

  
Date

SAT.

Dr. Leman

1 TODAY'S DATE IS NOVEMBER 18, 2014. THE TIME IS NOW 2138 HOURS.  
2 THIS IS SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR  
3 CASE NUMBER 14-17538 WITH ME IS OFFICER BLAYNE LEHNER AND HIS  
4 FEDERATION REPRESENTATIVE, LT. ROBERT KROLL. TRANSCRIBED BY  
5 R. METCALF.

6  
7 RE: OPCR Case Number #14-17538

8  
9 Q: Officer Lehner, what is your full name?

10 A: It's Blayne Larry Lehner.

11  
12 Q: Could you spell Blayne?

13 A: B-L-A-Y-N-E.

14  
15 Q: Your last name, please?

16 A: L-E-H-N-E-R.

17  
18 Q: What is your present rank and work assignment?

19 A: I'm an Officer with the Minneapolis Police Department and I work Fifth  
20 Precinct Night Watch.

21  
22 Q: Middle or Dogs?

23 A: Dogwatch.

24  
25 Q: Thank you. What is your employee number and date of appoint-  
26 appointment?

27 A: Employee number is 4073. Date of employment is 12/6/98.

28  
29 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL  
30 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR  
31 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO  
32 MPD POLICY AND PROCEDURE.

33  
34 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS  
35 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST  
36 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE  
37 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO  
38 EMPLOYMENT ALLEGATIONS.

39  
40 Q: Do you understand this warning?

41 A: I do.

42  
43 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR  
44 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT  
45 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL

1 BE SUBJECT TO DISCIPLINARY-, DISCIPLINARY ACTION UP TO AND  
2 INCLUDING SUSPENSION OR DISCHARGE.

3

4 Q: Do you understand?

5 A: I do.

6

7 Q: Is it correct that you have read, understood, and signed the Data Practices  
8 Advisory, otherwise known as the Tennessean Warning?

9 A: I have.

10

11 Q: The purpose of this statement relates to an internal investigation, and  
12 specifically, an administrative review that is being conducted regarding  
13 allegations that on August 4, 2014, at approximately 2225 hours, at an apartment  
14 building located at 2609 Blaisdell Avenue South, you shoved Amy Nelson down  
15 twice, slapped a cellphone out of her hand, stood over her pointing your finger in  
16 her face, and called her a cunt. Have I advised you, uh, and informed you of the  
17 purpose of this statement?

18 A: You have.

19

20 Q: And have I explained that you are being called to explain the circumstances  
21 regarding these allegations?

22 A: Yes, you have.

23

24 Q: Officer Lehner, do you know the apartment building 2609 Blaisdell Avenue  
25 South?

26 A: I do.

27

28 Q: I'm gonna show you a map here just to stipulate here. Uh, there's a big red  
29 arrow pointing at a large building there. Uh, is that the building we're talking  
30 about 2609 Blaisdell?

31 A: It-, yes, it is.

32

33 Q: OK. And specifically, uh, I put the arrow to point at the backdoor located kind  
34 of at the Northeast quadrant of the building. Is that correct?

35 A: Yes.

36

37 Q: OK. And do you recognize this building, uh, as being, uh, the building that  
38 you responded to when dispatched on August 4, 2014?

39 A: It is.

40

41 Q: Can you explain to me why you were called to the building and what  
42 happened once you got there?

43 A: We were dispatched to a 911 call to essentially a disturbance at the building  
44 in, in Apartment 302.

45

46 Q: OK.

1 A: Continue? So, when we got there, we arrived in the front. We rang the  
2 buzzer to try to get in. We waited for a while. Eventually, we were let in by a  
3 resident who just happened to walk to the front door. We made our way to  
4 Apartment 302, and once we got there, we were met by either one or two, or  
5 maybe three girls at the front door of the apartment. While we came up through  
6 the stairway and entered into that hallway, you could hear yelling going on inside  
7 the apartment. We turned the corner. Um, I observed two younger females and  
8 possibly another -- I can't remember for sure if she was inside the apartment or in  
9 the hallway -- but they were crying. I asked them real quickly what was going on  
10 and -- we could hear screaming inside the apartment -- and they stated that, um,  
11 their mother was inside, um, being yelled at by, they said, her girlfriend. So, we  
12 essentially made entry into the apartment and we separated the two. And I was  
13 out in the hallway with the-, Amy, her first name is. I don't know her last name.  
14 And while out in the hallway, I talked with Amy while Marcus was inside the  
15 apartment talking with the other female, the other half, and Amy explained to me  
16 that she was pissed off because-, had something to do with a cellphone. Earlier,  
17 she tried to call the-, her better half and she didn't answer, and she got mad  
18 about it, confronted her when she came back, and things spiraled out of control.  
19 The other half, Amy's other half -- I can't remember her name -- decided she  
20 wanted to get her property to move out, so they were in the process of moving  
21 their property out of the apartment, which again angered Amy, and she just got  
22 bent out of shape about it.

23

24 Q: OK. And prior to taking this statement, did I, uh, offer, uh, some video-, we  
25 watched some video together regarding this incident?

26 A: We did. Yes.

27

28 Q: Um, did you have ample opportunity to view the video to your satisfaction?

29 A: I did.

30

31 Q: And the video that you witnessed, uh, is that portraying the incident that  
32 you're talking about?

33 A: It does. Um, my recollection of it was a little different prior to viewing the  
34 video on where I was and who was in the hallways and stuff cause it's been like  
35 two, three months-

36

37 Q: Mm-hmm (indicating yes).

38 A: -but, uh, it cleared up a lot things.

39

40 Q: OK. So, there's no audio to the video.

41 A: Right.

42

43 Q: Paint me a picture of Amy, uh, physical description, her demeanor that night.  
44 Tell me about her.

45 A: Amy was out of control. She was so-, she was loud enough in her apartment  
46 that actually the neighbors who were what 20, maybe 50 feet down hallway

1 actually came out because they heard the screaming and yelling. I think they  
2 know each other from just living on the same floor, so they actually were trying to  
3 mediate before we got there between Amy and the other female and her kids.  
4 Um, when it came to her verbal actions, it was every cuss word you can think of.  
5 You know like get the fuck out of my apartment. You know fuck her. She's-, you  
6 guys have no reason to be here. Um, we're just in the middle of something. She  
7 starts talking about this cellphone stuff and briefly why the argument started, and  
8 she would just get out of control. And she would be constantly yelling at the kids  
9 who were in the hallway trying to get this stuff moved and trying to yell from out in  
10 the hallway past me into her girlfriend to try to intimidate her inside to telling her  
11 you don't have to move your stuff out one minute to get the fuck outta here you  
12 worthless piece of shit. She was just all over the place. Um, her demeanor was,  
13 you know, she, she had like an aggressive behavior demeanor. I don't know how  
14 to really describe it, but you can see it. At one point in the video, she's in the  
15 hallway, I'm standing in the threshold of the doorway in between her and getting  
16 into the apartment, she tries to move past me to get into the apartment, so I just  
17 put my hand up and she swats my hand off. And then I verbally tell her, you  
18 know, don't do that and to stay in the hallway, and she does, but you can still tell  
19 she's extremely agitated and she's almost to the point where she's going to get  
20 aggressive with either us, especially if we were to leave get aggressive with her  
21 girlfriend or her kids.

22

23 Q: Did she ever try to attack her girlfriend in front of you guys?

24 A: Not in front of us. She knew better at that point, but we also didn't give her a  
25 chance to either-

26

27 Q: Right.

28 A: -just the way we were standing and where we positioned her.

29

30 Q: And when you were talking to either side, did they say anything about  
31 physical violence prior to your arrival?

32 A: The two daughters-, I'm sorry. One of the daughters, who was in the hall right  
33 when we got there, said something to the fact of, um, they're screaming and  
34 yelling and they're fighting with each other. And what that meant to us, I don't  
35 know. You know kids when-, if you get in argument with your spouse, you know  
36 a young kid will say, hey, they're fighting. Well, yeah, we're verbally fighting. So,  
37 what that means we don't know until we actually go in there and talk to them and  
38 then Amy denied it and so did the other female about anything physical.

39

40 Q: OK. Um, did you have any indicators that Amy had been consuming alcohol  
41 that night?

42 A: Oh, absolutely. You could smell it all over. She reeked of it.

43

44 Q: OK. Would you consider her drunk?

45 A: Yeah. She was drunk for sure.

46



1 Q: OK. So, now, the video clearly shows that you guys spent a lot of time with  
2 them, um, and that you were patient and you waited as the one woman moved  
3 out out the back door of the apartment building. And, um, at one time, when you  
4 guys were in the hall outside of the apartment building, you can see your partner,  
5 uh, Officer Marcus Lukes-

6 A: Right.

7  
8 Q: -uh, holding the door shut-

9 A: Yep.

10  
11 Q: -to her apartment. Uh, can you explain that?

12 A: When all this stuff was put out in the hallway, Amy was actually out there and  
13 I was trying to explain to her, look, if there's anything out here you don't want her  
14 to take, you can put it back in the hallway and she doesn't have to take it. Um,  
15 she would scream and yell at you and call you names and all that, but at one  
16 point she grabs a sweater and yanks it out and throws it past me into the  
17 apartment, and she pretty much left it at that. So, once the victim-, or not the  
18 victim-, but once her other half got all of her stuff out of the apartment, she  
19 brought it up and put out in the hall, and we positioned ourselves so Amy was  
20 essentially between Marcus, myself-... I'm sorry. We were between Amy and  
21 the property and then the other female who came out of the apartment just so-,  
22 because Amy was so agitated just so she wouldn't fight with her. So, once they  
23 moved their stuff down to the elevator, which is about 15 feet away, with the help  
24 of the neighbors, we moved and let Amy back into her apartment, but we told her  
25 that she has to stay in her apartment. We're going to stay here the entire time  
26 until the other half gets all their stuff and leaves, and normally, I don't do that, but  
27 in this case Amy was so out of control we-, I knew that she was going to go  
28 downstairs and bother them and maybe physically fight them if we were to leave.  
29 So, she went into her apartment and all the stuff is loaded into the elevator and  
30 they went down. I told Marcus just you wait in 30 seconds she's gonna come out  
31 and you could hear her at the doorway, so Marcus held it shut. So, he held it for  
32 I don't how long, but then eventually he let go of it. And after another period of  
33 time, I stayed up there again because I knew she was going to come out again.  
34 She actually opened the door and then Marcus confronted her at the doorway  
35 and told her to stay inside, and I believe I told her at that point, too, if she comes  
36 out again she's gonna be arrested for disorderly conduct and that's because the  
37 neighbors were involved. They were irritated. You can see during that video  
38 other neighbors coming through the hallway while we're standing there with just  
39 absolute disgusted looks on their faces because of her actions. So, she didn't  
40 really acknowledge it. All she did is slam the door in Marcus' face. So, I think we  
41 waited a little bit longer up there and then we went down to the rear because one  
42 of the girls, I believe, said that's where their car was parked. So, we went down  
43 to the rear and we waited down there while they were still moving her stuff to like  
44 a Jeep or something that was parked in the back.

45  
46 Q: The back door here where the big red arrow is on the map?

1 A: Right.  
2  
3 Q: And that's the alleyway, uh, under the arrow?  
4 A: It is.  
5  
6 Q: OK. So, they were just loading their stuff in the vehicle?  
7 A: They were.  
8  
9 Q: OK.  
10 A: The, the two daughters, the other half, and then the neighbors were helpin'  
11 'em, too.  
12  
13 Q: At any time up to this point, did you feel that-, uh, uh, scratch that. Let's, let's  
14 cut to the part of the video here where we can clearly see your partner and  
15 yourself. You're outside of the rear door. Um, we've seen that video of the  
16 exterior where there's a handicap ramp that zigzags up to the door. You guys  
17 are standing out there. And now, we're going to focus on this piece of video  
18 here. It's the interior of that same rear lobby and, uh, you can see Amy emerged  
19 from the door-  
20 A: Right.  
21  
22 Q: -and walk to the exterior door and stand on the threshold.  
23 A: Yes.  
24  
25 Q: I want you to walk me through this entire scene and tell me what you saw,  
26 heard, what Amy was doing, what-, why you did what you did.  
27 A: No problem. You're gonna play it at the same time?  
28  
29 Q: I am.  
30 A: OK.  
31  
32 Q: And I'm gonna give you the mouse-  
33 A: OK.  
34  
35 Q: -so you feel free to pause it and talk as it goes. OK? You can make it large  
36 or you can keep it this size. It's all yours.  
37 A: OK. I'll, I'll skip it ahead a little bit right to where she is.  
38  
39 Q: OK.  
40 A: Here we go. So, at about 10:34:07, she comes out the door. I'm gonna  
41 pause it here for a second if I can. Where is pause?  
42  
43 Q: The square there. Yep.  
44 A: So, she comes out that door and comes to that back door, and Marcus and I  
45 are standing back there.  
46

1 Q: Outside?  
2 A: Outside. And again, that's because of her attitude earlier. We had been  
3 dealing with, with her for what I guess ten minutes up at the apartment and in the  
4 hallway. And with her attitude and her aggressive behavior towards me and  
5 everybody else that was up there, and even after Marcus was holding the door  
6 shut and she still opened it, she was told flat out that if she came out of the  
7 apartment she would be arrested for disorderly conduct-  
8  
9 Q: OK.  
10 A: -and she knew this.  
11  
12 Q: Before you start it-  
13 A: Yep.  
14  
15 Q: -um, do you have anything else to say about that? I just have some  
16 questions before you start it.  
17 A: No.  
18  
19 Q: OK. I think she's on the phone when she walks out.  
20 A: She is.  
21  
22 Q: Do you know who she is on the phone with?  
23 A: You know I believe she said she was talking to somebody in the police  
24 department. I don't know. I can't remember.  
25  
26 Q: OK.  
27 A: She mentioned something about how she's already talking to you guys,  
28 something like that, referring to how she's talking to us on the phone. Now, what  
29 that meant I have no idea.  
30  
31 Q: You guys meaning police?  
32 A: Police.  
33  
34 Q: OK. OK. Feel free to start whenever you'd like.  
35 A: So, she comes down, we're on the outside, and she comes to that threshold  
36 and she stopped there at that threshold because everybody else is outside load-,  
37 loading that vehicle. And on a different angle, you can see mys-, Marcus and  
38 myself at the front-, or at the rear door and I confront her. And...  
39  
40 Q: Do you remember what you said and what she was saying?  
41 A: Like I said, she was on the pho-, she was on the phone and she was saying  
42 something about how she's talking with us. Now, I don't know if she was talking  
43 to a friend saying, hey, I'm talking to the police now, referring to us, or what. But  
44 I confronted her and told her just back off and that, um, she was to go back up to  
45 her apartment because I was trying to be as nice as I could to Amy to not take  
46 her to jail and I waited a brief second after telling her that and she wouldn't move.

1 I told her to back up, she didn't, and it's hard to tell in the angle, but we're  
2 approximately a foot from each other. Because if I were to move back, she'd  
3 have access to get out the back, so I didn't want her out there. So, I kind of cut  
4 off her exit to the building if that makes sense. So, I told her to back up, she  
5 won't. She just leans against the pillar and just stands there, so I push her and  
6 then you can see in the video of her being pushed back by me.

7

8 Q: What was your intent of that push?

9 A: My intent of the push is I told her she-, to back up, and now, because she's  
10 not doing what I'm telling her to do, she's under arrest -- like I told her before if  
11 she comes out of the apartment -- for disorderly conduct. I'm gonna stop this  
12 here.

13

14 Q: OK.

15 A: So, she's at the back door. I'm telling her go back in your apartment and she  
16 won't, so now it's just over, back up, she won't. So, now, she's gonna be placed  
17 under arrest for disorderly conduct. I push her back and it's-, you can't-, because  
18 this is 2D, you can't really tell the distance here, but the distance isn't as short as  
19 what this is here. It's, it's a little bit of a distance, so when she gets pushed she  
20 stumbles. Because she's drunk, she ends up stumbling backwards and falling  
21 back on the steps. And I have to back this up a little bit. Bear with me. I went a  
22 little too far.

23

24 Q: Take your time.

25 A: So, again, this is her at the back door, I'm telling her to back up, she won't,  
26 and I had already earlier told her she'd be placed under arrest, so I pushed her.  
27 And you can see that she stumbles and then eventually trips on the steps, and  
28 essentially sits down. You can also see me enter in there and I'm pointing  
29 directly at her, looking her in the eye, telling her she is under arrest. And she is  
30 supposed to put the phone down and turn around and she won't. So, while you  
31 keep playing it, I step closer and then she just essentially ignores me. So, once  
32 I-, she puts the phone up, I hit it out of her hand, and then she starts to tense and  
33 tries to get up, but then I just push her down again. It's very quick. I'm just  
34 replaying it for the recorder. But again, this is very quick the actions of what's  
35 going on. This whole thing from when the push happens to essentially it's done  
36 it's about 35-, 40 seconds. Again, she is just ignoring me now. So, she stands  
37 up and puts her hand on my chest, so I take that as an aggressive action, so I  
38 push her back again. And now, I'm over the top of her and she's more  
39 submissive now. So, I'm telling her while I'm pointing at her just stop resisting  
40 and to get on her stomach, so I can handcuff her. But someone back by Marcus  
41 yells something about please don't arrest her, you know, we'll take care of her.  
42 And it's-, I tried to look at both angles of this video to try to get it to match, but it's,  
43 it's hard to have it match. But while I'm talking to her and telling her that she's  
44 under arrest and to knock it off, she's not in control, we are, I'm tired of her, and  
45 to roll over, somebody tells me, please, don't do it, we'll take care of her. So,  
46 then, of course, I have a change of heart because I've been dealing with her for

1 20 minutes and she's drunk, and the person that she's been dealing with has  
2 almost all of her stuff loaded up and the solution is going to be solved once they  
3 leave. So, in about another 10-, 15 seconds, this whole thing is over. And the  
4 neighbors come or somebody says to me that we'll take her. So, eventually, the  
5 neighbors come up and you can see me let her up. I back away here on video  
6 and I let her up. I tell her to get her cellphone and she's still pissed at me.

7  
8 Q: Are you saying that at the point where you let her up that's when you had  
9 your change of heart and decided not to place her under arrest?

10 A: Right.

11  
12 Q: OK.

13 A: And here I'm waiting because somebody had said, we'll take care of her. I'm  
14 waiting for them to come in. And right here, she's arguing with me and still being  
15 loud and aggressive, and they finally walk in and I believe it's the lady in the gray  
16 shirt who is now yelling at her telling her to get back and go up to your apartment.  
17 So, they take her and it's essentially over. We walk down to the back, they  
18 leave, and then she never comes back down, so then we leave.

19  
20 Q: OK. A few questions about that.

21 A: Yes.

22  
23 Q: Um, so, when you pushed her back from the threshold of the door, uh, was  
24 your intent to knock her to the ground?

25 A: The intent was to get her back away from me. She was too close and she's  
26 in that threshold of the door. It's too tight. I push her back, so then I engage her  
27 in this open foyer right here.

28  
29 Q: Mm-hmm (indicating yes).

30 A: And because she's drunk, she stumbles and falls.

31  
32 Q: And you say that you choose verbal commands in telling her to put her phone  
33 away, to turn around, so that you can place handcuffs on her; is that correct?

34 A: Right. When she's seated on that stairway.

35  
36 Q: But at no time did you ever try to take hold of her and forcibly put handcuffs  
37 on her?

38 A: No.

39  
40 Q: Was there a reason for that?

41 A: Because I'm trying to be nice. She is smaller than me, she's drunk, and I  
42 understand that. And I'm trying to do whatever I can not to have to lay my hands  
43 on her because I know what's gonna happen. I'm gonna grab her by the arm  
44 while she's facing me and then it's a little struggle in this foyer where she's  
45 already seated down, I'm gonna try to get her to do what I asked her to do, but  
46 again she doesn't. So, at that point, like I said earlier, once the phone is swatted

1 out, she actually reaches up and puts her hand on my chest, so then I push her  
2 down again. And at that time, I'm over again telling her again, trying to be nice,  
3 so I don't have to lay my hands on her.  
4

5 Q: At any time that you were engaging her in this back lobby on this video, did  
6 you use any harsh language towards her?

7 A: Harsh as in yelling at her, absolutely.  
8

9 Q: Foul, profane, name calling?

10 A: No. No. And you had mentioned earlier that I had called her a cunt, there's  
11 absolutely no way I would ever use that word period. There's two words I don't  
12 use and it's the C-word and the N-word, so-

13  
14 Q: OK.

15 A: -I get in trouble with my ex-wife for that word, so.  
16

17 Q: OK. Um, let me take a few quotes out of Amy's statement. She says you  
18 were standing over her and hollering at her.

19 A: Yes.  
20

21 Q: OK. Which is fine.

22 A: Yep.  
23

24 Q: You can give loud verbal commands. But she goes on to say, um, that you  
25 called her a cunt several times and she specifically says he called me a little cunt  
26 and said I'm a little bitch. Do you remember saying either one of those?

27 A: No.  
28

29 Q: Um, do you remember telling her to shut the fuck up?

30 A: That I may have said. Now, with-, I knew I told her to shut up guaranteed.  
31 Now, did I say shut the fuck up, I guess I don't know, so-... But yes that I  
32 guarantee during that contact if she would've been arguing with me I would've  
33 told her to shut up.  
34

35 Q: OK. Did you ever consider taking her to detox? Was that an option to do,  
36 contemplated at all?

37 A: No, because she lived there. It was her apartment and she was not medically  
38 -- how do you say that -- she was not unable to care for herself.  
39

40 Q: All right. Um, do you feel that you ever lost your temper with Amy?

41 A: I don't think I did. I thought I used an enormous amount of restraint having to  
42 be there that whole time and did I push her yes and did I push her again yes, and  
43 that was to make sure I could control her enough to try to give her verbal  
44 commands to handcuff her. I was trying to give her every opportunity to do this  
45 stuff on her own, so I wouldn't have to manhandle her to make her do it.  
46

1 Q: How tall are you?  
2 A: 5'9".  
3  
4 Q: And you already said that she's much smaller than you, right?  
5 A: I think she's like 5'5".  
6  
7 Q: OK. You had a partner there for back up and she was alone.  
8 A: Yes.  
9  
10 Q: You didn't feel that anymore force other than verbal commands and keeping  
11 her on the floor where you could control her was necessary?  
12 A: No, absolutely not.  
13  
14 Q: OK. Would you consider that a takedown technique the second push? Uh,  
15 you can see your hand is up by her neck area when you, uh, forced her back  
16 down to the ground. I agree with you that she appears to be attempting to stand  
17 up.  
18 A: I would-, I would say no it's not. You know the first push was to push her  
19 away and the other was to keep her down. I don't-... A takedown technique to  
20 me is grabbing somebody like in an arm bar or your essentially you have them  
21 around the upper chest and you trip 'em. That's more of a takedown.  
22  
23 Q: Mm-hmm (indicating yes).  
24 A: This is more like, she's already down, to control her.  
25  
26 Q: OK.  
27 A: So, I guess I would say no it's not a takedown.  
28  
29 Q: Have you ever dealt with Amy before prior to this day do you recall?  
30 A: I don't think so, no.  
31  
32 Q: Have you ever been to that building?  
33 A: Yeah. Yep.  
34  
35 Q: In the last six months prior to that call?  
36 A: I have been in 5's two years. I don't know when I've been there, but I have  
37 been there.  
38  
39 Q: OK. Um, did you feel Amy was posing a threat to you or your, your partner?  
40 A: No.  
41  
42 Q: OK. Let's walk through this a little bit as far as force goes and the reporting  
43 statute.  
44 A: OK.  
45  
46 Q: Um, in front of you is the reporting policy and procedure.

1 A: Mm-hmm (indicating yes).  
2  
3 Q: If you'll note the first section here, it's say no CAPRS report is required for  
4 escort holds, joint manipulation, nerve pressure points, handcuffing, or drawing a  
5 gun and pointing it.  
6 A: Yep.  
7  
8 Q: Do you believe that your force was any of those items?  
9 A: Like I said, what is a push?  
10  
11 Q: Right.  
12 A: I mean it's not a takedown. You know, like I said before, I pushed her away  
13 to get her back.  
14  
15 Q: Well, let's define force. OK. Let's just-... Do you believe that you did use  
16 force on Amy? The definition is in here.  
17 A: Yeah. I'd have to read the definition.  
18  
19 Q: Let's do that. I'm going to give you this. I have the same copy here with  
20 some notes on it. This is, um, use of force. It says any intentionally-, uh, that  
21 doesn't even read right does it?  
22 A: Well, any intentional police contact involving -- and you're right -- any physical  
23 contact with a person, but you know-... So, yes, it would be bullet point two any  
24 physical strike. Well, like I said, the use of force I understand it, but the  
25 definitions that the department has how does it cover a push because you have  
26 an-, a-, any physical strike to any part of the body of another. Is a push a  
27 physical strike? I would say no.  
28  
29 Q: How about bullet point three?  
30 A: Bullet point three, any physical contact with a person that inflicts pain or  
31 produces injury to another. So, are you supposed to take just the first half of the  
32 definition or the whole thing?  
33  
34 Q: It would be any reasonable police officer would believe that force would  
35 cause injury or produce pain or injury.  
36 A: Sure.  
37  
38 Q: So, do you think that applies here?  
39 A: Do I think that a push would cause pain or injury? No. But I'm not going to  
40 be difficult, which I was earlier.  
41  
42 Q: I want you-, I want you...  
43 A: But, uh, when it comes to physically controlling this individual-  
44  
45 Q: Mm-hmm (indicating yes).



1 A: -if you're going to consider that force, then yes that's what I was doing. I was  
2 physically controlling this individual. I told her to get back, she wouldn't, so I  
3 pushed her. Is that a physical contact with another individual? Yes, it is.

4  
5 Q: Let's talk about that then as long as we're on it.

6 A: OK.

7  
8 Q: You said your intent when pushing her off of the threshold was to get her  
9 back inside.

10 A: Right and to create distance between us because she is going to be placed  
11 under arrest.

12  
13 Q: OK. I don't understand and I'm not trying to be difficult here.

14 A: Yes.

15  
16 Q: Please explain to me why you want to create distance from her, between you  
17 and her, when you're going to place her under arrest?

18 A: Like I stated earlier, we're in that threshold of the doorway-

19  
20 Q: Mm-hmm (indicating yes).

21 A: -and it's tight. I had a lot of stuff on my belt and I fought with people before. If  
22 I can get her into this foyer in the back here, I have more room to maneuver  
23 myself, so the reason for to her getting being pushed away from the threshold of  
24 the doorway is to create distance from me, get her in that foyer, it knocks her off  
25 balance, such as a distractionary technique, then I can move into that foyer and  
26 take her down appropriately if I have to or I can spin her around and push her up  
27 against the wall. And in her case, she was too drunk. She just tripped over  
28 herself and fell down.

29  
30 Q: Mm-hmm (indicating yes).

31 A: Does that make sense on why she would be pushed away from...?

32  
33 Q: I, I have-, um, it kind of contradicts. You placed yourself one foot-, you said  
34 one foot between you and her. You placed yourself there and you explained very  
35 well that you did that to keep her from leaving the building

36 A: Right.

37  
38 Q: I understand that. Now, you want to move her out of the threshold, so you  
39 have room to work to place her under arrest.

40 A: Right.

41  
42 Q: Do you think you could have accomplished the same with a lesser amount of  
43 force? I view that push as pretty aggressive push. It was a, a strong push.  
44 She's a small woman. And she - you, you said it yourself -- there's a lot of space  
45 between that door and those stairs. You can't quite judge the distance on the 2D  
46 video-

1 A: Mm-hmm (indicating yes).  
2  
3 Q: -but she moves all the way across that open space to the stairs where-...  
4 Clearly, we can argue that she was intoxicated, and poor balance, and things like  
5 that. Um, do you think you could have accomplished moving her into the open  
6 space with less force?  
7 A: Again, when you review the video and I'm at 10:21-, or at 1021 hours when  
8 we were in the hallway, she tried to get back into that apartment and I simply put  
9 my hand up very, very low level of, if you wanna call it, force and told her to stay  
10 away, and her reaction to me was to bat my hand down and yell at me. So,  
11 knowing what happened in the past and us being so close to each other, simply  
12 putting my hands up and grabbing her, I knew in my mind that she would fight  
13 with me. So, to push her away into that foyer so I could have room in case she  
14 did was the option that I chose.  
15  
16 Q: OK. That was a good explanation. Let's get back to the reporting part. Did  
17 we come to an agreement that force was used on her? Not really. We can-  
18 A: It's objective.  
19  
20 Q: But-, yeah, it is. Let's grab that and go to the second page again.  
21 A: Yes.  
22  
23 Q: And let's, uh, look at bullet point four. Could you please read bullet point four,  
24 uh, right here, out loud?  
25 A: Under use of force?  
26  
27 Q: Yes, please.  
28 A: Any restraint of the physical movement of another that is applied in a manner  
29 or under circumstances likely to produce injury.  
30  
31 Q: Do you think that applies?  
32 A: No, because she wasn't going to get injured. I just...  
33  
34 Q: Your intent was to take her into custody-  
35 A: Right.  
36  
37 Q: -not to cause harm or injury-  
38 A: Right.  
39  
40 Q: -or degrade her, or humiliate, or intimidate? Are you telling me that that's the  
41 truth?  
42 A: Yes, it was just to take her into custody.  
43  
44 Q: OK.  
45 A: And like I said, I'm not trying to be difficult here with this-  
46

1 Q: No, you're not.  
2 A: -on the use of force. It's-, it was a push.  
3  
4 Q: Right.  
5 A: And...  
6  
7 Q: So...  
8 A: You know there's so many people that you go up to in a hallway and say hey,  
9 sir, you're under arrest-  
10  
11 Q: Mm-hmm (indicating yes).  
12 A: -you grabbed them by the arm, and you push them up against the wall and  
13 grab their other arm. I've never ever done a statement on or put it in the CAPRS  
14 report.  
15  
16 Q: Right. And clearly that says that no CAPRS report is required when you do  
17 escort holds, joint manipulation, things like that.  
18 A: But that wasn't an escort hold. The example I gave it was a push up against  
19 a wall.  
20  
21 Q: Right. Joint manipulation, arm bar, you know physical...  
22 A: Yeah.  
23  
24 Q: Yeah. I understand the argument. So, because you didn't feel that you had  
25 used force on her, is that why you didn't do a CAPRS report on this?  
26 A: Correct.  
27  
28 Q: And you didn't feel that there was any force to report to a supervisor?  
29 A: No.  
30  
31 Q: OK.  
32 LT. KROLL: Can I put something on the record?  
33  
34 Q: You sure can if, uh, if it's relevant and...  
35 LT. KROLL: It's the-, the, the use of force policy we have is, for lack of a better  
36 term, it's a disaster.  
37  
38 Q: Yeah. We're not going to discuss that here.  
39 LT. KROLL: But it was-, it's-, it was updated last in '10 and it was in response to  
40 a situation that happened. And use of force is, is governed by Graham versus  
41 Connor and, and our...  
42  
43 Q: And it clearly is reasonable-, what a reasonable officer at that time would  
44 believe is reasonable. We're not arguing that point.  
45 LT. KROLL: But I mean something that you were trying to get out of him it's  
46 under use of force and it gives you several bullet points if you're using them and


1 it didn't apply, but then if you look at the prior page non-deadly force where it  
2 talks about physical subduing or controlling then it would be. It's, it's just a  
3 convoluted policy.  
4  
5 Q: I wanted to, uh, get his answer as to whether he believed force was used and  
6 clearly you said no and that's fine. I had to ask because that tells me that's why  
7 you didn't do your report, which is what you said, correct?  
8 A: Correct.  
9  
10 Q: OK. Um, when you, uh, cleared the scene and got in the squad, was it you or  
11 your partner that added the remarks and cleared the call on the MDC? Do you  
12 recall?  
13 A: Who-, do you know who logged onto the computer? Cause that would have  
14 been...  
15  
16 Q: According to the-, or the Visinet here, the names are in the order of yourself,  
17 Blayne Lehner-  
18 A: OK.  
19  
20 Q: -and then Marcus Lukes.  
21 A: So, I, I assume I added the remarks.  
22  
23 Q: OK. And if you were to read them would that help refresh your memory?  
24 A: I just-, I can't tell. I can't remember.  
25  
26 Q: That's fine. Looking back, is there anything that you would change about this  
27 incident?  
28 A: I should've arrested her because if I would've arrested her everything  
29 would've been documented through the arrest report. And I had a change of  
30 heart at the end there again throughout this entire thing because I didn't-, cause  
31 she was drunk. You know why arrest someone just because their drunk. And is  
32 that my mistake? No. If I were to do it again, I still wouldn't have arrested her  
33 because of the, the neighbors coming up and asking we'll take care of her.  
34 Yeah.  
35  
36 Q: OK. Are there any other facts concerning this incident that you have  
37 knowledge of, but have not disclosed?  
38 A: No.  
39  
40 Q: Is there anything else that you would like to add to this statement that I have  
41 not asked you concerning this incident?  
42 A: No.  
43  
44 Q: Is this a true and accurate statement?  
45 A: It is.  
46

1 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO  
2 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE  
3 OTHER THAN YOUR FEDERATION REPRESENTATIVE OR ATTORNEY.  
4

5 Q: Do you understand?

6 A: I do.  
7

8  
9 STATEMENT CONCLUDED AT 2218 HOURS

10  
11   
12 \_\_\_\_\_ 12-26-14  
13 Officer Blayne Lehner Date  
14

15  
16 \_\_\_\_\_  
17 Witness  
18

19  
20 Job #: 17967  
21  
22

## DATA PRACTICES ADVISORY

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

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

- The subject of the data, which includes you, but may include someone else.
- Employees and officials of the City of Minneapolis whose work assignments reasonably require access to the information.
- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis reasonably requiring access to the information.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

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

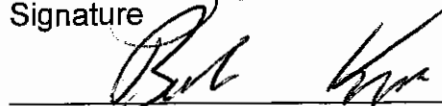
I have read the above warning or have had it read to me.



Signature

11-18-14 / 2137

Date/Time



Witness

11-18-14 / 2137

Date/Time



**Police Department**

December 17, 2014

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

Officer Blayne Lehner  
Minneapolis Police Department  
Precinct 5 Dogwatch

Officer Lehner,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. At the end of reviewing your statement, and any corrections that you may have made, please sign and date the last page.

Please mail back, one of the reviewed and signed copies by the end of your next scheduled shift. You may keep the other copy for your own records. If a corrected and signed statement is not returned within five (5) days, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. Any questions or concerns you can reach me at (612) 673-2567.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Walters".

Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department





**Minneapolis**  
City of Lakes

**Police Department**

November 6, 2014

Janeé L. Harteau  
Chief of Police

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

612 873-2735  
TTY 612 673-2157

Officer Blayne Lehner – Badge #4073  
Minneapolis Police Department  
Precinct 5 - Dogwatch

RE: OPCR Case Number 14-17538  
**NOTIFICATION LETTER**

Officer Lehner,

You are being investigated for alleged violations of the City of Minneapolis Police Department Policy and Procedures and the Minneapolis OPCR Ordinance. Specifically you are alleged to have violated:

OPCR Ord. § 172.20(1) – Excessive Force / MPD P&P § 5-301- USE OF FORCE

OPCR Ord. § 172.20(2) – Inappropriate Language or Attitude /  
MPD P&P 5-105 PROFESSIONAL CODE OF CONDUCT

OPCR Ord. § 172.20(8) – Violation of the Policy and Procedure Manual /  
MPD P&P § 5-306 USE OF FORCE – Reporting and Post Incident Requirements

***It is alleged that on 08/04/2014 at 2205 hours, Officer Blayne Lehner and Officer Marcus Lukes were dispatched to 2609 Blaisdell Ave S regarding two females in a physical fight. Video footage throughout the apartment building shows that Officers spent approximately 20 minutes assisting as one half of this dispute appears to be removing all of her belongings from an apartment and out of the building. Towards the end of this retrieval of property, Officers can be seen at the rear entrance of this apartment building. A female, later identified as Amy Nelson, can be seen walking to this rear entrance and standing in the exterior doorway. Video in this rear entry shows Officer Lehner shoving Amy Nelson backwards, and she falls back onto the stairway. Officer Lehner then walks to Nelson while pointing his finger at her. Officer Lehner slaps the cellphone out of Nelson's hand,***





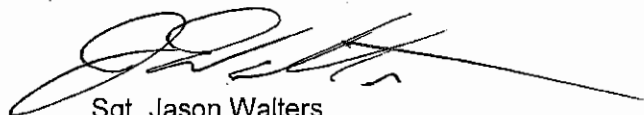
***again shoves her down to the floor as she tries to get up, and stands over Nelson while pointing his finger in her face. It is also alleged that Officer Lehner called Nelson a "cunt" during this incident.***

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

**Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for November 18<sup>th</sup>, 2014, at 2100 hours in the Minneapolis Police Department IAU office located in room 112 of City Hall.** If for any reason you have a conflict with this date and time, contact me to reschedule. If you choose to have Federation representation, it is your responsibility to make these arrangements prior to coming to your interview. I can be contacted by e-mail or phone at 673-2567 between 0800 and 1600 hours Monday through Friday. Failure to show for your scheduled interview or to request an alternate date by the time directed will result in additional charges.

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

Respectfully,



Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department

CC: Inspector Loining  
IAU / OPCR Case File

STAT.  
Alyssa Kifer.

1 TODAY'S DATE IS AUGUST 29, 2014. THE TIME IS 1019 HOURS. THIS IS  
2 SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING AN OPCR CASE  
3 #14-17538. I'M CURRENTLY AT 2609 BLAISDELL AVENUE SOUTH, AND  
4 WITH ME IS THE APARTMENT MANAGER, ALYSSA KIFFMEYER.  
5 TRANSCRIBED BY R. METCALF.

6  
7  
8 RE: OPCR Case Number #14-17538

9  
10 Q: Alyssa, could you please spell your full name for me?

11 A: A-L-Y-S-S-A. K-I-, F- as in Frank, F- as in Frank, M-E-Y-E-R.

12  
13 Q: And what is your date of birth?

14 A: 6/26/79.

15  
16 Q: What's your address?

17 A: Uh, 2200 East 87<sup>th</sup> Street in Bloomington, Minnesota, 55425.

18  
19 Q: And what's your work phone number?

20 A: 612-870-4493.

21  
22 Q: Your email address, please?

23 A: Uh, [alyssa.kiffmeyer@commonbond.org](mailto:alyssa.kiffmeyer@commonbond.org).

24  
25 Q: OK.

26  
27 YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INTERNAL  
28 AFFAIRS INVESTIGATION INTO AN ALLEGATION. THE INFORMATION YOU  
29 PROVIDE WILL BE USED IN A FACT-FINDING PROCESS AS PART OF THE  
30 TOTAL EVIDENCE TO DETERMINE IF ANY MISCONDUCT OCCURRED AND  
31 FOR ASSESSING WHETHER DISCIPLINARY ACTION SHOULD BE TAKEN.

32  
33 THE INFORMATION YOU SUPPLY MAY ALSO BE USED IN A GRIEVANCE  
34 HEARING, ARBITRATION, OR OTHER APPEAL PROCEDURE. OTHER  
35 PARTIES OUTSIDE OF THE MINNEAPOLIS INTERNAL AFFAIRS UNIT MAY  
36 HAVE ACCESS TO THE INFORMATION YOU PROVIDE AS PART OF THE  
37 INTERNAL INVESTIGATION.

38  
39 Q: Do you understand this?

40 A: Yes.

41  
42 Q: OK. I understand that you, uh, brought an incident to our attention, um, an  
43 incident that happened here at 2609 Blaisdell, and I believe it happened on  
44 August 5<sup>th</sup>?

45 A: August 4<sup>th</sup>.

46

1 Q: August 4<sup>th</sup>. OK. Could you please tell me how you became aware of this  
2 incident?  
3 A: [clears throat] Um, upon arriving to work on Tuesday, August 5<sup>th</sup>, I was made  
4 aware that there was a domestic incident up in Unit 305. Um, I spoke with the  
5 resident, Amy Nelson, at National Night Out when she arrived. She basically told  
6 me re-, about the incident regarding her and her girlfriend, and, um, she did say  
7 that there was an incident that happened between her and a police officer. Um,  
8 the following morning, Wednesday, August 6<sup>th</sup>, I checked the camera footage  
9 and found the incident-, or found the, um, physical altercation between her and  
10 the officer in the back of the building on camera.  
11  
12 Q: OK. So, it's my understanding that police were called to this address,  
13 apartment 305, regarding a domestic between Amy Nelson, who is the resident?  
14 A: Yes.  
15  
16 Q: And her girlfriend, Missy?  
17 A: Yes.  
18  
19 Q: What's Missy's last name?  
20 A: I do not know Missy's last name. She's not a resident here.  
21  
22 Q: And is she currently residing here or is she gone?  
23 A: No, she should not be residing here. She's not a, a leaseholder.  
24  
25 Q: All right. Um, you were made aware of the incident and then you checked the  
26 camera footage, saw the physical exchange. What did Amy tell you on National  
27 Night Out, which would've been August 5<sup>th</sup>?  
28 A: Well, I heard-, I heard about the incident. I heard that her and her girlfriend  
29 had had a physical altercation, um, and when she arrived at National Night Out,  
30 she did have bruises all over her arms and her neck. Um, [clears throat] so, I  
31 asked her if she was OK, and-, uh, because I had heard in the past that her  
32 girlfriend has physically assaulted her in the past. And I just wanted to make  
33 sure in general that she was OK before I even knew about what happened  
34 between her and the police.  
35  
36 Q: OK.  
37 A: Um, and then she told me that she had a physical altercation with the police,  
38 and the following morning, I came in and checked the camera. She did not tell  
39 me exactly what happened.  
40  
41 Q: OK. Did she say she had been drinking that night?  
42 A: Um, she did say that she had had a couple shots of vodka. Yes.  
43  
44 Q: And did she mention if Missy had been drinking?  
45 A: She didn't mention if Missy had been drinking. No.  
46

1 Q: You said there were bruises on her arms and her neck?  
2 A: Yes.  
3  
4 Q: Did she say those were from the physical altercation with Missy or from the  
5 police?  
6 A: She didn't say. I just saw the bruises and asked her if she was OK.  
7  
8 Q: OK. Um, in previous conversations that I've had with you over the phone,  
9 you made some comments about, uh, Amy's personality-,...  
10 A: Mm-hmm (indicating yes).  
11  
12 Q: her, uh, temper.  
13 A: Yes.  
14  
15 Q: Could you please elaborate on that?  
16 A: Um, Amy has an attitude. She has a bad attitude in general.  
17  
18 Q: OK.  
19 A: So, um, she does-, she does lose her temper quite easy. Um, we've had  
20 issues regarding nonpayment of rent and that's usually what the inc-, [laughing]  
21 that's usually what the-, I'm gonna kick you out if you don't pay your rent and  
22 then she says I can't pay my rent. And I said, well, then I'm gonna kick you out  
23 and then she'll get pissed off. And...  
24  
25 Q: OK.  
26 A: You know, we'll go back and forth and-, but she does-, she does have an  
27 attitude in general.  
28  
29 Q: OK.  
30 A: Mm-hmm (indicating yes).  
31  
32 Q: Did she tell you what brought on the physical altercation between her and the  
33 officer on that night?  
34 A: No. Um...  
35  
36 Q: Did she not remember or did you not ask?  
37 A: No, I didn't really ask. Because at the time when I was speaking with her, I  
38 was just checking to make sure that she was OK with the wounds that I guess  
39 her girlfriend had given her or the officer had given her. I was just looking at the  
40 whole issue as in general as, as if she was physically OK because she looked  
41 pretty rough. Um...  
42  
43 Q: Tell me about the bruises.  
44 A: She just had bruises on her arms and her neck.  
45  
46 Q: Forearms? Upper arms?

1 A: Um, upper arms, forearms, and then kind of around the base of her neck  
2 down here.  
3  
4 Q: OK. Several bruises?  
5 A: A few. I don't remember exactly.  
6  
7 Q: Did they stand out quite a lot?  
8 A: You could see them. Yes.  
9  
10 Q: And you noticed them at National Night Out?  
11 A: I did. Yes.  
12  
13 Q: But you didn't comment on that?  
14 A: No.  
15  
16 Q: All right. Did she mention-, uh, let's get to the video.  
17 A: OK.  
18  
19 Q: You saw the video on the 6<sup>th</sup>.  
20 A: Yes.  
21  
22 Q: And you-, then you started to bring it to the attention of the Minneapolis  
23 Police Department.  
24 A: Yes. I started by emailing Chelsea, um, to find out how I can go about to  
25 report the incident and then Chelsea gave me, um...  
26  
27 Q: Sgt. Ryan?  
28 A: So, she, she-, Chelsea gave me the day sergeant's name, um, but she was  
29 on vacation, so Sgt. Ryan, um, ended up-. Um, she ended up turning it over to  
30 Sgt. Ryan. I met with Sgt. Ryan. He ended up turning it over to Internal Affairs  
31 and here we sit.  
32  
33 Q: OK. When you watched the video, where did this incident-, the physical  
34 altercation between the officer and Amy take place?  
35 A: At the rear entrance of the building.  
36  
37 Q: OK. And we've both seen the video. You did provide us with a copy; is that  
38 correct?  
39 A: Yes.  
40  
41 Q: And, uh, you can see the officer knocking the phone out of Amy's hand.  
42 A: Correct.  
43  
44 Q: Do you have any idea who she was on the phone with?  
45 A: She told me she was on the phone with just a friend of hers.  
46

1 Q: A friend of hers.  
2 A: Mm-hmm (indicating yes).  
3  
4 Q: OK. Did she mention, um, uh, if she had been like yelling out the door? We  
5 can see Amy in the doorway. It, it appears that Missy had already walked down  
6 to the street.  
7 A: Yes.  
8  
9 Q: Or alley?  
10 A: Alley. The back alley. Yep.  
11  
12 Q: Um, did Amy mention that she was yelling at Missy back there?  
13 A: She mentioned that, uh, Missy had walked off with some of her stuff. Uh...  
14  
15 Q: Some of Amy's stuff?  
16 A: Some of Amy's stuff.  
17  
18 Q: OK.  
19 A: Yes. And, um, that the, the officers let Missy take basically whatever she  
20 wanted out of the apartment. And Amy was saying, that she's walking off with  
21 some of my stuff, I want some of my stuff back.  
22  
23 Q: And so was Amy yelling at Missy about this?  
24 A: I don't know. I don't have audio.  
25  
26 Q: You don't know. I know that'd be helpful.  
27 A: [laughing]  
28  
29 Q: All right.  
30 A: But in-, from the footage, it does not look like she's yelling.  
31  
32 Q: OK.  
33 A: You can-, her mouth may have been moving due to the fact she was on  
34 telephone, um, but I don't see her, I guess, stretching out the door to projectile  
35 yell down to the alley in the video.  
36  
37 Q: OK. Do you know if this was the first time those officers were in the building  
38 that night regarding the domestic between Amy and Missy?  
39 A: The first time they were in the building that night...  
40  
41 Q: Or was this a return call?  
42 A: This was a-, I believe this was the first time. They arrived at the building just  
43 after 10 o'clock. Uh, and I believe we actually gave the whole entire footage of-,  
44 from the minute the officers walked in the door to the minute that they left. And I  
45 wanna say they arrived probably about 20 minutes prior to the incident.  
46

1 Q: Yeah. We did get all of that video. So, they're seen entering the building,  
2 then they go to the apartment.  
3 A: Mm-hmm (indicating yes).  
4  
5 Q: Um, they're waiting as, uh, things are retrieved from the apartment.  
6 A: Mm-hmm (indicating yes).  
7  
8 Q: Um, that must be Missy that's taking the stuff. Some of her friends are there  
9 to help, is that correct?  
10 A: Those were her two daughters. Missy's two daughters.  
11  
12 Q: OK.  
13 A: The young girls that were there.  
14  
15 Q: OK. And then they leave out the backdoor.  
16 A: Mm-hmm (indicating yes).  
17  
18 Q: And that's the entirety of the footage?  
19 A: Yeah.  
20  
21 Q: Including the interaction between the officer and Amy?  
22 A: Yes.  
23  
24 Q: OK. Amy still lives here in apartment 305?  
25 A: Correct.  
26  
27 Q: Do you have a phone number for her?  
28 A: I-, didn't I-, didn't I give it to you? It should be in there.  
29  
30 Q: Probably.  
31 A: It's just on a Word... There we go. Yes. [laughing]  
32  
33 Q: Thank you. 612-432-6151. And you had a number for Missy, too. That's  
34 good. There's, uh, Shenita.  
35 A: Shenita was a witness.  
36  
37 Q: She saw this happen?  
38 A: Yes.  
39  
40 Q: She saw the retrieval of property and, and Missy leave, or she also saw the  
41 interaction between the police and...?  
42 A: She saw everything. Shenita was helping carry down Missy's items, so-  
43 Um, and I believe that the party actually started in Shenita's apartment is where  
44 everybody was hanging out originally and she...  
45  
46 Q: Before the domestic?



1 A: Before the domestic. I believe the domestic...  
2  
3 Q: So, this domestic was so bad that Missy's gonna leave?  
4 A: Yes.  
5  
6 Q: Permanently...  
7 A: Well, the off-, I believe that the officer-, Missy's not allowed back on the  
8 property.  
9  
10 Q: OK. Where, where does Shenita live?  
11 A: Uh, in Unit 302.  
12  
13 Q: 3-0-2. OK. Now, in your email, and in particular, the email that you sent to  
14 Sgt. Ryan Johnson on August 11<sup>th</sup>, you mentioned that this is not the first time  
15 that this same officer has, um, let me quote you here, "two separate complaints  
16 about the same officer." Uh, could you please elaborate on the other incident  
17 regarding this officer?  
18 A: Um, I didn't at the time-, it had to have been early June, late May. At some  
19 point, I don't know the exact date, a resident came in, told me that the police, um,  
20 had come to her apartment. Her baby's daddy had called the police, and, um,  
21 they arrived. She was intoxicated at the time. The officer used foul language  
22 with her. Um, he called her a cunt to be specific. Um, at the time, I didn't really  
23 think too much of it. She was intoxicated. It was a domestic issue. I didn't think  
24 very much of it at the time. And then when I, um, received another comp-,  
25 received this complaint-, or heard about this incident...  
26  
27 Q: With Amy?  
28 A: With Amy. And that this...  
29  
30 Q: On August 4<sup>th</sup>?  
31 A: On August 4<sup>th</sup>.  
32  
33 Q: Yep.  
34 A: And the same name was used. Um, this officer called her a cunt as well, um,  
35 witnesses say, and Amy did say that as well. Um, it just got me thinking, so I  
36 sent a picture of the officer to, um, [clears throat] Andrea, the prior complainant  
37 regarding the language and, uh, Andrea did identify him as the officer.  
38  
39 Q: OK. So, for the record, its Andrea Fossmo, F-O-S-S-M-O, in apartment 202,  
40 and that incident occurred late May or early June; is that correct?  
41 A: Correct.  
42  
43 Q: You showed Andrea a still picture from your video footage...  
44 A: Yes.  
45  
46 Q: of the August 4<sup>th</sup> incident and she confirmed that is the same officer.

1 A: Yes.  
2  
3 Q: And you heard that the word cunt was used in both.  
4 A: Yes.  
5  
6 Q: OK. In the video footage you gave to us regarding the August 4<sup>th</sup> incident,  
7 um, uh, there are several people it appears, Missy, Amy, the two daughters,  
8 another woman, uh, Shenita.  
9 A: Mm-hmm (indicating yes). Yep.  
10  
11 Q: What does Shenita look like?  
12 A: Um, probably 300 pounds, 5 foot 7...  
13  
14 Q: What race?  
15 A: Black female.  
16  
17 Q: Black female. OK. And I think I saw a black male on there, too?  
18 A: You know, I'm not exactly sure who the black male is. I believe that that  
19 could be a friend of Shenita's. I don't exact-, I don't know. It's either a friend of  
20 Shenita's or a friend of Azekia's, and Azekia was also present. She was the  
21 lighter skinned, uh, black female, um, probably about 5' 9" wearing a white tank  
22 top and black biker shorts in the video. I'm not sure whose-, exactly whose friend  
23 it was.  
24  
25 Q: How old is this last gal you described?  
26 A: Azekia, gosh, probably a little younger than me. Probably 30, maybe late  
27 20s.  
28  
29 Q: OK. And how do you spell Azekia?  
30 A: A-Z-E-K-I-A.  
31  
32 Q: Does she live here?  
33 A: She does.  
34  
35 Q: What apartment?  
36 A: 306.  
37  
38 Q: And what's her last name?  
39 A: Saunders, S-A-U-N-D-E-R-S.  
40  
41 Q: OK. Anyone else you can think of that was on that video?  
42 A: April Baker. And that's April, A-P-R-I-L, Baker, B-A-K-E-R. She lives in Unit  
43 213.  
44  
45 Q: Have you talked to April, Azekia, Shenita regarding what they saw?

1 A: The only person that I have talked to about it was Shenita and that was to get  
2 her phone number and her OK for me to give you guys her phone number. I did  
3 not talk to Azekia or April.  
4

5 Q: All right. So, you didn't ask her about the incident, you just got her phone  
6 number?

7 A: Yep.  
8

9 Q: OK. Very good. All right. Is there anything else you'd like to add to this  
10 statement before I turn the recorder off?

11 A: No.  
12

13 Q. Is everything true and accurate to the best of your recollection?

14 A: Yes.  
15  
16

17 Statement concluded at 1035 hours.  
18  
19  
20

---

21 Alyssa Kiffmeyer	Date	Witness
---------------------	------	---------

22

23

24 I have received a copy of this statement.  
25  
26

---

27 Amy Kiffmeyer  
28

29

30

31 Job #: 14864  
32

31

32



**Minneapolis**  
*City of Lakes*

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

09/08/2014

Alyssa Kiffmeyer  
2200 E. 87<sup>th</sup> Street  
Bloomington, MN 55425

Mrs. Kiffmeyer,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. After reviewing your statement and making any necessary corrections please sign and date the last page.

Please mail back one of the reviewed and signed copies. You may keep the other copy for your own records. If a corrected and signed statement is not returned within 10 days of today, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. If you have any questions or concerns related to this case or your statement you can reach me at (612) 673-2567.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department



1 SEPTEMBER 4, 2015. THE TIME IS 1346 HOURS. THIS IS SERGEANT WALTERS OF  
2 INTERNAL AFFAIRS. I HAVE ALYSSA KIFFMEYER ON THE PHONE. TRANSCRIBED BY R.  
3 METCALF.

4

5 RE: OPCR Case Number #14-17538

6

7 Q: Alyssa, uh, do you still work for, uh, CommonBond Properties?

8 A: I do, yes.

9

10 Q: And back on August 4<sup>th</sup> of 2014, there was an incident at your apartment building  
11 and you provided me with a video disc. Is that correct?

12 A: Correct.

13

14 Q: And with that video disc, on the same disc was a, uh, a text file, um, that was,  
15 uh...contained some interpretative summary regarding the video footage. Do you recall  
16 putting that on the disc?

17 A: I did not put that on the disc.

18

19 Q: OK. Can you tell me who did, please?

20 A: That was Ericka Rogers, our IT Specialist.

21

22 Q: And Ericka Rogers...E-R-I-C-K-A?

23 A: Correct.

24

25 Q: Rogers, R-O-G-E-R-S?

26 A: Yes.

27

28 Q: And that's your IT Specialist?

29 A: Yes.

30

31 Q: Do you have a number for her?

32 A: I do not. You would just call the main line of CommonBond Communities at 651-290-  
33 1750 and, um, and just, um, press the number for IT to contact her.

34

35 Q: OK. And did she talk to you about, uh, her interpretative summary, uh, where she  
36 got the information? Did she say it was, uh, just from watching the video and, uh...?

37 A: I...geez, I believe so. Um, I think that she just, um, went to all the different video  
38 cameras and then just...I didn't...I actually didn't even really read the...whatever was  
39 written in there. Um, she just came out and then provided us with the disc with  
40 everything on it.

41

42 Q: Because you had asked her to burn a copy of the disc for you?

43 A: Correct.

44

INT\_\_\_\_\_

1 Q: OK.

2 A: Correct.

3

4 Q: OK. Very good. Uh, and is it true that there is no audio to this footage?

5 A: Yes, that's true. There is no audio.

6

7 Q: Your camera system doesn't support audio?

8 A: It does not.

9

10 Q: OK. Uh, that's all the questions I have for you. It's 1348, and I'll turn the recorder  
11 off.

12

13

14 STATEMENT CONCLUDED AT 1348 HOURS

15

16

17 Job #: 29282

Stat.  
Amy Nelson

1 TODAY'S DATE IS AUGUST 29, 2014. THE TIME IS 1117 HOURS. I AM SGT.  
2 WALTERS OF THE INTERNAL AFFAIRS UNIT INVESTIGATING OPCR CASE  
3 #14-17538. I'M AT 2609 BLAISDELL AVENUE SOUTH WITH AMY.  
4 TRANSCRIBED BY R. METCALF.  
5  
6

7 RE: OPCR Case Number #14-17538  
8  
9

10 Q: Amy, what's your last name?

11 A: Nelson.

12  
13 Q: Is it N-E-L-S-O-N?

14 A: Yep.  
15

16 Q: And your date of birth, please?

17 A: 6/14/88.  
18

19 Q: And where do you live?

20 A: 2609 Blaisdell Avenue South.  
21

22 Q: What apartment?

23 A: Apartment 305.  
24

25 Q: And what's your phone number?

26 A: Uh, 612-432-6151.  
27

28 Q: Do you have an email address?

29 A: Um, no.  
30

31 Q: OK.  
32

33 YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INTERNAL  
34 INVESTIGATION INTO AN ALLEGATION. THE INFORMATION YOU PROVIDE  
35 WILL BE USED IN A FACT-FINDING PROCESS AS PART OF THE TOTAL  
36 EVIDENCE TO DETERMINE IF ANY MISCONDUCT OCCURRED AND FOR  
37 ASSESSING WHETHER DISCIPLINARY ACTION SHOULD BE TAKEN.  
38

39 THE INFORMATION YOU SUPPLY MAY ALSO BE USED IN A GRIEVANCE  
40 HEARING, ARBITRATION, OR OTHER APPEAL PROCEDURE. OTHER  
41 PARTIES OUTSIDE OF THE MINNEAPOLIS INTERNAL AFFAIRS UNIT MAY  
42 HAVE ACCESS TO THE INFORMATION AS YOU PROVIDE-, UH, THE  
43 INFORMATION YOU PROVIDE AS PART OF THE INTERNAL  
44 INVESTIGATION.  
45

46 Q: Do you understand this?



1 A: Yes.  
2  
3 Q: OK. I understand that you were involved in, ah, some sort of a domestic  
4 situation on August 4<sup>th</sup> at this 2609 Blaisdell address; is that correct?  
5 A: Yes.  
6  
7 Q: Um, who were you domesticating with?  
8 A: Uh, Melissa.  
9  
10 Q: What her last name?  
11 A: Desjarlais.  
12  
13 Q: Could you spell that for me?  
14 A: D-E-S-J-A-R-...  
15  
16 Q: J-A-R?  
17 A: Yep. L-A-I-S.  
18  
19 Q: And she's your partner; is that correct?  
20 A: Mm-hmm (indicating yes).  
21  
22 Q: And you both reside in apartment 305?  
23 A: No. She resides in Hinckley, Minnesota.  
24  
25 Q: OK. And, uh, something happened to cause the police to be called. Did you  
26 call the police?  
27 A: No, I didn't call the police.  
28  
29 Q: Do you know who called the police?  
30 A: No, I was told that a neighbor called the police.  
31  
32 Q: Um, because of an argument or what?  
33 A: It was an argument. Yeah. It was-, it was petty. It was just-, it was stupid  
34 really over nothing.  
35  
36 Q: OK. And, uh, when the police came, uh, what was the course of action that,  
37 uh, was decided? Uh, were you guys told to go in the apartment or...?  
38 A: She was already packing her belongings to leave. Um, the police-, the police  
39 were rude, like they were just-, they were forceful. I mean I carry a pocket knife.  
40 They seen my pocket knife. They grabbed the pocket knife and whipped it into  
41 the apartment. Um, they pushed the other little girl, that's not Melissa's daughter,  
42 though, it's her fri-, her daughter's friend. Um...  
43  
44 Q: What's her name?  
45 A: Uh, Marianna (sp?).  
46

1 Q: Do you know how I can get in touch with her?  
2 A: I don't know. I don't actually know. I don't actually talk to her mom or  
3 anybody. You'd have to ask Melissa. I've only talked to Melissa.  
4  
5 Q: Daughter's friend, Marianna. How old is she?  
6 A: 12. She just turned 13 actually on Monday.  
7  
8 Q: OK. And they pushed her? How do you mean?  
9 A: She was standing in the doorway when Melissa was packing her belongings  
10 and they pushed her out of the way for no reason. I said something to them. I  
11 said why did you push her, and they told me to shut up. And I was like, well, you  
12 don't need to push her. She's not in the way. And Melissa was just packing her  
13 stuff to go, you know. They were letting her get her belongings, and I had said  
14 that she had a ring of mine and a jack and could I get those things because she  
15 had those belongings of mine on her. And they refused this, you can get them  
16 another time, you know, and so, I had called the precinct back on my, my little  
17 prepaid phone. And that's the phone that they threw in the back hallway out of  
18 my hand.  
19  
20 Q: Who were calling?  
21 A: I was talking to the precinct, and they said I had to go talk to the officers and  
22 ask the officers for the police report and ask them to get those belongings. And I  
23 said I've been asking the officers to get the belongings, they won't let me get the  
24 belongings, they told me another time. You know, and they wouldn't let me get  
25 those two belongings. I got them now like...  
26  
27 Q: All right. We're kind of skipping ahead a little bit.  
28 A: Obviously, everything's OK, but... they...  
29  
30 Q: Um, let's back it up to the part where she's packing up her things out of the  
31 apartment.  
32 A: Yeah. She, she was already packing before they came.  
33  
34 Q: Right. And then so eventually Melissa left?  
35 A: Mm-hmm (indicating yes).  
36  
37 Q: Do you call her Missy?  
38 A: Yeah.  
39  
40 Q: OK.  
41 A: Yeah. She eventually left. The police, uh, made sure and escorted her out.  
42 Um, the neighbors helped carry her stuff and her daughter...  
43  
44 Q: Do you have names for those neighbors?  
45 A: Uh, April and Shen-, Shey.  
46

1 Q: What's Shey's full name?  
2 A: Shenita.  
3  
4 Q: Shenita?  
5 A: Esaw. E-S-A-W.  
6  
7 Q: OK. What apartment does she live in?  
8 A: 302.  
9  
10 Q: And April?  
11 A: Mm-hmm (indicating yes). She lives in...  
12  
13 Q: 213?  
14 A: 213. Yeah.  
15  
16 Q: OK. OK, so...  
17 A: Those two neighbors kind of mediated the whole situation, too. They were  
18 kind of keeping me from my anger getting higher, and I did assault Melissa, but  
19 nothing happened, like the police didn't take me or anything. I mean I assaulted  
20 her, but it was because I was blacked out, you know, cause I had-, I had, I had a  
21 couple drinks, you know.  
22  
23 Q: So, you had drunk-, uh, been drinking so much that you blacked out?  
24 A: No, I don't-, I don't drink, so when I had the-, I had like three shots or four  
25 shots. And so, I think that with the medication that I normally take during the day  
26 I think that's what made me black out.  
27  
28 Q: OK. Do you remember that evening?  
29 A: Mm-hmm (indicating yes). Yeah, I remember that...  
30  
31 Q: OK. Let's talk about the domestication with Missy. Uh, that was before the  
32 police arrived, I'm assuming?  
33 A: Mm-hmm (indicating yes). Yeah, well, we were arguing and it was over-, I  
34 was at Shey's house having a couple drinks and then I was gonna come back  
35 across the hall. She had asked me to hold her cigarettes cause everybody  
36 always asks for a cigarette, you know, so I had shoved them in my bra, so  
37 nobody would know that we-, she had cigarettes. And she sent her daughter and  
38 Marianna to get the cigarettes, and it was kind of demandful. The girls kind of  
39 demanded the cigarettes from me, and it was kind of rude, you know. And so, I  
40 was like, well, I'm coming across the hall, you know, tell mom I'll be right there.  
41 And so, Missy came across the hall, and I was like, come on, like I was coming  
42 across anyway. And she was like, give me my cigarettes. And I was like, well,  
43 I'm coming over. And I was, like, you can have cigarettes, you know. And that's  
44 kind of where the argument started over the pack of cigarettes. It was really over  
45 nothing.  
46

1 Q: Did you guys-, yeah. Did you guys get physical?  
2 A: Um, that-, we didn't get physical until she started packing her stuff and she  
3 was taking out-, she was like taking the food and everything. You know, but her  
4 mom had helped give-, buy the food for me, so she figured since her mom  
5 bought the food for me that she would take the food and all of her belongings,  
6 which I kind of got mad about that and about the whole incident with the  
7 cigarettes because she shouldn't've sent the kids to come get the pack of  
8 cigarettes. She should've just waited when I said-, when the kids come back  
9 across the hall and said Amy said no that you can't have your cigarettes. And  
10 that wasn't the case.  
11  
12 Q: And so that's what started it?  
13 A: So, that really-, that's what started the whole argument really was about...  
14  
15 Q: So, then she decided to start packing up?  
16 A: Yeah, that's when she decided to start packing up. She said, I'm gonna  
17 leave. And I said, OK. I said, go ahead. And then what really made me mad  
18 was when she was packing up and she's taking everything, you know, down to  
19 the food.  
20  
21 Q: And then so it got physical?  
22 A: Yeah, that's when it got physical.  
23  
24 Q: Talk to me about that.  
25 A: I was-, we kind of started arguing, and, uh, she just pushed me out of the way  
26 and then I just pushed her back. Um, when she was-, she went in the bathroom  
27 to pick up the dirty clothes, and when she went into the bathroom, I was like, so,  
28 you're not gonna talk. You don't want to talk about this. This is all stupid. This is  
29 over a pack of cigarettes. You know, and when I pushed the bathroom door  
30 open, it hit her in the head and she said that, um, she had-, she has-, she's  
31 recording everything. She has a lawyer and everything. She has a lawyer and  
32 everything that she has through her tribe. And she's keeping documentation of  
33 everything, but they said that she, um, had a concussion from the door hitting  
34 her.  
35  
36 Q: So, her lawyer is defending her against...  
37 A: No, they're-, she's not taking it to court or anything. She's just keeping  
38 documentation. She doesn't want to press charges on me or anything.  
39  
40 Q: Uh-huh.  
41 A: She doesn't wanna have any fights or anything.  
42  
43 Q: OK.  
44 A: She wants to work things-, to be, be with me and work things out, but, um...  
45  
46 Q: OK.

1 A: She-, she's keeping the documentation cause she, she doesn't want to me to  
2 be vengeful against her. And I told her I'm gonna be vengeful against you. I'm,  
3 I'm on your side, you know. It was seriously over the girls coming and asking for  
4 the pack of cigarettes the way that they did. They pretty much demanded the  
5 pack of cigarettes...

6  
7 Q: I understand.

8 A: and they went and told her I said no, and that wasn't true.

9

10 Q: Right. So, you mentioned you pushed her, she pushed you,...

11 A: Mm-hmm (indicating yes).

12

13 Q: you hit the-,...

14 A: Yep.

15

16 Q: hit her in the head with the door on accident.

17 A: Yep.

18

19 Q: Um, how about more physicalness between the two of you?

20 A: The only thing that was physical is, um, that wasn't it. That was it.

21

22 Q: That was it?

23 A: Yeah.

24

25 Q: OK. So, then she's packing up the stuff, a neighbor calls the cops, the cops  
26 show up, and she's still packing her stuff. Neighbors are helping her move it out.  
27 Uh, eventually, she goes out the backdoor of the building; is that right?

28 A: Yep.

29

30 Q: And she's what? Putting it in a car back in the alley, is that...?

31 A: Um, no, her car was in the parking lot in my spot. Uh, she was putting it in  
32 the car in the parking lot.

33

34 Q: OK. And you were upset that she was taking some of your stuff. You said a  
35 jack? What, what was...

36 A: She didn't know that my car jack was already in her vehicle.

37

38 Q: Oh, a car jack. OK.

39 A: Yeah, and then, um, my-, it was my class ring. I had given it to her, but I told  
40 her if we're not gonna work things out and...

41

42 Q: Yeah.

43 A: stuff like that, I would like it back.

44

45 Q: So, you called the precinct to talk about...

46 A: Yeah, I was talking to the precinct. They trans-...

1  
2 Q: Now, the Fifth Precinct on 31<sup>st</sup> and Nicollet.  
3 A: Yes. Yeah.  
4  
5 Q: You have their number?  
6 A: No, they, um, transferred me when I called the, the, the number 911.  
7  
8 Q: You called 911?  
9 A: I called-, yeah, they transferred me to the precinct.  
10  
11 Q: OK. Called 911.  
12 A: And I told them it wasn't an emergency that I just wanted to talk to the Fifth  
13 Precinct. And they told me that I had to talk to the officers and get the police  
14 report and stuff, and they refused to give me any information while on the phone.  
15  
16 Q: So you're, you're intent to-, when calling 911...  
17 A: Was just to find out what I could do to get my stuff later.  
18  
19 Q: Mm-hmm (indicating yes). OK. You weren't...  
20 A: And they were still talking to me, and I was telling them, you know, they  
21 won't-, they won't give me any information. You know, they're being rude.  
22 They're being physical with me.  
23  
24 Q: OK.  
25 A: And that's...  
26  
27 Q: Let's talk about...  
28 A: That's when my incident happened. That's when the officer had pushed me.  
29  
30 Q: Yes. So, you were-, where were you standing when...?  
31 A: I was standing in the back hallway and the officer seen me come down. The  
32 officer had seen and noticed that I'd come down from upstairs. They wanted me  
33 to wait until she was completely gone, which I would have had no clue if she was  
34 gone or not, you know, cause I can't see the parking lot from my apartment and I  
35 can't see the backdoor. So, I just figured she was...  
36  
37 Q: So, you had come down...  
38 A: gone.  
39  
40 Q: So, you had come down to talk to these cops about your stuff?  
41 A: Yep. Yep.  
42  
43 Q: OK.  
44 A: Yep. And that's when they came in and said go. They were telling me to go  
45 back upstairs cause apparently she was still in the parking lot. And I said, I don't  
46 wanna talk to her. I'm not trying to go out in the parking lot. I just want to know

1 what I can do later to get my stuff if she doesn't wanna speak to me and stuff like  
2 that. And that's when the officer smacked the phone out of my hand and shoved  
3 me, and I landed on the ground. And he was standing over me, hollering at me.

4

5 Q: What was he saying to you?

6 A: I'm a little smart ass. And he should take me in. And he was just saying all  
7 kinds of stuff. I don't, I don't know everything that he was saying because I was  
8 scared because he was pushing me.

9

10 Q: All right. Did he ever call you any names?

11 A: Yeah, he called me a cunt.

12

13 Q: How many times?

14 A: Several times. He called me a little cunt, I'm a little bitch. He was just calling  
15 me all kinds of names. Telling me to shut-, shut the F up, once or twice. They  
16 were-, they were holding me in the apartment when she had went out with all of  
17 her stuff. One of the officers was holding the door shut because I tried to open  
18 the door because I heard somebody out there and it was him holding the door  
19 shut.

20

21 Q: OK.

22 A: And I wasn't trying to go talk to Melissa or cause any fights, or cause any  
23 arguments. And that's what I was trying to tell these officers is I'm not trying to  
24 fight and argue and...

25

26 Q: Is this the first time that the officers came to your apartment that day?

27 A: Yep.

28

29 Q: OK. And did the officer that pushed you, did he know who you were talking to  
30 on the phone?

31 A: No. He didn't even ask me. I told him-, I said I was talking to the precinct.

32

33 Q: You told him that before or after he pushed you?

34 A: After he pushed me. I said I was talking to the precinct. I mean the phone  
35 broke and fell apart.

36

37 Q: Is it possible that before he pushed you the first time that he overheard you  
38 say to the person on the other end of the phone call, um, they're being rude and  
39 such?

40 A: He might've heard me. He might've heard me because, uh, he was coming in  
41 the door when I was talking to the precinct. So, he might've heard me.

42

43 Q: Do you-, do you remember where you were standing at that-, when you were  
44 first pushed?

45 A: Right there in the back hallway.

1  
2 Q: In the hallway?  
3 A: Yep. Right at the top of those three stairs in the back.  
4  
5 Q: At the top of the three stairs?  
6 A: Mm-hmm (indicating yes).  
7  
8 Q: That's when he first pushed you?  
9 A: Mm-hmm (indicating yes).  
10  
11 Q: OK. And, and did you fall down?  
12 A: Yeah.  
13  
14 Q: And...  
15 A: I flew.  
16  
17 Q: OK. Walk me through that.  
18 A: I [inaudible] fall.  
19  
20 Q: Once you were pushed, you said you flew and you fell down.  
21 A: I fell down on the ground.  
22  
23 Q: And then what?  
24 A: Um, he was standing over me, pointing at me, telling me that I was a little  
25 cunt, and that I was being a smart ass, and he should take me in, and I better  
26 watch it, and who the hell was I talking to. And the phone was already on the  
27 ground with the battery out because he flung it. He smacked it out of my hand,  
28 you know, like this, and the phone went flyin'. I mean you guys will see the video  
29 surveillance. It's...  
30  
31 Q: Yeah. Did he smack the phone out of your hand before or after he pushed  
32 you?  
33 A: Before.  
34  
35 Q: Before he pushed you?  
36 A: Mm-hmm (indicating yes).  
37  
38 Q: OK. Um, you mentioned that you had been drinking, and I'm just trying to get  
39 a baseline on this...  
40 A: Mm-hmm (indicating yes).  
41  
42 Q: Uh, you said three shots of...  
43 A: Well, it was like three drinks. Yeah.  
44  
45 Q: Of whiskey?  
46 A: Vod-, it was vodka.



1  
2 Q: Vodka. OK. And you're on medication.  
3 A: Yeah, I...  
4  
5 Q: Can I ask what kind of medication?  
6 A: Uh, just depression medication. Uh, it was-, um, I was taking Latuda, but now  
7 I'm switched to Prozac.  
8  
9 Q: OK. And does that-, do they recommend...  
10 A: Yeah, it intensifies-, it, it intensifies on alcohol.  
11  
12 Q: So, that's why you're saying that you were kind of blacked out?  
13 A: That's why-, even if I didn't take the medication that day, I think that it  
14 would've since the medication is still in my system, it would've intensified it either,  
15 either way.  
16  
17 Q: Right.  
18 A: So...  
19  
20 Q: Yeah. So, a couple drinks is like a lot of drinks?  
21 A: Yeah. Yeah. It's like a lot of drinks if you-, yeah.  
22  
23 Q: OK. OK. Um...  
24 A: And I don't normally drink. And if I do drink, it usually it's like a beer here and  
25 there.  
26  
27 Q: You mentioned that the officer had pushed Marianna when she was in the  
28 doorway. Was that the same officer?  
29 A: Yeah, she didn't say anything to us. Um, actually, Alyssa is the one that said  
30 something to us about she pushed the little girl, and Marianna said...  
31  
32 Q: You didn't see that, you personally?  
33 A: Uh, I seen-, I seen it. I was standing in the living room by like the living  
34 room/dining room area of my apartment. And I told him he shouldn't push her. I  
35 said she wasn't doing anything.  
36  
37 Q: Did he-, how did he push her? Describe it.  
38 A: He shoved her. She was just leaning up against the doorway and he just  
39 shoved her out of the way like she was in the way.  
40  
41 Q: Same cop that pushed you?  
42 A: Mm-hmm (indicating yes).  
43  
44 Q: Would you recognize him if you saw him again?  
45 A: Mm-hmm (indicating yes).  
46

1 Q: Have you ever had any previous dealings with this officer?  
2 A: I don't think so. I don't think the incident that I had before with the  
3 Minneapolis Police I don't recall him being the same officer.  
4  
5 Q: I'm gonna show you a picture. Do you recognize this officer?  
6 A: Mm-hmm (indicating yes).  
7  
8 Q: Who is that officer?  
9 A: Officer Larkins (sp?).  
10  
11 Q: Larkin?  
12 A: Yeah, I think that's Larkins.  
13  
14 Q: And was he there that night?  
15 A: Mm-hmm (indicating yes).  
16  
17 Q: Is he the one that pushed you?  
18 A: Mm-hmm (indicating yes). Because the one with the mustache and the hair  
19 that was receding, was the one that was just standing there.  
20  
21 Q: The one with the mustache and receding hair...  
22 A: Mm-hmm (indicating yes).  
23  
24 Q: was just standing there?  
25 A: He was just standing there.  
26  
27 Q: Where did you get the name Larkins?  
28 A: They told me the two officer's names.  
29  
30 Q: Who told you?  
31 A: The precinct when I talked to them the very next day. I've got their badge  
32 numbers and their names written down upstairs on a piece of paper.  
33  
34 Q: OK. Would you please, um, you said he was the one that pushed you?  
35 A: Mm-hmm (indicating yes).  
36  
37 Q: Could you write that down and then sign it, please? [pause] For the record,  
38 could you just write-, uh, read what you wrote down please?  
39 A: He pushed me and smacked my phone out of my hand.  
40  
41 Q: OK. I'm gonna show you another picture. Do you recognize this officer?  
42 A: Mm-mmm (indicating no).  
43  
44 Q: What's that?  
45 A: No.  
46

1 Q: OK. Could you please just write that down and sign it?  
2 A: I recall him being-, not having any hair.  
3  
4 Q: The one that pushed you?  
5 A: Yeah.  
6  
7 Q: OK. So, I'm gonna have you read what you write when you're done. And  
8 please sign it. Could you please read what you wrote on that picture?  
9 A: I don't recognize him.  
10  
11 Q: OK. Thank you very much. Had you been yelling at Missy when she was  
12 down by the alley right before you got pushed? Were you yelling at her at all?  
13 A: No, she wasn't even in the building. She was out by the car.  
14  
15 Q: I'm not trying to make excuses for the officer, please understand that, but I  
16 have to ask you, do you think personally that you were being rude towards the  
17 officer?  
18 A: I know I was being rude because he was being rude to me.  
19  
20 Q: OK. And that's right before he pushed you?  
21 A: Mm-hmm (indicating yes).  
22  
23 Q: Do you remember saying anything in particular to him that might have...?  
24 A: No, I just told him that I was talking to the precinct and the precinct said that  
25 I'm supposed to ask them for the police report and they're supposed to let me get  
26 my belongings if she's getting her belongings. And they told me another time.  
27 They told me that several times actually.  
28  
29 Q: That you had to get it another time?  
30 A: Yep.  
31  
32 Q: OK. Did you receive any injuries from, uh, from this incident?  
33 A: Um, I had bruises, but, uh, some of them might've been from Shenita and  
34 April trying to restrain me from getting mad and putting hands on Melissa  
35 because of her leaving and stuff like that. So, I'm, I'm gonna say that most of  
36 'em are from them, but I had a big bruise on my elbow from them pushing me.  
37  
38 Q: From who pushing you?  
39 A: The officers-, or the officer pushing me. It was only...  
40  
41 Q: OK. Let's be clear. How many officers pushed you?  
42 A: Just one.  
43  
44 Q: OK.  
45 A: The officer that pushed me. There was a bruise on my elbow. I think that  
46 was the only thing that happened.

1  
2 Q: And that's from you falling?  
3 A: Mm-hmm (indicating yes).  
4  
5 Q: OK. Um, uh, the apartment manager, Alyssa, uh, did you tell her about this  
6 incident?  
7 A: Yeah, I talked to her the next day about the incident. She had already known  
8 about it, of course, because she knows about all the incidents that happen in the  
9 building.  
10  
11 Q: Did you go to her or did she come to you?  
12 A: She came to me.  
13  
14 Q: And was that during National Night Out?  
15 A: Yep.  
16  
17 Q: OK. Um, I'm looking at your arms now. I saw a bruise on your right bicep...  
18 A: Oh, that bruise is from me. Uh, I have anemia, so I bruise easy. That's from  
19 me, um...  
20  
21 Q: I'm sorry. You have...  
22 A: I ran into something the other day when I was carrying some stuff.  
23  
24 Q: OK. You have anemia?  
25 A: Yeah...  
26  
27 Q: And so...  
28 A: I get low iron in my blood, so...  
29  
30 Q: That causes you to bruise easily?  
31 A: Yep.  
32  
33 Q: OK. OK. Um, did you have any bruising on your legs or anything?  
34 A: I didn't see none when I looked at myself. Um, the bruises that I did have I  
35 just-, April took a picture of them with her phone and I think that they were mostly  
36 from them guys trying to restrain me, but they said that they think that they're  
37 from me and Melissa.  
38  
39 Q: OK.  
40 A: But I don't think.  
41  
42 Q: That's what your friends think.  
43 A: Yeah, I don't think that they were. I think they were more or less from the-,  
44 cause they're-, uh, these girls are bigger than me. I'm only like a 145 pounds.  
45 These girls are like 300 pounds, you know, so I think that when they were

1 restraining me they might not have thought that they were holding me back very  
2 hard, but I think that they, they could've been. You know.  
3  
4 Q: And plus, you bruise easy.  
5 A: And plus, I blu-, I bruise easily. Somebody could grab my arm and hold me-,  
6 they could hold me and I could-, I could get a bruise from it. You know, so, I  
7 think that it, it was from being restrained from them.  
8  
9 Q: How about around your neck? Did you have any bruising around your neck?  
10 A: Yeah, I had a bruise on my neck and a scratch that was coming off the bruise.  
11 Um...  
12  
13 Q: And I don't see it now.  
14 A: Yeah, it's gone now.  
15  
16 Q: OK.  
17 A: It's gone now, so...  
18  
19 Q: All right. What do you think that one on your neck was from?  
20 A: I don't know if it was from somebody. I, I thought somebody had grabbed me  
21 around my neck, but I don't remember. Um, my girlfriend-, Missy's daughter said  
22 that Shey when she was restraining me that when we were-, when she trying to  
23 hold me back and stuff that she had pushed me and I flew into my television in  
24 my living room. My television had fallen off my TV stand onto the floor, and I  
25 remember that clearly. And I said, well, I remember...  
26  
27 Q: Who was that that pushed you?  
28 A: Shenita.  
29  
30 Q: OK.  
31 A: I think she pushed me because she thought I was gonna go out the door after  
32 the Melissa or something like that.  
33  
34 Q: OK. Um...  
35 A: She had drunk way more than me, though. Shenita had drank way, way  
36 more than me.  
37  
38 Q: OK. Your phone, uh, you said that when he smacked it out of your hand-, the  
39 officer smacked it out of your hand, it came apart. Did it break or is it still usable?  
40 A: It's, it's still usable. I mean the battery and the back flew off, but it's still  
41 usable.  
42  
43 Q: So, when you put it back together, it was fine?  
44 A: Yeah, it works just fine.  
45

1 Q: OK. Is there anything else you can think about the incident that you would  
2 like me to know that I haven't asked you about?  
3 A: No.  
4  
5 Q: I understand you're back together with Missy?  
6 A: Well, working on it. We're not officially together, but...  
7  
8 Q: OK. I have...  
9 A: Three year relationship, so...  
10  
11 Q: Right. I have no further questions unless you have something to add, I'm  
12 gonna stop the recording.  
13 A: No.

14  
15  
16  
17  
18  
19

Statement concluded at 1140 hours.

---

Amy Nelson	Date	Witness
------------	------	---------

20  
21  
22  
23  
24  
25

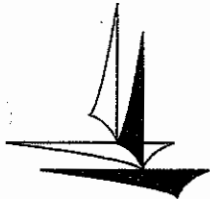
I have received a copy of this statement.

---

Amy Nelson

26  
27  
28  
29  
30  
31

Job #: 14865



**Minneapolis**  
*City of Lakes*

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

09/08/2014

Amy Nelson  
2609 Blaisdell Ave S #305  
Minneapolis, MN 55408

Ms. Nelson,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. After reviewing your statement and making any necessary corrections please sign and date the last page.

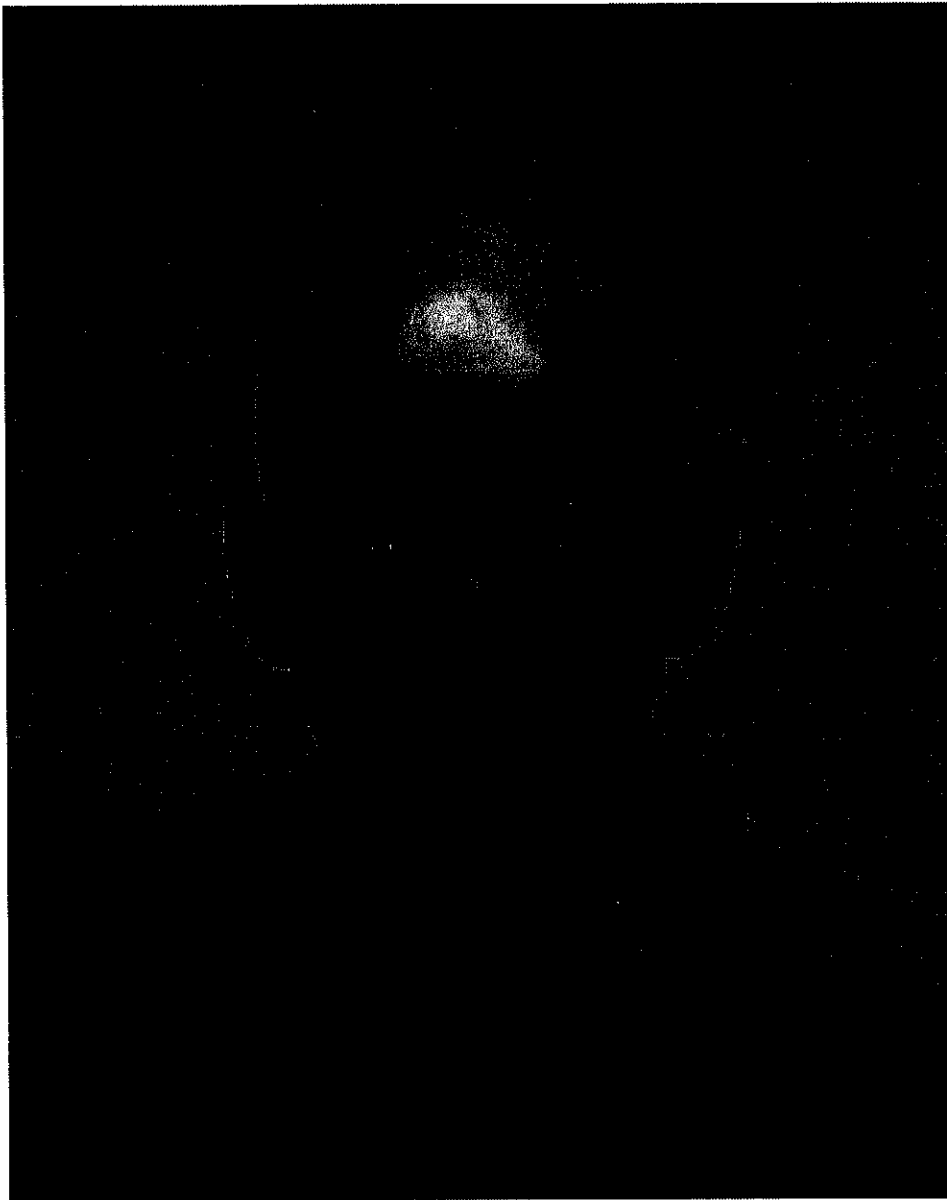
Please mail back one of the reviewed and signed copies. You may keep the other copy for your own records. If a corrected and signed statement is not returned within 10 days of today, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. If you have any questions or concerns related to this case or your statement you can reach me at (612) 673-2567.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department

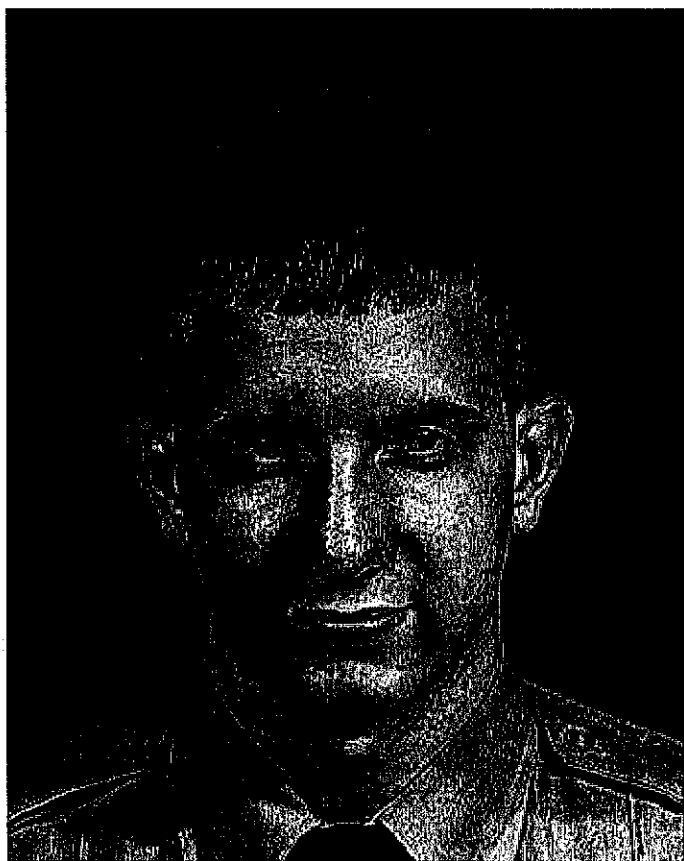




He pushed me / Smacked my phone out of my hand

S. J.





*I dont Recognize Him*

*g m*

STAT.

AZELIA SAUNDERS

1 TODAY'S DATE IS SEPTEMBER 15, 2014. THE TIME IS 1145 HOURS. THIS  
2 IS SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE  
3 NUMBER 14-17538. ON THE PHONE WITH ME IS AZEKIA SAUNDERS.  
4 TRANSCRIBED BY R. METCALF.

5  
6 RE: OPCR Case Number #14-17538

7  
8 Q: Azekia, could you please spell your first and last name for me?

9 A: It's Azekia, A-Z-E-K-I-A, then Saunders, S-A-U-N-D-E-R-S.

10  
11 Q: OK. What is your address?

12 A: Um, 2609 Blaisdell Avenue South, Apartment 306, Minneapolis, Minnesota,  
13 55408.

14  
15 Q: And your phone number, please?

16 A: Um, 612-801-1545.

17  
18 Q: What's your date of birth?

19 A: Uh, 3/21/84.

20  
21 Q: OK.

22  
23 YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INTERNAL  
24 AFFAIRS INVESTIGATION INTO AN ALLEGATION. THE INFORMATION YOU  
25 WILL PROVIDE WILL BE USED IN A FACT-FINDING PROCESS AS PART OF  
26 THE TOTAL EVIDENCE TO DETERMINE IF ANY MISCONDUCT OCCURRED  
27 AND FOR ASSESSING WHETHER DISCIPLINARY ACTION SHOULD BE  
28 TAKEN.

29  
30 THE INFORMATION YOU SUPPLY MAY ALSO BE USED IN A GRIEVANCE  
31 HEARING, ARBITRATION, OR OTHER APPEAL PROCEDURE. OTHER  
32 PARTIES OUTSIDE OF THE MINNEAPOLIS INTERNAL AFFAIRS UNIT MAY  
33 HAVE ACCESS TO THE INFORMATION YOU PROVIDE AS PART OF THE  
34 INTERNAL INVESTIGATION.

35  
36 Q: Do you understand this?

37 A: Yes.

38  
39 Q: I understand that you were at your building, 2609 Blaisdell Avenue South, on  
40 August 4, 2014, when there was an incident in Apartment 305. Do you recall that  
41 evening?

42 A: Yes.

43  
44 Q: Could you tell me what was your involvement?

45 A: Um, I was carrying my son. Um, I was going out to my car cause he was  
46 awake. So, I was carrying him out to get some fresh air outside and, um, I

1 walked by Amy's apartment and I heard yelling and screaming. Her and her  
2 girlfriend were fighting.  
3  
4 Q: Who is Amy girlfriend?  
5 A: Um, Missy, I think her name is.  
6  
7 Q: OK.  
8 A: And, um, they were fighting and physically fighting, and then the police were  
9 called. And the police came and Amy was-, kept going on and on and the police  
10 kept telling her to be quiet and she wouldn't be quiet. So, then like he kept  
11 saying be quiet, be quiet, and then I just went downstairs and helped her  
12 girlfriend carry her stuff downstairs. And then when I was downstairs, um, I  
13 guess Amy came down there and the police had follow-, followed her down. And  
14 then I was outside and I just saw her like yelling, and then he was saying  
15 something and then I think he pushed her or something.  
16  
17 Q: The officer?  
18 A: Yeah, the officer pushed her. I'm not-, I think he pushed her. I don't know. I  
19 didn't see. It was on the camera, I think.  
20  
21 Q: OK.  
22 A: That's what the manager said, but I didn't really see it. I just...  
23  
24 Q: I understand. Let's back up to the part...  
25 A: OK.  
26  
27 Q: where you said you, you heard Amy and Missy physically fighting. Were  
28 there others present at that time or were they just inside of the apartment?  
29 A: Oh, yeah. Um, April and Shenita.  
30  
31 Q: They were-, they were there.  
32 A: Yeah. They live in this building, too.  
33  
34 Q: And was the door to the apartment open, so you could see them physically  
35 fighting or did you just hear it?  
36 A: Um, well, her, her friend's-, or her girlfriend's daughter was outside crying.  
37 They were-, the door was shut and she's saying, I'm scared for my mom, she's  
38 hitting my mom-, Amy's hitting my mom. So, I went in and she was like hitting  
39 her with a stick.  
40  
41 Q: Amy was hitting Missy?  
42 A: Yeah, with a broomstick. And then, um,...  
43  
44 Q: April and Shenita were there?  
45 A: April and Shenita were trying to calm it down and then somebody had called  
46 the police. I don't know who.

1  
2 Q: But they weren't they yet?  
3 A: No. They like arrived-, when they arrived, I like went downstairs to help her  
4 girlfriend bring her stuff down.  
5  
6 Q: OK. So, when you saw Amy hitting Missy with the broomstick...  
7 A: Mm-hmm (indicating yes).  
8  
9 Q: and April and Shenita were trying to stop her...  
10 A: Mm-hmm (indicating yes).  
11  
12 Q: um, were they physically trying to restraining her?  
13 A: No. They just told her to stop.  
14  
15 Q: Would she stop?  
16 A: Yes, she did.  
17  
18 Q: OK. Did you ever see April, Shenita, and Amy, uh, get into anything  
19 physical?  
20 A: No.  
21  
22 Q: Did you see Amy fall against the TV stand and knock the TV down?  
23 A: Oh, no.  
24  
25 Q: You weren't present at that time?  
26 A: No.  
27  
28 Q: OK. Um, now, when the police arrived, you said that they kept telling Amy to  
29 stop yelling; is that correct?  
30 A: Yes. She kept going on and on and they're like stop yelling-, just what-, and  
31 she just kept-, she was upset...  
32  
33 Q: Mm-hmm (indicating yes).  
34 A: with her girlfriend. And she kept going on about the situation and they kept  
35 telling her to be quiet.  
36  
37 Q: Was she drunk?  
38 A: Um, I have no idea [laughing] if she was drunk.  
39  
40 Q: Did she appear intoxicated?  
41 A: Uh, not real-, not really. She just appeared like angry, like real mad.  
42  
43 Q: Did you see-, did you see any physical confrontation between the officers and  
44 Amy prior to the backdoor?  
45 A: No, I didn't.  
46

1 Q: OK. Um, what kind of things was Amy yelling when the police were telling  
2 her to stop?  
3 A: Um, I wasn't really paying attention to what she was saying. She was just  
4 saying stuff like-, just talking about like what her girlfriend did and stuff.  
5  
6 Q: So, she was angry at Missy?  
7 A: Yes. She was angry at her-, Missy, her girlfriend and then that's all I hear.  
8  
9 Q: Was, was she yelling at the officers at all?  
10 A: Um, her girlfriend?  
11  
12 Q: No, Amy. Was Amy yelling at the officers at all?  
13 A: Yeah, I don't think-, I don't think she was yelling at them. She was yelling-,  
14 she was trying to talk to them about her girlfriend.  
15  
16 Q: OK.  
17 A: She was like yelling about it, but I don't think she was trying to yell at them  
18 directly.  
19  
20 Q: OK.  
21 A: She was just like upset with her girlfriend.  
22  
23 Q: Was she was being disrespectful in any way towards the officers?  
24 A: Um, no. I don't think so. She was just, like I said, she was just upset with her  
25 girlfriend and she was just like going on and on about what she did. She wasn't  
26 being disrespectful.  
27  
28 Q: OK. So, you were helping Missy take the stuff out the backdoor to the car?  
29 A: Mm-hmm (indicating yes).  
30  
31 Q: Um, what did you see happen at the backdoor?  
32 A: Um, well, I was outside after I helped Missy bring her stuff to her car. I was  
33 standing outside the backdoor and Amy had come down. And then the police  
34 were-, she was-, it still looked like she was yelling cause I was looking in-, I was  
35 looking inside, but I wasn't inside. She was still yelling and then all of a sudden  
36 she fell. I don't know if he-, I think he pushed her or something. I don't know.  
37  
38 Q: Did you see that part?  
39 A: I saw it. Yeah.  
40  
41 Q: What had Missy been doing right before she was pushed?  
42 A: Oh, she was out...  
43  
44 Q: I'm sorry. Amy.  
45 A: Amy?  
46

1 Q: Yeah, Amy.  
2 A: Oh, I don't even know cause I didn't-, I know it looked like she was yelling.  
3  
4 Q: OK.  
5 A: Yeah. I didn't hear anything she said or...  
6  
7 Q: Because you were down by Missy's car?  
8 A: Yeah, I was outside and they were inside.  
9  
10 Q: I have video of the incident. What do you look like, so I know who, who you  
11 are on the video?  
12 A: Oh, I'm like-, um, I'm mixed, like mixed race.  
13  
14 Q: OK.  
15 A: Ponytail. Um, I'm not-, like medium build.  
16  
17 Q: Medium build?  
18 A: Mm-hmm (indicating yes).  
19  
20 Q: OK. Mixed black and white?  
21 A: Mm-hmm (indicating yes).  
22  
23 Q: All right. So, light complected?  
24 A: Yeah.  
25  
26 Q: And how old are you again?  
27 A: I'm 30.  
28  
29 Q: OK. And what were you wearing that night, do you recall?  
30 A: I have no idea. I don't know.  
31  
32 Q: Does it..., uh, so...  
33 A: Oh, wait. I was wearing shorts. I remember black shorts. I was wearing my  
34 black shorts and I think like a, I don't know, maybe a white tank top.  
35  
36 Q: Yeah, that sounds right. I think I saw that in the video.  
37 A: Yeah. Some boots.  
38  
39 Q: White tank top and boots. OK. Did you hear anything that the officers said to  
40 Amy around the time where she was pushed?  
41 A: I-, no, I didn't. I just, um, upstairs-, when we were all upstairs, they just kept  
42 telling her to be quiet and she kept going and going and going. And then that's  
43 all I heard...  
44  
45 Q: OK.

1 A: them say to her. She was going on and on about her girlfriend. They're like  
2 be quiet, be quiet.  
3  
4 Q: Trying to stop the argument?  
5 A: Yeah.  
6  
7 Q: OK. Is there anything else you can think about from that night of the incident  
8 that I haven't asked you about?  
9 A: No. That's all I remember.  
10  
11 Q: Do you remember approximately what time of night this was?  
12 A: Mmm, I don't.  
13  
14 Q: Did you take any video or photographs during the event?  
15 A: No. It was probably around like 11 or so.  
16  
17 Q: OK.  
18 A: 11 at night.  
19  
20 Q: And was the answer no about the videos or photographs?  
21 A: Yes.  
22  
23 Q: OK. Is there anything else that you would like to add to this statement?  
24 A: No. I pretty much-, that's all I remember.  
25  
26 Q. OK. Is this a true and accurate statement as best you can recall?  
27 A: Yeah.  
28  
29

30 Statement concluded at 1155 hours.  
31  
32  
33

---

34 Azekia Saunders	Date	Witness
--------------------	------	---------

35  
36  
37 I have received a copy of this statement.  
38  
39

---

40 Azekia Saunders  
41  
42

43 Job #: 15537  
44  
45





**Minneapolis**  
City of Lakes

**Police Department**

October 1, 2014

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

**Azekia Saunders**  
2609 Blaisdell Ave S #306  
Minneapolis, MN 55408

Ms. Saunders,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. After reviewing your statement and making any necessary corrections please sign and date the last page.

Please mail back **one** of the reviewed and signed copies. You may keep the other copy for your own records. If a corrected and signed statement is not returned within 10 days of today, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. If you have any questions or concerns related to this case or your statement you can reach me at (612) 673-2567.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department



OFFICER LUKES

1 TODAY'S DATE IS NOVEMBER 5, 2014. THE TIME IS 2127 HOURS. THIS IS  
2 SGT. WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE  
3 NUMBER 14-17538 WITH ME IS OFFICER MARCUS LUKES AND HIS  
4 FEDERATION REPRESENTATIVE, LT. ROBERT KROLL. TRANSCRIBED BY  
5 R. METCALF.

6  
7 RE: OPCR Case Number #14-17538

8  
9 Q: Officer Lukes, what is your full name?

10 A: Marcus John Lukes.

11  
12 Q: What is your present rank and work assignment?

13 A: Officer, Precinct 5 Dogwatch.

14  
15 Q: What is your employee number and date of appointment?

16 A: 004261. April 2013.

17  
18 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL  
19 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR  
20 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO  
21 MPD POLICY AND PROCEDURE.

22  
23 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS  
24 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST  
25 YOU, EXCEPT IN ALLEGED PERJURY. HOWEVER, THESE STATEMENTS  
26 MAY BE USED AGAINST YOU IN RELATION TO EMPLOYMENT  
27 ALLEGATIONS.

28  
29 Q: Do you understand this?

30 A: Yes.

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

37  
38 Q: Do you understand?

39 A: Yes.

40  
41 Q: Is it correct that you have read, understood, and signed the Data Practices  
42 Advisory, otherwise known as the Tennessen Warning?

43 A: Yes.

44  
45 Q: Have I informed you that the purpose of this statement relates to an internal  
46 investigation, and specifically, an administrative review that is being conducted

INT 

1 regarding allegations that on August 4, 2014, at approximately 2225 hours, at an  
2 apartment building located at 2609 Blaisdell Avenue South, Officer Blayne  
3 Lehner shoved Amy Nelson down twice, slapped a cellphone out of her hand,  
4 stood over her pointing his finger in her face, and called her a cunt?

5 A: Yes.

6

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

9 A: Yes.

10

11 Q: Officer Lehner-, uh, Officer Lukes -- I knew I was going to do that -- Officer  
12 Lukes, were you on duty on August 4, 2014?

13 A: Yes.

14

15 Q: Do you remember, uh, who your partner was?

16 A: Officer Lehner.

17

18 Q: And do you remember which car you were working?

19 A: Squad 511.

20

21 Q: I've got a Visinet report here, uh, showing a call and that you were dispatched  
22 to at 2609 Blaisdell. You can use this to reference your-, uh, reference if you  
23 need to refresh your memory. Um, can you tell me about a call that you went to  
24 at 2609 Blaisdell, uh, at approximately 2205 hours?

25 A: Yes. Two females in a physical fight in Apartment 305. Um, we got there, got  
26 let into the building. Uh, two females were yelling back and forth at each other  
27 screaming. There was children inside crying, scared of one female. Uh, she  
28 appeared to be extremely intoxicated, yelling, and screaming. The other female  
29 calmed down once we arrived and just wanted to get her stuff and leave. Um,  
30 we told her that we would wait for her while she gathered her stuff. She was  
31 scared of the other female, and, uh, we waited while she moved her stuff and-,  
32 along with her children and neighbors helping.

33

34 Q: OK. Let's put some names to these gals, so that we can-

35 A: OK.

36

37 Q: -be very clear. Um, prior to starting this recording, did I show you some video  
38 on this computer here?

39 A: Yes.

40

41 Q: And did you see, uh, an incident involving some use of force with Officer  
42 Lehner?

43 A: Yes.

44

45 Q: Uh, that young lady that he used force against, her name is Amy. We'll just  
46 call her Amy, OK?

1 A: Yes.  
2  
3 Q: Um, so, when you said one of the females was intoxicated, who-, was it Amy  
4 or the other?  
5 A: Amy.  
6  
7 Q: Amy?  
8 A: Yes.  
9  
10 Q: Could you describe her physically for me? Do you recall?  
11 A: I don't recall.  
12  
13 Q: OK. Um, you said she was intoxicated. What led you to believe that?  
14 A: The, the outburst, yelling, screaming, swearing, uh, the smell of alcoholic  
15 beverage, her not listening, trying to speak over us, just the blatant outbursts  
16 constantly.  
17  
18 Q: OK.  
19 A: And she had no regard for the children that were there. They were-, they  
20 were crying and she-, you know, we tried to calm her down, get her at least quiet,  
21 so we can get the children out cause they didn't need to be in the middle of this,  
22 and she had no regard for anything we said or otherwise.  
23  
24 Q: Do you remember her saying anything in particular? Was-, uh, was it just  
25 loud boisterous language or was she cursing? Was she making any threats  
26 towards anyone? Anything like that?  
27 A: I don't recall exactly what she said. I just re-, I just remember that it was loud  
28 screaming and yelling. Whether she swore or not, I don't remember.  
29  
30 Q: Mm-hmm (indicating yes). Um, during one piece of video here, I wanna show  
31 you one piece of video and this might take just a minute because I want you to  
32 watch a little bit of it. On this particular video here, -- I'm going to make it full  
33 screen -- um, can you describe what you see here in the hallway and if you  
34 remember what that was all about?  
35 A: Somebody's belongings. I'm not sure whose they were at the time. The  
36 apartment is at the bottom of the screen where we went in.  
37  
38 Q: OK. And just for the record, in the upper left-hand corner that says Cam 16,  
39 is that correct?  
40 A: Correct.  
41  
42 Q: OK. I don't think this is one I, I wanted to draw your attention to. It might be  
43 the one right before this. Here. And I believe this is it. And so, do you recognize  
44 this particular angle on Cam 14?  
45 A: I don't recognize that.  
46

1 Q: Can you explain it to me, please?  
2 A: The apartment is at the bottom right of the screen and more belongings in the  
3 hallway.  
4  
5 Q: And the girl, uh, that just walked out is-, do you know who she is? It's kind of  
6 a very, uh...  
7 A: I can't get a good...  
8  
9 Q: Right. Let's watch this play out a little bit here. I'm going to put it on a little  
10 faster playback. So, there's a, a woman in a t-shirt, looks like a V-neck t-shirt,  
11 got her hair in a little ponytail. Is that the woman you're referring to as Amy?  
12 A: Yes.  
13  
14 Q: OK. And it appears to me that Officer Lehner is trying to stop her from going  
15 back into the apartment; is that what you're also seeing?  
16 A: Yes.  
17  
18 Q: Do you recall if she was, uh, wanting to go back in that apartment for any  
19 reason?  
20 A: I'm not sure. I was inside the apartment.  
21  
22 Q: And on this same clip -- I mean we're not going to sit here and wait for it --  
23 um, you guys were very patient here. I think you spend about 20 minutes inside  
24 that apartment building, um, assisting in the retrieval of property. At one point, --  
25 I believe it's on this clip -- you can see that you actually hold the apartment door  
26 shut. You have a hold of the doorknob and you're holding it shut. Could you  
27 explain to me what that was all about?  
28 A: Amy was inside. The other female -- I'm not sure of her name -- was outside  
29 with her-, with the belongings and Amy was told to stay inside the apartment.  
30 She was inside continually yelling, hollering. She was told to repet-, we told her  
31 numerous times to stay inside and she-, we can tell she was trying to open the  
32 door, and because the other female and her children were in the hallway trying to  
33 get her stuff, I held the doorknob to keep it safer for the other gal, for myself, for  
34 my partner because she was screaming and hollering, continuing trying to open  
35 the door and not listening to what she was told.  
36  
37 Q: Just to keep them separated?  
38 A: Yes.  
39  
40 Q: OK.  
41 A: So, there was no fight ensued cause clearly there was more people there  
42 than there are officers.  
43  
44 Q: Yeah. Did you ever see any physical violence between the two ladies?  
45 A: No, just the yelling. The other female that is on the screen right there, she  
46 was very cooperative and thankful for us being there.

1  
2 Q: Now, that was a, a larger lady. She disassembled a fan that was in the  
3 hallway. Was that the other half of the domestic?  
4 A: Yes.  
5  
6 Q: OK. And she was cooperative?  
7 A: Yes.  
8  
9 Q: OK. And actually, this is you holding the doorknob-  
10 A: Yes.  
11  
12 Q: -just to keep them separated.  
13 A: Yes.  
14  
15 Q: What did you believe that Amy was going to do if she got out of that  
16 apartment?  
17 A: There was no telling what she would do. Her-, she had-, she had random-,  
18 randomly outbursts between yelling and I didn't want it to turn into a physical fight  
19 between them or between me and her.  
20  
21 Q: Very good. All right. I'm going to stop this particular clip. As, uh, as the  
22 retrieval of property progressed, do you recall, um, which apartment-, which  
23 exterior door they left out of the building?  
24 A: One in the rear.  
25  
26 Q: I have a map here. It's an aerial view from Bing. A big red arrow pointing at  
27 an exterior rear door on the-, it would be the eastside of 2609 Blaisdell. Is that  
28 the door you recall that they...?  
29 A: Yes.  
30  
31 Q: OK. And so, I want to show you the video clip again where, um, we had the  
32 encounter back in the back lobby. There you go and fast-forward it here. Can  
33 you please describe to me what you're seeing on the video there?  
34 A: There are some of the girls moving personal belongings out the door-, the  
35 back door.  
36  
37 Q: And is that particular back door on Cam 11 at, uh, the timestamp of 10:28-, is  
38 that the exterior door of the building?  
39 A: Yes.  
40  
41 Q: OK. At this point, uh, is everything going fairly well?  
42 A: Yes.  
43  
44 Q: Is there-, is there any more conflict?

1 A: Amy was told to stay up there while the, the other female, the other half of  
2 this, and her daughters moved their stuff out, so they could do it safely. She was  
3 told to stay in her apartment.  
4  
5 Q: And was she doing that up to this point?  
6 A: Yes.  
7  
8 Q: OK. I'm just going to let this play out and then we're gonna talk about it a  
9 little bit here. So, uh, I'm gonna pause this here. At 10:32, two officers appear to  
10 enter the screen. Could you identify those two officers, please?  
11 A: One is myself and the other is my partner.  
12  
13 Q: His name, please?  
14 A: Officer Lehner.  
15  
16 Q: Thank you. All right. We're going to stop it again here. So, at timestamp  
17 10:34:09, Amy, uh, is now at the exterior door on the inside. Um, she appears to  
18 be on the telephone. Do you have any idea who she is calling on that phone?  
19 A: I don't.  
20  
21 Q: OK. And where are you guys at this time?  
22 A: Outside the rear door.  
23  
24 Q: Now, as I play this video, could you please just narrate what's happening  
25 here?  
26 A: As what's taking place on the video?  
27  
28 Q: Yes. Yes.  
29 A: Amy is still at the rear door. She gets pushed back.  
30  
31 Q: I'm sorry. This is on fast-forward. I'm going to back this up for you. OK.  
32 Please start.  
33 A: Amy is at the backdoor on the phone with the door-, her in between the door  
34 and the door post. She gets pushed back by Officer Lehner.  
35  
36 Q: Did you say "pushed back by Officer Lehner?"  
37 A: Yes.  
38  
39 Q: OK. And what happens to her?  
40 A: She falls on the step.  
41  
42 Q: OK. Do you know why Officer Lehner shoved her in the way he did?  
43 A: I do not.  
44  
45 Q: OK. I'm going to play it a little bit more here. OK. Could you describe what  
46 you just witnessed on the video?



1 A: Officer Lehner-, she had her cellphone in her hand. Officer Lehner come  
2 forward and a cellphone was knocked out of her hand towards the, the banister  
3 there.  
4  
5 Q: OK. So, Officer Lehner knocked the phone out of her hand?  
6 A: [no audible response]  
7  
8 Q: OK. I just want to make sure you're seeing what I'm seeing.  
9 A: Yes.  
10  
11 Q: OK. We'll play it a little farther here, and, uh, of course, the video doesn't like  
12 to cooperate completely, so it skipped ahead. Here we go. All right. A little bit  
13 more happened there. Could you please describe that?  
14 A: She is somewhat laying on her back- Amy is. Officer Lehner is standing  
15 above her, pointing at her.  
16  
17 Q: Had he pushed her down a second time? Do you want to see it again?  
18 A: If I can see...  
19  
20 Q: Yeah, of course. OK.  
21 A: Yes. As she was trying to get back up, he pushed her back.  
22  
23 Q: OK. And where are you at this time?  
24 A: Opening the door. Outside of the door.  
25  
26 Q: Are you watching in to see what's happening there? I could show you a  
27 different angle if you'd like.  
28 A: If you can.  
29  
30 Q: Do you recall seeing this happen?  
31 A: Yes.  
32  
33 Q: OK. So, I guess it's a moot point that you were observing this happen. OK.  
34 Can you explain to me, if you know, um, what Officer Lehner was doing there?  
35 What his intention was?  
36 A: I don't know what his intention or why he, uh, did that. I can't explain.  
37  
38 Q: When, when Amy came to the door-  
39 A: Mm-hmm (indicating yes).  
40  
41 Q: - and, um, she was on the phone and she opened the door-, it's clearly on the  
42 video that she opens the exterior door and she is standing right on the threshold.  
43 A: Yes.  
44  
45 Q: Um, I showed you the other video. You guys are outside that door just a few  
46 feet away.

1 A: Yes.  
2  
3 Q: Do you recall her opening that door-  
4 A: Yes.  
5  
6 Q: -and standing right there?  
7 A: Yes.  
8  
9 Q: Um, was she yelling, was she threatening?  
10 A: I don't recall. I just-, I, I just remember us telling her to stay in her apartment-  
11  
12 Q: Mm-hmm (indicating yes).  
13 A: -um, so we could safely get belongings out of the other female that was  
14 involved in this, and apparently, she didn't. She came back down and opened  
15 the door. I don't recall what she said or what she-, um, who she was on the  
16 phone with. I don't know.  
17  
18 Q: Do you know if she was addressing you or your partner, or just talking on the  
19 phone?  
20 A: I don't remember.  
21  
22 Q: Or yelling to her significant other?  
23 A: I, I don't remember.  
24  
25 Q: OK. So, seeing this when you were there that day and you witnessed Officer  
26 Lehner take these actions,-  
27 A: Mm-hmm (indicating yes).  
28  
29 Q: -did you feel like, uh, this was appropriate or did you feel like, um, maybe,  
30 um, some unnecessary force was being used there? Can you tell me what you  
31 were thinking?  
32 A: She was very intoxicated, not listening to any verbal commands from officers.  
33 She continued and we were being very patient. Um, as you said, we were there  
34 approximately 20 minutes. Um, she continually disobeyed verbal commands  
35 from myself, my partner. Um, I, I don't know what her plan was nor do I know  
36 what Officer Lehner felt.  
37  
38 Q: Mm-hmm (indicating yes).  
39 A: Um.  
40  
41 Q: When she came to that door-  
42 A: Mm-hmm (indicating yes).  
43  
44 Q: -and she was standing on the threshold on her phone, did you feel that she  
45 was a threat to your safety or the safety of your partner?  
46 A: At the moment, no.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

Q: OK.

A: Not to me. I can't speak for my partner.

Q: I understand that. And would you describe, uh, what you saw in the video there and what you saw that day in person, um, as Officer Lehner intentionally, uh, using a takedown technique to get her on the floor?

A: I wouldn't say he intentionally used a takedown technique. In the video, it appears more as he pushed her back and she was very intoxicated that evening, I believe. And I believe that was partially why she was falling. That's why she's falling. She-, as he's standing there, she tries to get back up, which is remotely if you would say in his personal space, and he pushed her back as you can see in the video.

Q: Mm-hmm (indicating yes).

A: I guess me if I know somebody is close to me I'd push somebody back and I wouldn't say that he-, in the video use a takedown technique, it was more of a push her back and she's -, as I already said, she was very intoxicated.

Q: Right. Do you recall anything that was said by Officer Lehner to Amy?

A: No.

Q: Do you ever recall Officer Lehner calling Amy a cunt?

A: No.

Q: OK. Um, at any point, while on the scene prior to leaving, did you and Officer Lehner discuss taking Amy to jail?

A: I don't recall if we did or not. We were kind of-, cause as outside I was during part of it because of the other half was still outside and I kind of was in the door in between while he was dealing with Amy.

Q: Mm-hmm (indicating yes).

A: I, I don't remember if we did or not.

Q: Did you ever talk about possibly putting her into detox because of her intoxication?

A: I don't remember.

Q: Watching the video, we see you observing from outside the exterior door watching into the lobby area. Did you feel like your, your partner was in any-, in harm's way? Did you see any threatening force towards him?

A: I don't feel I can judge for him. I don't-, I don't feel comfortable saying whether...

Q: Right.

A: My, my thoughts are different than his.

INT MM

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

Q: But if you were feeling that your partner was in harm's way, you would've entered and taken some actions, correct?

A: Yes.

Q: OK. Did you ever hear Amy-, was she yelling at him at this time? The video has no audio. I don't know, so.

A: She-, I don't remember when she was yelling and when she wasn't yelling. I just-, I just remember her as being very loud, yelling, and outbursts. I can't recall when she was, when she wasn't, if she wasn't. I just remember the biggest part was when we were up in the apartment.

Q: Mm-hmm (indicating yes).

A: Um, I remember because I somewhat dealt with her to get her in the hallway and was with the other female when she was gathering her belongings.

Q: OK. What was Officer Lehner saying to her? I can't hear his...

A: I don't remember what he said to her.

Q: Do you recall him saying any derogatory names to her?

A: No.

Q: OK. Had you ever been to this building with Officer Lehner on any previous calls let's say this year?

A: I've been to the building. I don't-, I don't remember exactly who it was with, but I've been to this building before.

Q: OK. You not sure if you were with...?

A: I'm not sure if it was with him or one of my other partners.

Q: OK. Once you guys left, did you have any discussion as to, um, whether she should have gone to jail, detox? Did you have any discussion about, uh, the force that was just witnessed on this video?

A: I don't remember.

Q: OK. Did you feel like, um, anything happened here that maybe, um, a CAPRS report should've been written from what, uh, what force was used here?

A: I know pushing someone is not required to be-, is not a required force report, so I didn't believe so.

Q: And you've already said you didn't consider this a takedown technique?

A: No.

Q: OK. Did you guys have any conversations about that?

A: No, not that, that I remember. I don't-, I don't remember.


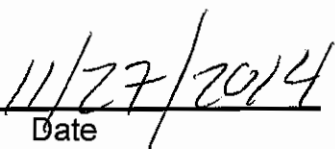
1 Q: OK. Did you ever feel the need to contact the supervisor regarding what you  
2 witnessed?  
3 A: No.  
4  
5 Q: OK. And on, on the Visinet report here.  
6 A: Yes.  
7  
8 Q: I'm going to show you the remarks that you guys added prior to clearing the  
9 call. Down, down here. Could you read those out loud, please?  
10 A: Two females in a verbal. One female very DK and uncooperative. Changed  
11 to recover property.  
12  
13 Q: Do you recall if you were the typing officer or if that was Officer Lehner?  
14 A: Officer Lehner.  
15  
16 Q: OK. So, you would've been the driving?  
17 A: Yes.  
18  
19 Q: You would've been the Able partner?  
20 A: Yes.  
21  
22 Q: OK. Did you ever find out who she was on the phone with any time either  
23 during, prior, after, anytime?  
24 A: No, sir.  
25  
26 Q: Did you ever have any opportunity to talk to any other officers that had any  
27 information as to who she was calling?  
28 A: I don't know what other officers would know.  
29  
30 Q: Right. I know that's a vague question, but I have to ask it that way.  
31 A: Understandable.  
32  
33 Q: OK.  
34 A: Uh, we were the only two officers that were there.  
35  
36 Q: OK. I have no further questions. Are there any facts concerning this incident  
37 that you have knowledge of, but have not disclosed?  
38 A: No.  
39  
40 Q: Is there anything else that you would like to add to this statement that I have  
41 not asked you about concerning this incident?  
42 A: No.  
43  
44 Q: Is this a true and accurate statement?  
45 A: Yes, sir  
46

1 PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO  
2 DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE  
3 OTHER THAN YOUR FEDERATION REPRESENTATIVE OR ATTORNEY.

4  
5 Q: Do you understand?

6 A: Yes, sir.

7  
8  
9 STATEMENT CONCLUDED AT 2154 HOURS

10  
11    
12 \_\_\_\_\_  
13 Officer Marcus Lukes Date

14  
15  
16  
17 \_\_\_\_\_  
18 Witness

19  
20 Job #: 17607

21  
22

INT 

## DATA PRACTICES ADVISORY



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

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

- The subject of the data, which includes you, but may include someone else.
- Employees and officials of the City of Minneapolis whose work assignments reasonably require access to the information.
- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis reasonably requiring access to the information.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Minneapolis City Council Members and the Mayor.
- Hearing officers, judges or courts.
- Private parties through discovery in civil litigation.
- Your union representative.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

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

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

	11/05/2014 1:21:26
Signature	Date/Time
	11/05/2014 2:13:00
Witness	Date/Time



**Minneapolis**  
City of Lakes

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

November 13, 2014

Officer Marcus Lukes  
Minneapolis Police Department  
Precinct 5 - Dogwatch

Officer M. Lukes,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. At the end of reviewing your statement, and any corrections that you may have made, please sign and date the last page.

Please mail back, one of the reviewed and signed copies by the end of your next scheduled shift. You may keep the other copy for your own records. If a corrected and signed statement is not returned within five (5) days, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

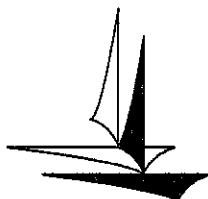
Thank you for your assistance in this case. Any questions or concerns you can reach me at (612) 673-2567.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department







**Minneapolis**  
City of Lakes

October 22, 2014

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

Officer Marcus Lukes  
Minneapolis Police Department  
Precinct 5 Dogwatch

RE: OPCR Case Number 14-17538  
**Witness Notification Letter**

Officer M. Lukes,

You are being called as a **witness** in a matter being investigated by MPD Internal Affairs. The assigned OPCR Administrative Investigation case number is 14-17538.

*It is alleged that on 08/04/2014 at 2205 hours, Officer Blayne Lehner and Officer Marcus Lukes were dispatched to 2609 Blaisdell Ave S regarding two females in a physical fight. Video footage throughout the apartment building shows that Officers spent approximately 20 minutes assisting as one half of this dispute appears to be removing all of her belongings from an apartment and out of the building. Towards the end of this retrieval of property, Officers can be seen at the rear entrance of this apartment building. A female, later identified as Amy Nelson, can be seen walking to this rear entrance and standing in the exterior doorway. Video in this rear entry shows Officer Lehner shoving Amy Nelson backwards, and she falls back onto the stairway. Officer Lehner then walks to Nelson while pointing his finger at her. Officer Lehner slaps the cellphone out of Nelson's hand, again shoves her down to the floor as she tries to get up, and stands over Nelson while pointing his finger in her face. It is also alleged that Officer Lehner called Nelson a "cunt" during this incident.*

**OPCR Ordinance / MPD Policy and Procedure alleged to have been violated:**

**OPCR Ord. § 172.20(1) – Excessive Force / MPD P&P § 5-301- USE OF FORCE**

**OPCR Ord. § 172.20(2) – Inappropriate Language or Attitude /  
MPD P&P 5-105 PROFESSIONAL CODE OF CONDUCT**

**OPCR Ord. § 172.20(8) – Violation of the Policy and Procedure Manual /  
MPD P&P § 5-306 USE OF FORCE – Reporting and Post Incident Requirements**

**\*The listed policy violations may be amended and/or changed at any point during the investigation.**



Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for **November 5<sup>th</sup>, 2014, at 2100 hours in the IAU office, Rm 112, City Hall.** If for some reason you have a conflict with this date/time you may call me and we will try to work out an alternative date/time for your interview. It is your responsibility to arrange for a Federation representative prior to coming to your interview if you choose to have Federation representation. I can be contacted by e-mail or phone at 673-2567 between the hours of 0800 and 1600, Monday through Friday. Failure to show for your scheduled interview may result in charges against you. This is an ongoing investigation and as such you are not to discuss this case or interview with anyone other than your attorney and/or Federation Representative.

Respectfully,



Sergeant Jason Walters  
Internal Affairs Unit

Cc: Inspector Loining  
Internal Affairs file

Stat.

Andrew

FOS MD

1 TODAY'S DATE IS AUGUST 13<sup>TH</sup>. IT'S 2015. THE TIME IS 1537 HOURS. THIS IS SERGEANT  
2 WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE 14-17538. I'M CURRENTLY  
3 ON THE PHONE WITH ANDREA FOSSMO. TRANSCRIBED BY R. METCALF.

4

5 RE: OPCR Case Number #14-17538

6

7 Q: Uh, Ms. Fossmo, could you please state your full name and give me the spelling of  
8 your last name?

9 A: Yep, it's Andrea Marie Fossmo, F-O-S-S-M-O.

10

11 Q: And do you live at 2609 Blaisdell?

12 A: I do. Correct.

13

14 Q: What apartment?

15 A: 202.

16

17 Q: 202. And do you mind giving me your date of birth?

18 A: Yep, 6/13/1991.

19

20 Q: All right. And a good phone number for you?

21 A: Um, 612-987-6017.

22

23 Q: All right. This is for the record and, uh, I just wanna advise you that you're being  
24 questioned as part of an official internal investigation into an allegation. The  
25 information that you provide will be used in a fact-finding process as part of the total  
26 evidence to determine if any misconduct occurred and for assessing whether  
27 disciplinary action should be taken.

28

29 The information you supply may also be used in a grievance hearing, arbitration, or  
30 other appeal procedures.

31 A: OK.

32

33 Q: Uh, other parties outside of the Minneapolis Internal Affairs Unit may have access to  
34 the information you provide as part of the internal investigation.

35

36 Do you understand this?

37 A: I do understand.

38

39 Q: OK. Um, let's just walk through, uh...I've been down to your, your, uh, building  
40 talking to the manager, Ms. Kiffmeyer, uh, regarding an incident with another resident  
41 named Amy. Are you familiar with that incident that happened last fall?

42 A: Kind of, yes.

43

44 Q: OK. Were you involved at all with this incident?

INT\_\_\_\_\_

1 A: I was not.

2

3 Q: All right. And you didn't have-, uh, you didn't have an opportunity to witness  
4 anything that day?

5 A: No.

6

7 Q: All right. I...

8 A: Heard about it, but not...wasn't there, no.

9

10 Q: Heard about, OK. Um, Ms. Fos...uh, Fossmo, your manager, Ms. Kiffmeyer -- I think  
11 it's Mrs. Kiffmeyer -- she-

12 A: Yes.

13

14 Q: -she informed me that there had been an incident in which police were called to  
15 your apartment last summer, um, and there some allegation that an officer may have  
16 called you a name or something. Uh, do you remember when that incident may have  
17 occurred?

18 A: I do not remember.

19

20 Q: Um, prior to turning on the tape-recorder, we were discussing this and you thought  
21 it might be late July/early August. Is that correct?

22 A: Well, yeah, last summer. I don't know any dates.

23

24 Q: Right.

25 A: Correct.

26

27 Q: So, late July/early August. And why were the police called to your apartment, #202?

28 A: Um, me and my daughter's dad were, um, having an argument.

29

30 Q: OK. And when the officers arrived, um, did one of the officers call you a name?

31 A: Yeah.

32

33 Q: Do you remember what they called you?

34 A: Just like a dumb bitch.

35

36 Q: And that was because of some cereal on the floor you had described earlier?

37 A: Correct.

38

39 Q: OK. Um, do you recall if any officer, uh, called you the "C" word? And I...I'm not  
40 gonna say it out loud if you understand what the "C" is.

41 A: A cunt.

42

43 Q: Yeah.

44 A: Um...

INT\_\_\_\_\_

1  
2 Q: Did, did an officer call you that word that day?  
3 A: I believe there might have been a few names that that officer called me I just don't  
4 remember who that officer is.  
5  
6 Q: Right. Did they use the "C" word?  
7 A: I mean they called me a dumb bitch and -- I don't know -- he was kind of rambling  
8 on, so I, I mean I don't...it was a year ago, so I honestly...  
9  
10 Q: OK.  
11 A: It's been so long.  
12  
13 Q: OK. Um, when the Amy incident happened, uh, there was some video surveillance,  
14 uh, from the incident that, uh, Mrs. Kiffmeyer had supplied to us. Um, did she happen  
15 to show you this video, uh, from Amy's incident?  
16 A: She did not.  
17  
18 Q: OK. And at any time, um, did you identify any officers, uh, in any video from your  
19 building as the officer that called you, uh, the dumb bitch or other names?  
20 A: No.  
21  
22 Q: OK. I think that's all I have for you.  
23 A: OK.  
24  
25 Q: I appreciate your time, Ms. Fossmo.  
26 A: No, thank you.  
27  
28 Q: You have a great day now.  
29 A: You, too. Bye.

30  
31 [no statement concluded time given]  
32  
33  
34

---

35 Andrea Fossmo	Date	Witness
------------------	------	---------

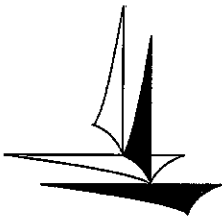
36  
37  
38 I have received a copy of this statement.  
39

---

41 Andrea Fossmo

42  
43 Job #: 28398

INT\_\_\_\_\_



**Minneapolis**  
*City of Lakes*

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

August 25, 2015

Andrea Fossmo  
2609 Blaisdell Ave S #202  
Minneapolis, MN 55408

Ms. Fossmo,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. After reviewing your statement and making any necessary corrections please sign and date the last page.

Please mail back one of the reviewed and signed copies. You may keep the other copy for your own records. If a corrected and signed statement is not returned within 10 days of today, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. If you have any questions or concerns related to this case or your statement you can reach me at (612) 673-2567.

Sincerely,

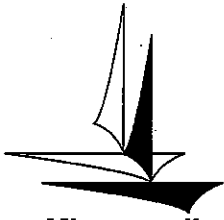
Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department



City Information  
and Services

[www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us)

Affirmative Action Employer



**Minneapolis**  
*City of Lakes*

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

August 13, 2015

Andrea Fossmo  
2609 Blaisdell Ave S #202  
Minneapolis, MN 55408

RE: OPCR Case Number 14-17538

Andrea Fossmo:

The MPD Internal Affairs Unit is currently investigating an allegation made against an employee(s) of the Police Department. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Jason Walters, at **612-673-2567**, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information.

Sincerely,

Sgt. Jason Walters  
Minneapolis Police Department  
Internal Affairs Unit



City Information  
and Services

[www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us)

Affirmative Action Employer



Stat.

About A

GA W

1 THE RECORDER IS ON. TODAY'S DATE IS THE 17<sup>TH</sup> OF AUGUST 2015. THE TIME IS 1224  
2 HOURS. THIS IS SERGEANT WALTERS OF INTERNAL AFFAIRS INVESTIGATING OPCR CASE  
3 14-17538. TRANSCRIBED BY R. METCALF.

4

5 RE: OPCR Case Number #14-17538

6

7 Q: I'm here at 34B and, uh, this is Wood Street in St. Paul. Correct?

8 A: Mm-hmm (indicating yes).

9

10 Q: I'm here with Ms. Shenita Esaw. Shenita, could you please give me your full name  
11 and spell your last name?

12 A: Shenita Esaw; E-S-A-W.

13

14 Q: And, uh, what's your date of birth?

15 A: 10/21/1984.

16

17 Q: What's your phone number?

18 A: 612-707-6804.

19

20 Q: I'd like to ask you some questions as part of an internal investigation that is official,  
21 and, uh, there has been some allegations against a Minneapolis police officer. The  
22 information that you provide will be used in a fact-finding process as part of the total  
23 evidence to determine if any misconduct occurred or for assessing whether disciplinary  
24 action should be taken.

25

26 The information you supply may also be used in a grievance hearing, arbitration, or  
27 other appeal procedure. Other parties outside the Minneapolis Internal Affairs Unit  
28 may have access to the information you provide as part of the internal investigation. Do  
29 you understand this?

30 A: I do.

31

32 Q: Do you mind if I turn off that fan?

33 A: Yes, please.

34

35 Q: OK. Thank you. OK. Ms. Esaw, um, do you remember August 4<sup>th</sup> of last year when  
36 Missy and Amy Nelson, uh, had a bit of a domestic situation?

37 A: I do.

38

39 Q: And could you just tell me what happened before the police arrived?

40 A: Amy had got mad because Missy was leaving and getting herself stuff with her  
41 daughter. All of a sudden, Amy started jumping on Missy, punching her in the face,  
42 hitting her in the face while Amy...while Missy -- excuse me -- was trying to get her stuff  
43 about the house. Missy came running to my door asking me for help, so I went over

INT\_\_\_\_\_

1 there to help her to try to stop Amy from hitting her because she was getting her stuff  
2 and she was trying to leave.

3

4 Q: And so, this domestic was happening when the police arrived?

5 A: That was before the police came.

6

7 Q: Did they stop by the time the cops came?

8 A: But when the police came, that's when...I think police officer seen her whack her.

9

10 Q: You think the police officer saw Amy?

11 A: Whack Missy, yeah.

12

13 Q: OK.

14 A: Cause they was walking in the door as that was happening.

15

16 Q: When you say "whack her", like with a fist or some object?

17 A: She hit her with, um, um, the plastic piece that goes on the fan.

18

19 Q: Oh, OK.

20 A: She took it off the fan.

21

22 Q: The pedestal from the fan?

23 A: Yeah, that's what she whacked her with.

24

25 Q: OK. And you think the cops may have seen that?

26 A: Mm-hmm (indicating yes).

27

28 Q: OK. Um, now, for the next 15 minutes while the police were there, uh, did you help  
29 Missy move her things out?

30 A: I did.

31

32 Q: OK. I'd like to show you some pictures here. Um, first, we're gonna go with what  
33 I've labeled here as a still frame from some video. I've labeled it as A. Could you  
34 describe what you see in A for me?

35 A: Me walking out with some of the stuff and Missy getting the rest of her stuff.

36

37 [phone ringing in background]

38

39 Q: Do you want...OK. Thank you. Uh, could you identify yourself in this picture?

40 A: I'm the girl in the gray.

41

42 Q: Would you please, if you don't mind, just writing your name underneath yourself  
43 there?

44 A: Oh...

INT \_\_\_\_\_

1

2 Q: Here. Scribble here. Thanks. And who is this?

3 A: That's Missy.

4

5 Q: Would you write Missy there for me? OK. Let's go to B here. You might as well keep  
6 the pen.

7 A: OK.

8

9 Q: Who do you see in this picture?

10 A: The officer.

11

12 Q: And who is this with the short black hair?

13 A: Oh, that's my neighbor, April.

14

15 Q: April. Would you mind writing April under there for me? Is this you here in the gray  
16 again?

17 A: Yes, it is.

18

19 Q: And there's a male behind you. Do you know who that is?

20 A: Yes, I do.

21

22 Q: What's his name?

23 A: That's my ex-boyfriend, Ken.

24

25 Q: OK. Could you write Ken there for me? All right. Thank you. And then C, this is the  
26 back, uh, exterior by the alley. Is that correct?

27 A: Mm-hmm (indicating yes).

28

29 Q: All right. And D, I think I've got everybody identified there, except, uh, is Amy in that  
30 picture?

31 A: She's right there.

32

33 Q: Could you write that on there, please? Who are these two young ladies here?

34 A: I think this is Missy's daughter.

35

36 Q: OK.

37 A: And that's Missy's daughter's friend.

38

39 Q: OK. And they're teenage girls?

40 A: Yeah, they're younger than teenage. I think they're like 12.

41

42 Q: OK. And, uh, let's see, we've got E here. Well, that's just another shot. Missy is in  
43 that one, isn't she?

44 A: She's right there.

INT \_\_\_\_\_

1

2 Q: OK. Could you-, could you label Missy there? Thank you. And F, that would be you,  
3 April, and Amy?

4 A: Yes.

5

6 Q: OK. Now, once you guys, uh, were towards the end of the move out, do you recall,  
7 um, Amy having some kind of an encounter with the officers back in that back lobby?

8 A: Yeah, she hit him, and he told her don't do it again, and she did it again.

9

10 Q: She hit the officer?

11 A: Yes, she did.

12

13 Q: OK. Did you see that?

14 A: I did.

15

16 Q: Where were you when you saw it?

17 A: Right...I was standing right by my door when she hit the officer. She hit him.

18

19 Q: Are you talking about by your apartment door?

20 A: Mm-hmm (indicating yes).

21

22 Q: And in Exhibit D, that's roughly the area where you saw this happen?

23 A: Yeah, it was by her door.

24

25 Q: How did she hit him?

26 A: She pushed him and then he told her I wouldn't do that again if I were you, and she  
27 did it again, and he told her now you're pissing me off.

28

29 Q: OK.

30 A: And then, she did it again. And while downstairs, she did something. He was telling  
31 her to go in, go in, and she kind of like charged, and he pushed her back like I said go in  
32 the house or you're gonna go fucking jail now. And that was the end of it.

33

34 Q: So, let's...what did you just say? You said the officer told her "I told you to go in the  
35 house, so now you're going to jail"?

36 A: He said go your ass...go in the house or you're going to fucking jail. And that was the  
37 last...she got...after, after downstairs, she got up and she went in there.

38

39 Q: OK. Um, the video shows Amy on the floor in that back lobby, the officer is standing  
40 over her, and you guys eventually are walking up from the alley to that back door.

41 A: I didn't see that part.

42

43 Q: You didn't see that part?

44 A: No.

INT \_\_\_\_\_

1

2 Q: Did you ever-, um, did you ever hear the officer call Amy any names?

3 A: A cunt.

4

5 Q: You heard that?

6 A: Yeah.

7

8 Q: OK.

9 A: But that was as I was walking in. Well, shit, she pissed him off. She kept hitting him.

10 He told her don't hit and she hit him.

11

12 Q: Where did he call her that word? Was it up by the apartment door or back in the  
13 back lobby?

14 A: Up by the apartment door when she was pissing him off cause he kept hitting  
15 her...hitting him -- excuse me.

16

17 Q: OK. And there were two officers there that night. Um...

18 A: Yep, him.

19

20 Q: This one here?

21 A: Yeah, that's the one that she hit.

22

23 Q: In Exhibit E-

24 A: Mm-hmm (indicating yes).

25

26 Q: -is he the one that called her the name or was it the other one?

27 A: It was him.

28

29 Q: OK.

30 A: Cause she kept hitting him.

31

32 Q: I'm gonna put a big arrow, and would you write what you just said, um, called Amy  
33 and then put the word that you used?

34 A: And, uh [laughs]...

35

36 Q: I don't-, I don't like to say it out loud, but we know what we're talking about.

37 A: [laughs]

38

39 Q: All right. Thank you. How many times do you think you, you heard him say that  
40 word to her?

41 A: Only once.

42

43 Q: Just once?

44 A: Yeah, cause she hit him.

INT \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

Q: Now, in the back lobby, when you guys were coming in the final time...I wanna see if I can get...uh, this one here. This is Exhibit B. When April followed by you followed by Ken, the officer is talking to Ap...uh, Amy in that back lobby when you guys walked in. Did you hear any of that conversation?

A: No.

Q: No. Do you know if that officer was telling her that she was gonna go to jail?

A: He did tell her if I have to keep telling you you're gonna go to jail cause you're, you're pissing me off.

Q: Was that up by the apartment door?

A: Yeah. I didn't hear anything down there.

Q: You didn't hear anything in the back lobby?

A: No.

Q: Now...

A: I was helping Missy take her stuff out-

Q: Yeah.

A: -in and out, so I really didn't catch that part.

Q: OK. Now, when you guys were walking up, April, you and Ken were approaching the back door, and Amy and this officer are having their, um, interaction inside that lobby, did anyone of you three or anyone that was helping Missy ever say to the officer "Please don't arrest her. We'll take her inside."?

A: I think April did.

Q: April did?

A: I think April told him that, like we'll just try to get her in.

Q: And did April ask the officer "Please don't arrest her."?

A: I don't think so.

Q: You don't think so. What did April say and when did she say it?

A: I can't not...I can't really remember. I remember she said...no, actually, she was talking to Amy, like you need to get in the house cause he's gonna take yo-, he's gonna take you to jail.

Q: So, she wasn't asking the officer not to arrest her?

A: No, he didn't arrest her.

1 Q: Right. Now, in Exhibit-, in Exhibit F, this is after Exhibit B. When you guys finally  
2 walk in and were having your final discussion here in the hallway, this is right before the  
3 officers left. Do you remember anything that Amy told you when you were having that  
4 final discussion after Exhibit B when you guys finally came in for the last time?

5 A: Mmm, I thought she was saying like the, the cop did something to her, but I didn't  
6 catch it cause I didn't see it and I was just trying to get into my apartment cause usually  
7 in subsidized housing we're...if we're in any mischief, we can get put out, so...

8

9 Q: That might explain why April won't talk to me, huh?

10 A: Yeah, any mischief you get put out. So, we was just trying to help her get out, and  
11 stop them from fighting, and then back in my house cause I didn't want nothing to do  
12 with that. So, I don't even remember.

13

14 Q: OK. So, you actually heard the officer call Amy a "cunt" while you guys were up by  
15 the apartment doors?

16 A: Yes.

17

18 Q: You heard that with your own ears?

19 A: Yeah.

20

21 Q: OK. But you didn't hear anything that was said back in the back lobby?

22 A: Mm-mmm (indicating no), cause I was helping Missy take the stuff in and out.

23

24 Q: OK. Do you remember, um, if Amy had been yelling anything down towards the alley  
25 at you guys when she came to that back door?

26 A: Oh, yeah.

27

28 Q: Was she?

29 A: Yeah, I can't remember what she was saying, but, yeah, something to Missy.

30

31 Q: She was?

32 A: Yeah.

33

34 Q: OK. And did you see the officer, uh, push Amy inside the door?

35 A: I did not see that.

36

37 Q: OK.

38 A: I did not see that part.

39

40 Q: Did you hear about it later?

41 A: I heard about it.

42

43 Q: Who did you hear about it from?

44 A: Amy said it.

INT \_\_\_\_\_



1

2 Q: OK.

3 A: But Amy...remember it now...I don't know. Amy...I don't know. I...

4

5 Q: Tell me what you're thinking.

6 A: Just she's too much sometimes, you know, so I didn't see him do it. I know when she  
7 hit him he could've popped her ass back, but he didn't do that. He didn't hit her, not up  
8 there he didn't, and she hit him twice.

9

10 Q: That you saw?

11 A: Yeah.

12

13 Q: How did she hit him?

14 A: Like this and then like this. And he said...

15

16 Q: You're saying that she like-

17 A: Pushed him, yeah.

18

19 Q: Pushed him?

20 A: Yeah, like twice. And he said I wouldn't do that or you, now you're pissing me the  
21 fuck off.

22

23 Q: OK.

24 A: And...

25

26 Q: Does Amy have a temper?

27 A: All the time. Always. Ugh, I just...ugh, being her neighbor was the worst. It was just  
28 the worst.

29

30 Q: Was she drunk that night?

31 A: Mm-hmm (indicating yes).

32

33 Q: Yeah?

34 A: We all were.

35

36 Q: Yeah.

37 A: [laughs] We all were.

38

39 Q: OK. Did you guys ever have to physically restrain Amy, so that she didn't hurt Missy?

40 A: We stand in the middle of her...yeah.

41

42 Q: Yeah.

43 A: She's not gonna hit one of us -- trust me -- but, yeah, just stand in the middle of it, so  
44 Am...so Missy was able to get her stuff to get out.

INT\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

Q: Did you ever have to grab a hold of her arms and hold her back?

A: Mm-hmm (indicating yes), I did.

Q: You did?

A: Yeah.

Q: OK. All right. Very good. I have no further questions. Is there anything else about this incident that you can remember that I should know about?

A: No.

Q: OK. Is this a true and accurate statement?

A: It is.

Q: All right. The time is 12:37, and I'll stop the recording.

STATEMENT CONCLUDED AT 1237 HOURS

---

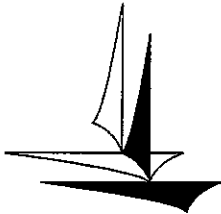
Shenita Esaw	Date	Witness
--------------	------	---------

I have received a copy of this statement.

---

Shenita Esaw

Job #: 28486



**Minneapolis**  
*City of Lakes*

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

August 25, 2015

Shenita Esaw  
34 Wood Street, Apt. B  
St. Paul, MN 55107

Ms. Esaw,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. After reviewing your statement and making any necessary corrections please sign and date the last page.

Please mail back one of the reviewed and signed copies. You may keep the other copy for your own records. If a corrected and signed statement is not returned within 10 days of today, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. If you have any questions or concerns related to this case or your statement you can reach me at (612) 673-2567.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit  
Minneapolis Police Department



City Information  
and Services

[www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us)

Affirmative Action Employer



A



B



C



D



E

called amy a  
cunt





F

Start.

Erica Rogers

1 RE: OPCR Case Number #14-17538

2 Transcribed By: R. Metcalf

3

4

5 [recording begins]

6

7 A: Hello, this is Erica.

8

9 Q: Hi, Erica, uh, this is Sergeant Walters, Minneapolis Police Department.

10 A: Yes.

11

12 Q: Uh, I, uh...I'm investigating a case of alleged misconduct on some officers here and I  
13 understand that you made a video for Ms. Alyssa Kiffmeyer over at the 2609 Blaisdell  
14 Avenue address from...

15 A: Is that the, um, reason you're calling?

16

17 Q: Yeah. Back on-

18 A: OK.

19

20 Q: -August 4<sup>th</sup> of '14, there was an incident there. Do you remember making-

21 A: OK.

22

23 Q: -a video for Ms. Alyssa Kiffmeyer?

24 A: I'm, um...I believe I might have.

25

26 Q: OK.

27 A: Uh, are you looking for a copy of it?

28

29 Q: No, I, I just, um...a video disc provided to me, uh-

30 A: OK.

31

32 Q: -by Ms. Kiffmeyer. It had a file on there that was like an invest...uh, an interpretative  
33 summary of the events.

34 A: OK.

35

36 Q: Do you remember typing up some interpretative summary?

37 A: I might have, but...I, I think I remember that now. That was on the back of the  
38 building.

39

40 Q: Yep.

41 A: Uh, a woman, um, was, um, was on the back landing and she had been pushed  
42 down. And, uh, yeah, I remember that now.

43

44 Q: OK. And do you...

INT\_\_\_\_\_

1 A: I might have done that. Yeah, I remember I might have...when I was looking for that  
2 with her and I might have just...yes. So, I would've been the one to do that, yes.

3

4 Q: OK. And so, I have just have to ask you.

5 A: Sure.

6

7 Q: Um, where did you get the information for your interpretative summary?

8 A: Viewing it. Just from watching it.

9

10 Q: Just from watching the video?

11 A: Uh, from watching...just from watching the video.

12

13 Q: OK. And if you don't mind, uh, what's a good phone number for you directly?

14 A: 651-

15

16 Q: Mm-hmm (indicating yes).

17 A: -42...428-6844.

18

19 Q: And your full name, please?

20 A: Erica. Do you want a middle name?

21

22 Q: Uh, no, that's fine.

23 A: Which is Eri...Erica, E-R-I-C-A, Rogers, R-O-G-E-R-S.

24

25 Q: OK.

26 A: Senior IT Support Specialist with CommonBond.

27

28 Q: Perfect. Thank you very much. I appreciate your time.

29 A: OK. You're welcome.

30

31 Q: Have a good day.

32 A: Yep.

33

34 Q: Bye-bye.

35

36

37 [recording ends]

38

39

40 Job #: 29358

V15net

# Incident Detail Report

Data Source: **Data Warehouse**  
 Incident Status: **Closed**  
 Incident number: **14-273552**  
 Incident Date: **8/4/2014 22:05:21**  
 Last Updated: **8/19/2014 11:27:26**

**Incident Information**

<b>Incident Type:</b>	1 Officer Response	<b>Alarm Level:</b>	
<b>Priority:</b>	3	<b>Problem:</b>	Recover Property (P)
<b>Determinant:</b>		<b>Agency:</b>	POLICE
<b>Base Response#:</b>		<b>Jurisdiction:</b>	MPD/MFD/HCMC
<b>Confirmation#:</b>		<b>Division:</b>	Precinct 5
<b>Taken By:</b>	Luepke, Valeri-CT	<b>Battalion:</b>	P5 Sec 1
<b>Response Area:</b>	510	<b>Response Plan:</b>	P5 1 Officer Response
<b>Disposition:</b>	ADV-Advised	<b>Command Ch:</b>	
<b>Cancel Reason:</b>		<b>Primary TAC:</b>	
<b>Incident Status:</b>	Closed	<b>Secondary TAC:</b>	
<b>Certification:</b>		<b>Delay Reason (if any):</b>	
<b>Longitude:</b>	93279640	<b>Latitude:</b>	44955388

**Incident Location**

<b>Location Name:</b>	
<b>Address:</b>	2609 Blaisdell Av S
<b>Apartment:</b>	305
<b>Building:</b>	
<b>City, State, Zip:</b>	MINNEAPOLIS MN 55408
<b>County:</b>	HENNEPIN
<b>Location Type:</b>	
<b>Cross Street:</b>	26 ST W/27 ST W
<b>Map Reference:</b>	108A

**Call Receipt**

<b>Caller Name:</b>	SHAY
<b>Method Received:</b>	
<b>Caller Type:</b>	
<b>Call Back Phone:</b>	(612)607-3071
<b>Caller Location:</b>	203

**Time Stamps**

Description	Date	Time	User	Elapsed Times	Description	Time
Phone Pickup	8/4/2014	22:04:35				
1st Key Stroke	8/4/2014	22:04:35			Received to In Queue	00:00:01
Waiting Queue	8/4/2014	22:05:22			Call Taking	00:00:18
Call Taking Complete	8/4/2014	22:05:39	Luepke, Valeri-CT		In Queue to 1st Assign	00:00:15
1st Unit Assigned	8/4/2014	22:05:37			Call Received to 1st Assign	00:01:02
1st Unit Enroute	8/4/2014	22:05:50			Assigned to 1st Enroute	00:00:13
1st Unit Arrived	8/4/2014	22:09:43			Enroute to 1st Arrived	00:03:53
Closed	8/4/2014	22:41:35	VisiNetMobileInterface		Incident Duration	00:37:00

**Resources Assigned**

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
511	22:05:37	ADV-Advised	22:05:50		22:09:43	22:21:47		22:41:35	7248.1	7248.1	

**Personnel Assigned**

Unit	Name
511	Lehner, Blayne L (004073); Lukes, Marcus (004261)

**Pre-Scheduled Information**

No Pre-Scheduled Information

**Transports**

No Transports Information

**Transport Legs**

No Transports Information

**Comments**

Date	Time	User	Type	Conf.	Comments
8/4/2014	22:05:08	SYS	Response		Possible E911 Wireless Phase 2 update
8/4/2014	22:05:17	CT112777	Response		2 F IN PHYS FIGHT IN 305
8/4/2014	22:05:30	CT112777	Response		BUZZ 203 FOR ENTRY
8/4/2014	22:21:47	119876	Response		511 C4
8/4/2014	22:41:02	511	Response		511 - two females in a verbal...one female very dk and uncooperative....change to recover property

**Address Changes**

No Address Changes

**Priority Changes**

Date	Time	Changed from	Priority	Reason	User
------	------	--------------	----------	--------	------

8/4/2014 22:41:24 1

Default

1

**Alarm Level Changes**  
**No Alarm Level Changes**

**Activity Log**

Date	Time	Radio	Activity	Location	Log Entry	User
8/4/2014	22:05:22		Incident in Waiting Queue			
8/4/2014	22:05:23		ANI/ALI Statistics		INT Insert:Aug 04 2014 22:04:34 / INT SendNP:Aug 04 2014 22:04:34 / WS RecvNP: / WS Process:Aug 04 2014 22:05:23	CT112777
8/4/2014	22:05:27		Read Comment		Comment for Incident 263 was Marked as Read.	119876
8/4/2014	22:05:27		Read Incident		Incident 263 was Marked as Read.	119876
8/4/2014	22:05:32		Read Comment		Comment for Incident 263 was Marked as Read.	119876
8/4/2014	22:05:33		Incident in Waiting Queue			
8/4/2014	22:05:37	511	Timer Clear			119876
8/4/2014	22:05:37		D Dispatched	2609 Blaisdell Av S		119876
8/4/2014	22:05:39		UserAction		User clicked Exit/Save	CT112777
8/4/2014	22:05:43		Read Comment		Comment for Incident 263 was Marked as Read.	CT065649
8/4/2014	22:05:50	511	E EnRoute	2609 Blaisdell Av S	Responding From = LAKE ST WGRAND AVE S	119876
8/4/2014	22:06:50		Read Comment		Comment for Incident 263 was Marked as Read.	007797
8/4/2014	22:06:52		UserAction		User clicked Exit/Save	007797
8/4/2014	22:09:43	511	A Arrived	2609 Blaisdell Av S		VisiNET
8/4/2014	22:14:44	511	Custom Timer		At Scene for Other Problem/Nat-Unit marked as late.	
8/4/2014	22:15:29		UserAction		User clicked Exit/Save	CT112777
8/4/2014	22:15:56		UserAction		User clicked Exit/Save	CT112777
8/4/2014	22:15:57	511	Reset Custom Timer		[Timer] At Scene for Other Problem/Nat [Reset Reason] Status/Safety Check (NOC4) [Next Late Check Time] 08/04/2014 22:20:57	119876
8/4/2014	22:20:57	511	Custom Timer		At Scene for Other Problem/Nat-Unit marked as late.	
8/4/2014	22:21:47	511	C4 Code 4	2609 Blaisdell Av S	C4	119876
8/4/2014	22:41:17		Read Comment		Comment for Incident 263 was Marked as Read.	119876
8/4/2014	22:41:24		Problem Nature		ID # 3804263 A Change in the Problem Nature change from Fight (P) to Recover Property (P)	119876
8/4/2014	22:41:35		Response Closed	2609 Blaisdell Av S		VisiNET
8/4/2014	22:41:35	511	__ Available	2609 Blaisdell Av S		VisiNET

**Edit Log**

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
8/4/2014	22:04:35	Longitude	0	93278925	Entry Verified	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	Latitude	0	44950744	Entry Verified	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	Address	1 - 99 29 ST W	2 - 98 29 ST W	Entry Verified	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	ResponsePl	0	0	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	Response_A		510	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	Battalion		P5 Sec 1	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	Division		Precinct 5	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	Jurisdicti		MPD/MFD/HCMC	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:35	Address	(Blank)	1 - 99 29 ST W	New Entry	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:42	Address	(Blank)	2609 BLAIS	New Entry	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:44	Longitude	93278925	93279640	Entry Verified	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:44	Latitude	44950744	44955388	Entry Verified	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:44	Address	2609 BLAIS	2609 BLAISDELL AV S	Entry Verified	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:44	ResponsePl	0	0	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:44	Response_A		510	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:44	Battalion		P5 Sec 1	(Response View	Response_Master_IncidentI02		CT112777
8/4/2014	22:04:44	Division		Precinct 5	(Response View	Response_Master_IncidentI02		CT112777

8/4/2014	22:04:44	Jurisdicti		MPD/MFD/HCMC	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:04:46	Apartment		203	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:15	Apartment	203	305	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:21	Response_P		P5 2 Officer Response	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:21	Problem		Fight (P)	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:21	DispatchLe		Default	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:21	ResponsePl	0	1	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:21	Priority_D		1		Response_Master_IncidentI02	CT112777
8/4/2014	22:05:21	Priority_N	0	1		Response_Master_IncidentI02	CT112777
8/4/2014	22:05:21	Incident_T		2 Officer Response - Pct Car	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:22	Map_Info		108A		Response_Master_IncidentI02	CT112777
8/4/2014	22:05:22	Pickup_Map		108A		Response_Transports I02	CT112777
8/4/2014	22:05:27	Read Call	False	True	(Recall Window)	Response_Master_IncidentP04	119876
8/4/2014	22:05:27	Read Comme	False	True	(Recall Window)	Response_Master_IncidentP04	119876
8/4/2014	22:05:32	Caller_Nam		SHAY	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:32	Read Comme	False	True	(Recall Window)	Response_Master_IncidentP04	119876
8/4/2014	22:05:39	Caller_Loc		203	(Response View	Response_Master_IncidentI02	CT112777
8/4/2014	22:05:43	Read Comme	False	True	(Recall Window)	Response_Master_IncidentT09	CT065649
8/4/2014	22:06:50	Read Comme	False	True	(Response View	Response_Master_IncidentT10	007797
8/4/2014	22:41:17	Read Comme	False	True	(Recall Window)	Response_Master_IncidentP04	119876
8/4/2014	22:41:24	Problem	Fight (P)	Recover Property (P)	UP 511	Response_Master_IncidentP04	119876
8/4/2014	22:41:24	Incident_T	2 Officer Response - Pct Car	1 Officer Response	RECPRP(P) UP 511 RECPRP(P)	Response_Master_IncidentP04	119876
8/4/2014	22:41:24	Priority_N	1	3	UP 511 RECPRP(P)	Response_Master_IncidentP04	119876
8/4/2014	22:41:24	Priority_D	1	3	UP 511 RECPRP(P)	Response_Master_IncidentP04	119876
8/4/2014	22:41:24	RespReconf	0	1	Response reconf	Response_Master_IncidentP04	119876
8/4/2014	22:41:24	Response_P	P5 2 Officer Response	P5 1 Officer Response	UP 511 RECPRP(P)	Response_Master_IncidentP04	119876

Custom Time Stamps  
No Custom Time Stamps

Custom Data Fields  
No Custom Data Fields

Attachments  
No Attachment





Incidents Search (Advanced)

Data Source: Report Server  
 From Date: 1/1/2014  
 To Date: 1/5/2014  
 Agency: POLICE  
 Incident #:   
 Case #:   
 Address: 2808 b\*  
 Location:   
 City:   
 Unit:   
 • Use \* as wildcard except for Unit.  
 • If complete incident number is specified, then other fields will be ignored.  
 • If complete case number is specified, then other fields will be ignored.

Problem:    
 Abandoned Child (P)  
 Aggressive Dog (P)  
 Aircraft Alert - Notify (PFE)  
 Aircraft Alert - Standby (PFE)  
 Aircraft Crash in City (PFE)  
 Alcohol Violation (UM)

Jurisdiction:    
 Fort Snelling/SPFD/SPFD  
 MPD Personnel  
 MPD/MFD/HCMC  
 MPD/MFD/North  
 MSP/MFD/HCMC

Division:    
 Admin  
 MPD Personnel  
 MSP/MFD/HCMC  
 MSP/MFD/North  
 Out of Jurisdiction  
 Precinct \* Citywide

Incident	Units	Priority	Problem	Agency	Address	City	Response Date
<a href="#">14-006369</a>	510	P3	Retrieve Prop/Dom Situation(P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/7/2014 07:02:41
<a href="#">14-015918</a>	513, 521	P2	Suspicious Person (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/16/2014 05:00:03
<a href="#">14-018430</a>	513	P9	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/18/2014 02:43:19
<a href="#">14-024510</a>	530	P1	Assist EMB Personnel (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/23/2014 22:20:11
<a href="#">14-033236</a>	525, 560, 8514	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	2/1/2014 00:19:45
<a href="#">14-075201</a>	500	P3	Theft - Report Only (P)	POLICE	2609 BLAISDELL AV S	MINNEAPOLIS	3/9/2014 14:28:54
<a href="#">14-079949</a>	520	P1	Attempt Pick-Up (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	3/10/2014 22:07:40
<a href="#">14-108087</a>	510, 514	P2	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/5/2014 18:28:19
<a href="#">14-117715</a>	8516	P9	Traffic Law Enforcement (P)	POLICE	2609 BLAISDELL AV S	MINNEAPOLIS	4/12/2014 01:18:20
<a href="#">14-119287</a>	510	P2	Threats (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/13/2014 07:41:57
<a href="#">14-119828</a>		P2	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/13/2014 20:41:34
<a href="#">14-125167</a>	510	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/17/2014 22:52:49
<a href="#">14-133030</a>	511	P3	Theft - Report Only (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/24/2014 03:45:03
<a href="#">14-138188</a>	510	P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/26/2014 13:25:18
<a href="#">14-138224</a>	510	P3	Music-Loud (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/26/2014 13:52:35
<a href="#">14-137661</a>	580	P3	Drunk/Intoxicated Person (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/27/2014 18:18:51
<a href="#">14-147624</a>	510	P9	Traffic Law Enforcement (P)	POLICE	2609 BLAISDELL AV S	MINNEAPOLIS	5/3/2014 18:28:11
<a href="#">14-153325</a>	510, 521	P1	Assist EMS Personnel (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/9/2014 23:34:16
<a href="#">14-162213</a>	511	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/16/2014 22:20:12
<a href="#">14-174894</a>	511	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/28/2014 03:37:16
<a href="#">14-175928</a>	513	P2	Threats (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/28/2014 22:49:03
<a href="#">14-184526</a>	511	P3	Firecrackers (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	6/2/2014 02:49:41
<a href="#">14-186686</a>	510	P1	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	6/3/2014 15:41:15
<a href="#">14-211069</a>	511	P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	6/20/2014 22:45:21
<a href="#">14-252229</a>	520	P2	Kid Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	7/20/2014 19:02:53
<a href="#">14-273552</a>	511	P3	Recover Property (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/4/2014 22:05:21
<a href="#">14-273921</a>	511	P1	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/5/2014 04:14:39
<a href="#">14-274626</a>	512	P2	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/5/2014 18:03:36
<a href="#">14-276380</a>	511	P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/8/2014 23:22:25
<a href="#">14-286332</a>	510	P2	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/14/2014 15:21:00
<a href="#">14-297370</a>	8513	P1	Check the Welfare (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/22/2014 17:12:11
<a href="#">14-300990</a>		P1	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/25/2014 11:08:58
<a href="#">14-322220</a>	510	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/10/2014 17:06:46
<a href="#">14-324201</a>		P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/12/2014 09:19:51
<a href="#">14-339197</a>	510, 520, 8519	P1	Fight (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/24/2014 10:47:11
<a href="#">14-348499</a>	514, 580	P1	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	10/1/2014 18:59:28
<a href="#">14-349688</a>	507, 511, 531, 541, 561	P9	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	10/1/2014 21:33:46
<a href="#">14-373540</a>	8512	P2	Burglary Dwlng - Report (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	10/22/2014 11:43:22
<a href="#">14-384431</a>	8511	P9	Directed Patrol (P)	POLICE	2609 Blaisdell Ave S	MINNEAPOLIS	10/29/2014 08:54:44

Incident	Units	Priority	Problem	Agency	Address	City	Response Date
<u>14-008889</u>	510	P3	Retrieve Prop/Dom Situation(P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/7/2014 07:02:41
<u>14-015918</u>	513, 521	P2	Suspicious Person (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/16/2014 05:00:03
<u>14-018430</u>	513	P9	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/18/2014 02:43:19
<u>14-024510</u>	530	P1	Assist EMS Personnel (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	1/23/2014 22:20:11
<u>14-033239</u>	525, 580, 8514	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	2/1/2014 00:19:45
<u>14-075201</u>	500	P3	Theft - Report Only (P)	POLICE	2609 BLAISDELL AV S	MINNEAPOLIS	3/9/2014 14:26:54
<u>14-078949</u>	520	P1	Attempt Pick-Up (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	3/10/2014 22:07:40
<u>14-109087</u>	510, 514	P2	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/5/2014 19:28:19
<u>14-117715</u>	8516	P9	Traffic Law Enforcement (P)	POLICE	2609 BLAISDELL AV S	MINNEAPOLIS	4/12/2014 01:18:20
<u>14-119287</u>	510	P2	Threats (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/13/2014 07:41:57
<u>14-119828</u>		P2	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/13/2014 20:41:34
<u>14-125167</u>	510	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/17/2014 22:52:49
<u>14-133020</u>	511	P3	Theft - Report Only (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/24/2014 03:45:03
<u>14-136198</u>	510	P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/28/2014 13:25:18
<u>14-136224</u>	510	P3	Musio-Loud (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/28/2014 13:52:35
<u>14-137691</u>	560	P3	Drunk/Intoxicated Person (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	4/27/2014 18:18:51
<u>14-147624</u>	510	P9	Traffic Law Enforcement (P)	POLICE	2609 BLAISDELL AV S	MINNEAPOLIS	5/5/2014 18:26:11
<u>14-153325</u>	510, 521	P1	Assist EMS Personnel (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/9/2014 23:34:16
<u>14-162212</u>	511	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/16/2014 22:20:12
<u>14-174884</u>	511	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/26/2014 03:37:16
<u>14-175928</u>	513	P2	Threats (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	5/26/2014 22:49:03
<u>14-184526</u>	511	P3	Firecrackers (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	6/2/2014 02:49:41
<u>14-186626</u>	510	P1	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	6/3/2014 15:41:15
<u>14-211089</u>	511	P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	6/20/2014 22:45:21
<u>14-252229</u>	520	P2	Kid Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	7/20/2014 19:02:53
<u>14-273552</u>	511	P3	Recover Property (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/4/2014 22:05:21
<u>14-273921</u>	511	P1	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/5/2014 04:14:39
<u>14-274526</u>	512	P2	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/5/2014 18:03:36
<u>14-276380</u>	511	P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/8/2014 23:22:25
<u>14-286332</u>	510	P2	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/14/2014 15:21:00
<u>14-297370</u>	8513	P1	Check the Welfare (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/22/2014 17:12:11
<u>14-300990</u>		P1	Unknown Trouble (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	8/25/2014 11:08:58
<u>14-322220</u>	510	P2	Domestic (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/10/2014 17:06:46
<u>14-324201</u>		P2	Disturbance (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/12/2014 09:19:51
<u>14-339197</u>	510, 520, 8519	P1	Fight (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	9/24/2014 10:47:11
<u>14-349499</u>	514, 500	P1	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	10/1/2014 18:59:28
<u>14-349688</u>	507, 511, 531, 541, 561	P9	Domestic Abuse-In Progress (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	10/1/2014 21:33:48
<u>14-375450</u>	8512	P2	Burglary Dwing - Report (P)	POLICE	2609 Blaisdell Av S	MINNEAPOLIS	10/22/2014 11:43:22
<u>14-384431</u>	8511	P9	Directed Patrol (P)	POLICE	2609 Blaisdell Ave S	MINNEAPOLIS	10/29/2014 09:54:44

# Incident Detail Report

Data Source: **Data Warehouse**  
 Incident Status: **Closed**  
 Incident number: **14-273921**  
 Incident Date: **8/5/2014 04:14:39**  
 Last Updated: **11/5/2014 14:50:58**

**Incident Information**

<b>Incident Type:</b>	2 Officer Response - Pct Car	<b>Alarm Level:</b>	
<b>Priority:</b>	1	<b>Problem:</b>	Domestic Abuse-In Progress (P)
<b>Determinant:</b>		<b>Agency:</b>	POLICE
<b>Base Response#:</b>		<b>Jurisdiction:</b>	MPD/MFD/HCMC
<b>Confirmation#:</b>		<b>Division:</b>	Precinct 5
<b>Taken By:</b>	Staack, Lynn M	<b>Battalion:</b>	P5 Sec 1
<b>Response Area:</b>	510	<b>Response Plan:</b>	P5 2 Officer Response
<b>Disposition:</b>	NOS-No Service	<b>Command Ch:</b>	
<b>Cancel Reason:</b>		<b>Primary TAC:</b>	
<b>Incident Status:</b>	Closed	<b>Secondary TAC:</b>	
<b>Certification:</b>		<b>Delay Reason (if any):</b>	
<b>Longitude:</b>	93279640	<b>Latitude:</b>	44955388

**Incident Location**

<b>Location Name:</b>	
<b>Address:</b>	2609 Blaisdell Av S
<b>Apartment:</b>	202
<b>Building:</b>	
<b>City, State, Zip:</b>	MINNEAPOLIS MN 55408
<b>County:</b>	HENNEPIN
<b>Location Type:</b>	
<b>Cross Street:</b>	26 ST W/27 ST W
<b>Map Reference:</b>	108A

**Call Receipt**

<b>Caller Name:</b>	ANDREA COSMO
<b>Method Received:</b>	
<b>Caller Type:</b>	
<b>Call Back Phone:</b>	(612)987-6017
<b>Caller Location:</b>	2609 BLAISDELL AV S #202

**Time Stamps**

Description	Date	Time	User
Phone Pickup	8/5/2014	04:14:13	
1st Key Stroke	8/5/2014	04:14:13	
In Waiting Queue	8/5/2014	04:14:51	
Call Taking Complete	8/5/2014	04:15:59	Staack, Lynn M
1st Unit Assigned	8/5/2014	04:15:11	
1st Unit Enroute			
1st Unit Arrived	8/5/2014	04:16:43	
Closed	8/5/2014	04:28:57	VisiNetMobileInterface

**Elapsed Times**

Description	Time
Received to In Queue	00:00:12
Call Taking	00:01:20
In Queue to 1st Assign	00:00:20
Call Received to 1st Assign	00:00:58
Assigned to 1st Enroute	
Enroute to 1st Arrived	
Incident Duration	00:14:44

**Resources Assigned**

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient Avail	Complete	Delay	Odm. Enroute	Odm. Arrived	Cancel Reason
511	04:15:11	NOS-No Service			04:16:43	04:25:32	04:28:57			7248.1	

**Personnel Assigned**

Unit	Name
511	Lehner, Blayne L (004073); Lukes, Marcus (004261)

**Pre-Scheduled Information**

No Pre-Scheduled Information

**Transports**

No Transports Information

**Transport Legs**

No Transports Information

**Comments**

Date	Time	User	Type	Conf.	Comments
8/5/2014	04:14:43	SYS	Response		Possible E911 Wireless Phase 2 update
8/5/2014	04:14:50	112419	Response		APT 202...CLRS XBOYF ASLTD CALLER
8/5/2014	04:15:34	112419	Response		SUSP IS GRGORY GOOD 24 YO BM 505/MED WRG WHI SHIRT AND BLU SHORTS
8/5/2014	04:15:55	112419	Response		SUSP IS STILL INS
8/5/2014	04:18:03	061633	Response		GETTING ANOTHER CALL FRM A MALE SAYING HE IS AT ABV..CAN HEAR FIGHTING IN BACKGROUND..

8/5/2014	04:18:43	061633	Response	HEARS FEMALE SAYING THE NAME 'GREG'
8/5/2014	04:19:13	061633	Response	PH HU
8/5/2014	04:21:30	061767	Response	CLR TO COME DOWN AND MEET SQ IN REAR...SQ WITH M HALF
8/5/2014	04:23:43	112419	Response	Duplicate call appended to incident at 04:23:43
8/5/2014	04:23:59	SYS	Response	Possible E911 Wireless Phase 2 update
8/5/2014	04:24:06	112419	Response	CLR CB SUSP IS CLIMBING THRU REAR WINDOW
8/5/2014	04:28:44	511	Response	511 - mr goode was sent....caller refused to answer calls and speak to officers

**Address Changes**  
No Address Changes

**Priority Changes**  
No Priority Changes

**Alarm Level Changes**  
No Alarm Level Changes

**Activity Log**

Date	Time	Radio	Activity	Location	Log Entry	User
8/5/2014	04:14:51		Incident in Waiting Queue			
8/5/2014	04:14:52		ANI/ALI Statistics		INT Insert:Aug 05 2014 04:14:12 / INT SendNP:Aug 05 2014 04:14:12 / WS RecvNP: / WS Process:Aug 05 2014 04:14:52	112419
8/5/2014	04:15:02		Incident in Waiting Queue Timer Clear			
8/5/2014	04:15:11	511	D Dispatched	2609 Blaisdell Av S		061767
8/5/2014	04:15:15		Read Comment		Comment for Incident 703 was Marked as Read.	061767
8/5/2014	04:15:15		Read Incident		Incident 703 was Marked as Read.	061767
8/5/2014	04:15:15		Read Comment		Comment for Incident 703 was Marked as Read.	061633
8/5/2014	04:15:32		UserAction		User clicked Exit/Save	061633
8/5/2014	04:15:43		Read Comment		Comment for Incident 703 was Marked as Read.	061633
8/5/2014	04:15:59		UserAction		User clicked Exit/Save	112419
8/5/2014	04:16:43	511	A Arrived	2609 Blaisdell Av S		VisiNET
8/5/2014	04:18:50		UserAction		User clicked Exit/Save	061633
8/5/2014	04:18:53		Read Comment		Comment for Incident 703 was Marked as Read.	061633
8/5/2014	04:18:59		UserAction		User clicked Exit/Save	061633
8/5/2014	04:19:15		UserAction		User clicked Exit/Save	061633
8/5/2014	04:19:45		UserAction		User clicked Exit/Save	061767
8/5/2014	04:19:48		Read Comment		Comment for Incident 703 was Marked as Read.	061767
8/5/2014	04:21:44	511	Custom Timer		At Scene for Other Problem/Nat-Unit marked as late.	
8/5/2014	04:23:05		UserAction		User clicked Exit/Save	061767
8/5/2014	04:23:43		Read Comment		Comment for Incident 703 was Marked as Read.	112419
8/5/2014	04:23:43		Duplicate Call Warning		Duplicate Call Warning - New call appended to incident	112419
8/5/2014	04:24:06		Read Comment		Comment for Incident 703 was Marked as Read.	061767
8/5/2014	04:24:06		Read Comment		Comment for Incident 703 was Marked as Read.	061767
8/5/2014	04:24:10		UserAction		User clicked Exit/Save	061767
8/5/2014	04:24:33		UserAction		User clicked Exit/Save	112419
8/5/2014	04:24:49		Read Comment		Comment for Incident 703 was Marked as Read.	109577
8/5/2014	04:25:32	511	C4 Code 4	2609 Blaisdell Av S		109577
8/5/2014	04:28:57	511	__ Available	2609 Blaisdell Av S		VisiNET
8/5/2014	04:28:57		Response Closed	2609 Blaisdell Av S		VisiNET
8/29/2014	09:59:51		UserAction		User clicked Exit/Save	CT064631

**Edit Log**

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
8/5/2014	04:14:13	Longitude	0	93278925	Entry Verified	Response_Master_IncidentT10		112419
8/5/2014	04:14:13	Latitude	0	44950744	Entry Verified	Response_Master_IncidentT10		112419

8/5/2014	04:14:13	Address	1 - 99 29 ST W	2 - 98 29 ST W	Entry Verified	Response_Master_IncidentT10	112419
8/5/2014	04:14:13	ResponsePI	0	0	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:13	Response_A		510	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:13	Battalion		P5 Sec 1	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:13	Division		Precinct 5	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:13	Jurisdiction		MPD/MFD/HCMC	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:13	Address	(Blank)	1 - 99 29 ST W	New Entry	Response_Master_IncidentT10	112419
8/5/2014	04:14:17	Address	(Blank)	2609 BL	New Entry	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	Longitude	93278925	93279640	Entry Verified	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	Latitude	44950744	44955388	Entry Verified	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	Address	2609 BL	2609 BLAISDELL AV S	Entry Verified	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	ResponsePI	0	0	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	Response_A		510	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	Battalion		P5 Sec 1	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	Division		Precinct 5	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:20	Jurisdiction		MPD/MFD/HCMC	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:39	Priority_D		1		Response_Master_IncidentT10	112419
8/5/2014	04:14:39	Priority_N	0	1		Response_Master_IncidentT10	112419
8/5/2014	04:14:39	Incident_T		2 Officer Response - Pct Car	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:39	ResponsePI	0	1	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:39	DispatchLe		Default	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:39	Response_P		P5 2 Officer Response	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:39	Problem		Domestic Abuse-In Progress (P)	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:45	Apartment		202	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:14:51	Map_Info		108A		Response_Master_IncidentT10	112419
8/5/2014	04:14:51	Pickup_Map		108A		Response_Transports T10	112419
8/5/2014	04:15:15	Read Comme	False	True	(Response View	Response_Master_IncidentT09	061633
8/5/2014	04:15:15	Read Call	False	True	(Response View	Response_Master_IncidentP01	061767
8/5/2014	04:15:15	Read Comme	False	True	(Response View	Response_Master_IncidentP01	061767
8/5/2014	04:15:43	Caller_Nam		ANDREA COSMO	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:15:43	Read Comme	False	True	(Response View	Response_Master_IncidentT09	061633
8/5/2014	04:15:52	Caller_Loc		2609 BLAISDELL AV S #202	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:18:53	Read Comme	False	True	(Response View	Response_Master_IncidentT09	061633
8/5/2014	04:19:48	Read Comme	False	True	(Response View	Response_Master_IncidentP01	061767
8/5/2014	04:23:43	Read Comme	False	True	(Response View	Response_Master_IncidentT10	112419
8/5/2014	04:24:06	Read Comme	False	True	(Response View	Response_Master_IncidentP01	061767
8/5/2014	04:24:06	Read Comme	False	True	(Response View	Response_Master_IncidentP01	061767
8/5/2014	04:24:49	Read Comme	False	True	(Recall Window)	Response_Master_IncidentP04	109577

Custom Time Stamps  
 No Custom Time Stamps  
 Custom Data Fields

**No Custom Data Fields**

**Attachments**  
**No Attachment**

WFD



### Roster Member Profile

Enter any combination of search criteria and click Search.

#### Search Criteria

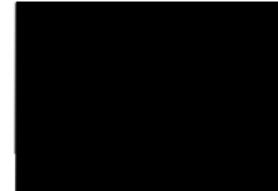
Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Employee ID: \_\_\_\_\_ Badge Number: \_\_\_\_\_ User Name: \_\_\_\_\_

Return only active employees



**Department**  
 Current: Police Department  
 Start Date: 12/7/1998  
 End Date:  
 History: [View](#)

**Rank**  
 Current: Police Officer  
 Start Date: 12/7/1998  
 History: [View](#)



#### Employee Information

\*Last Name:  \*First Name:  Middle Name:  Email:   
 Birthdate: \_\_\_\_\_ \*Sex: \_\_\_\_\_ Race: \_\_\_\_\_  
 \*Address(1): \_\_\_\_\_ \*City: \_\_\_\_\_ \*State: \_\_\_\_\_ Address(2): \_\_\_\_\_  
 \*Primary Phone Type: \_\_\_\_\_ \*Primary Phone Number: \_\_\_\_\_ \*Zip: \_\_\_\_\_ Primary Phone Ext: \_\_\_\_\_  
 DL Number: \_\_\_\_\_ DL State: \_\_\_\_\_ DL Class: \_\_\_\_\_ DL Expiration: \_\_\_\_\_

#### Personnel Information

\*Employee ID:  Badges:

\*Personnel Type:  \*FLSA Status:  \*Agency Personnel:  Agency Personnel Comment:

Employment Status:  \*Start Date:  End Date:

Union Affiliation:  \*Job Class:  Prior Experience:  (in months):

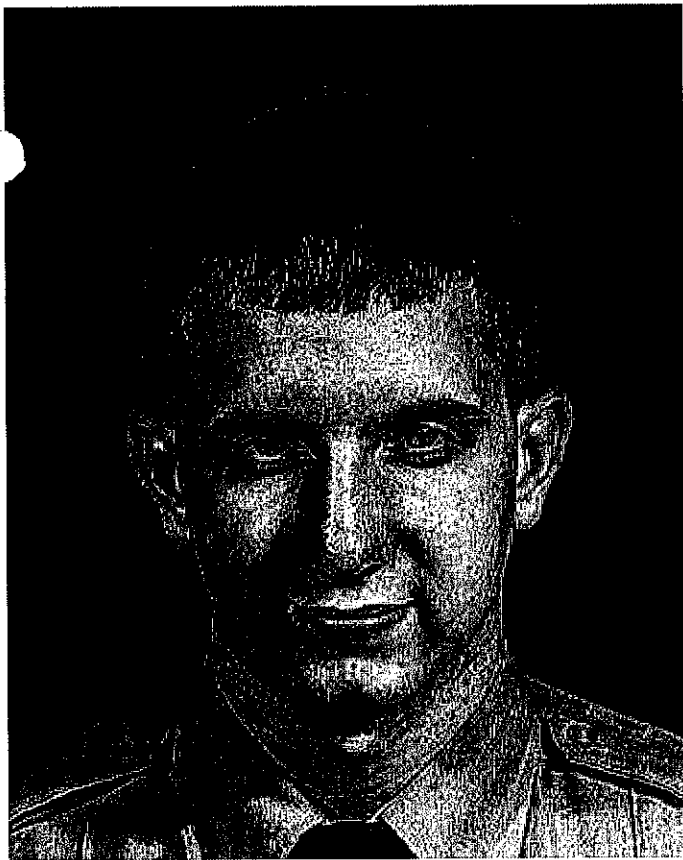
Sworn:  Veteran:  Fair Share Union Member:

\*Account Type:

#### Additional Employee Information

- [Phone Numbers](#)
- [Emergency Contact Information](#)
- [Assigned Inventory](#)
- [Employee Time Balances](#)
- [Skills and Qualifications](#)
- [Training Records](#)
- [Education Information](#)
- [Recruit Field Training File](#)
- [Performance Reviews](#)
- [Personnel File](#)
- [Delegates](#)
- [User Preferences](#)





### Roster Member Profile

Enter any combination of search criteria and click *Search*.

#### Search Criteria

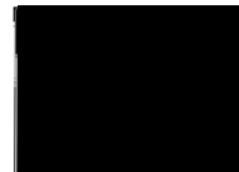
Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Employee ID: \_\_\_\_\_ Badge Number: \_\_\_\_\_ User Name: \_\_\_\_\_

Return only active employees



**Department**  
 Current: Police Department  
 Start Date: 4/8/2013  
 End Date: \_\_\_\_\_  
 History: [View](#)

**Rank**  
 Current: Police Officer  
 Start Date: 7/28/2013  
 History: [View](#)



#### Employee Information

\*Last Name:

\*First Name:

Middle Name:

Email:

\*Address(1):

Birthdate:

\*Sex:

Race:

\*City:

\*State:

Address(2):

\*Primary Phone Type:

\*Primary Phone Number:

\*Zip:

Primary Phone Ext:

DL Number:

DL State:

DL Class:

DL Expiration:

#### Personnel Information

\*Employee ID:

Badge:

\*Personnel Type:

\*FLSA Status:

\*Agency Personnel:

Agency:   
Personnel Comment: \_\_\_\_\_

Employment Status:

\*Start Date:

End Date: \_\_\_\_\_

Union Affiliation:

\*Job Class:

Prior Experience (in months):

Sworn:

Veteran:

Fair Share Union Member:

\*Account Type:

#### Additional Employee Information

[Phone Numbers](#)

[Emergency Contact Information](#)

[Assigned Inventory](#)

[Employee Time Balances](#)

[Skills and Qualifications](#)

[Training Records](#)

[Education Information](#)

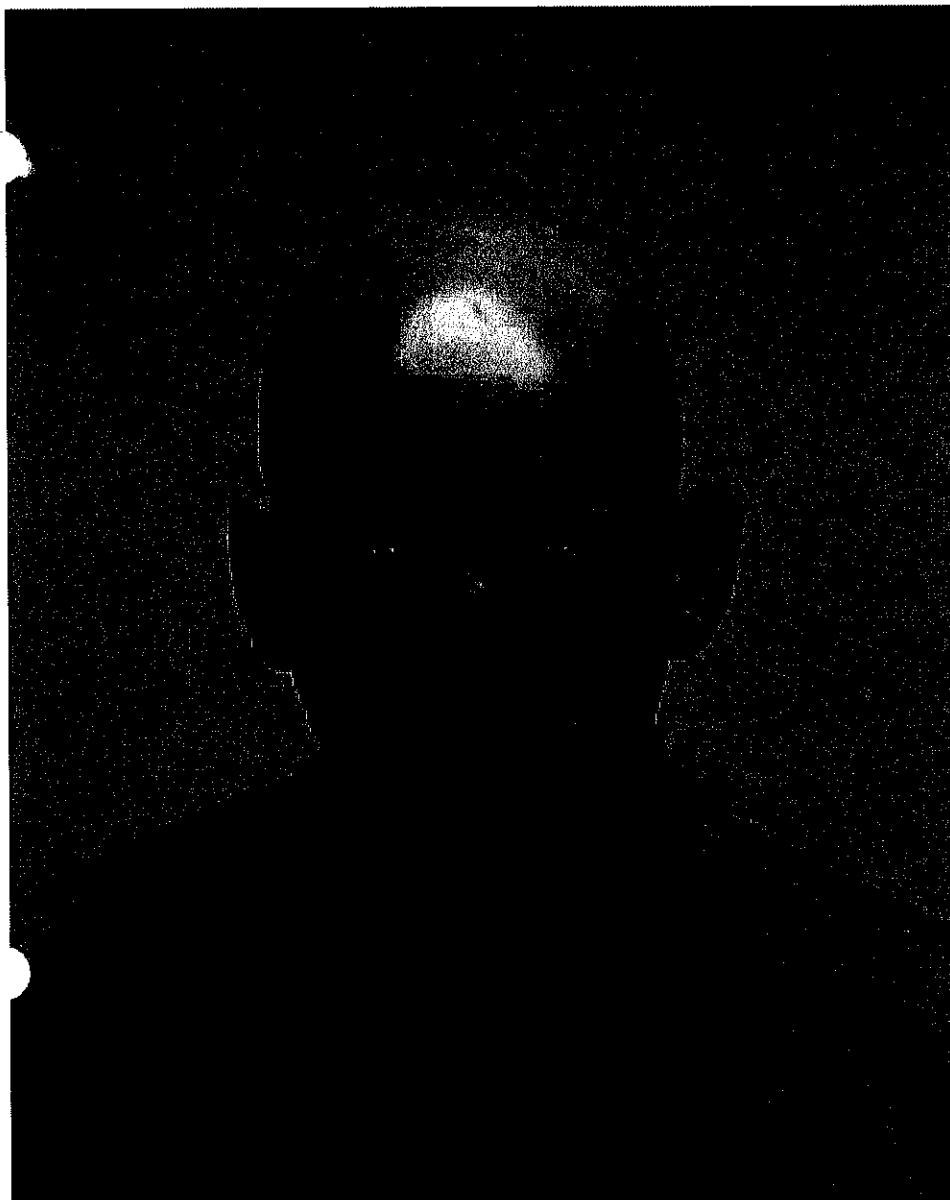
[Recruit Field Training File](#)

[Performance Reviews](#)

[Personnel File](#)

[Delegates](#)

[User Preferences](#)



### Print Schedule

Print Schedule

Department:  Unit:  Officer:

Show all shifts

Home | [Print Schedule](#) | [Print Schedule](#)

Print Schedule is available to all users. Please contact your supervisor if you have any questions.

[Print Schedule](#) Printed on 10/15/2014 10:00 AM by [User Name]



Print Schedule

Print Schedule

Print Schedule:  -  (Date Range) |  (Time Range) |  (Print)

Show all assignments

Home | Admin | Reports

Show Working Assignments

All times listed are subject to change without notice. All assignments are subject to change without notice.

Print Schedule

Home

Admin

Reports

WISER Home | July 2023 | 10:00 AM - 11:00 AM

Med

1 911 CALL

2 TRANSCRIBED BY R. METCALF.

3

4 RE: OPCR Case Number #14-17538

5

6 Q: 911. What is the address of the emergency?

7 A: There wasn't an emergency. The cops showed up at my door due to an argument and this  
8 girl gets stuff of mine, hers out of my house, but they won't let me get stuff out of her vehicle.  
9 What can I do about this?

10

11 Q: Who won't let-, the, the police won't get-, let you get stuff out of-, out of her car?

12 A: Nope, they won't. They said another day meaning she's gotta come back and get shit.  
13 [crying] And she fuckin' put hands on me, and I only put hands on her because she put hands  
14 on me. This is not the first time that she fuckin' verbally and physically abused me. She has  
15 domesticated against me in Dakota County that she is on probation for right now. Do you  
16 know what I mean? Like and I don't understand why they wouldn't let me get my stuff if she  
17 can get all of her stuff out of my apartment. She dumped her fuckin' cat box of litter and shit all  
18 over my floor, and left it there like that. And they said that's fine.

19

20 Q: Let me get you in touch...

21 A: Do you know how gross that is?

22

23 Q: Let me get you in touch with the precinct.

24 A: Thank you.

25

26 Q: OK. Hold on.

27

28 [dial tone, number being dialed, phone ringing]

29

30 Q: I'll get you past the automated line as well.

31

32 [phone picks up stating, "You have reached the City of Minneapolis Fifth Police..."]

33

34 [number dialed, phone ringing]

35

36 Call ends.

37

38 Job #: 14862

39

## Walters, Jason

---

**From:** Petersen, Scott R.  
**Sent:** Friday, September 05, 2014 11:27 AM  
**To:** Hulke, Jeremy R.; Koenig, Mark; Walters, Jason  
**Subject:** RE: Capture 911

Yes. There was an issue with the recording system and the IP phones and during that time the phones were not recorded. They have recently been fixed and are currently being recorded and will follow the retention policy of other voice data.

**From:** Hulke, Jeremy R.  
**Sent:** Friday, September 05, 2014 11:24 AM  
**To:** Koenig, Mark; Walters, Jason; Petersen, Scott R.  
**Subject:** RE: Capture 911

Scott,

Could you look into this?

Thanks,

Jeremy

**From:** Koenig, Mark  
**Sent:** Friday, September 05, 2014 10:28  
**To:** Walters, Jason  
**Cc:** Hulke, Jeremy R.  
**Subject:** RE: Capture 911

Correct there are no calls in the system for 5<sup>th</sup> Pct prior to 8/22/2014 at 2041. You would need to contact 911 to know why, maybe there is a short retention time.

Mark

**From:** Walters, Jason  
**Sent:** Friday, September 05, 2014 10:24  
**To:** Koenig, Mark  
**Subject:** Capture 911

Thanks for your help earlier. According to my search, the 5<sup>th</sup> Pct phones were not recording their calls between 1/1/2014 and 2041 hours on 08/22/2014. Can you confirm this please?

Thanks in advance!

**Sergeant Jason Walters**  
**Minneapolis Police Department**  
**Internal Affairs Unit**  
**50 5<sup>th</sup> Street South, RM 112**  
**Minneapolis, MN 55415**  
**Office: (612) 673-2567**  
**Fax: (612) 673-3843**



**Confidentiality Notice:** This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain government data and thereby subject to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13; may be subject to attorney-client or work product privilege; may be confidential, privileged, proprietary, or otherwise protected. If you are not the intended recipient, be aware that any unauthorized review, disclosure, copying, distribution, or use of the contents of this information is prohibited and punishable by law. If you have received this electronic transmission in error, please immediately notify the sender by return email and then promptly delete this message from your computer system.

Videa

Surv.

## Viewing Instructions

- 1) Put the disc labeled "Surveillance Video with Player" into your computer.
- 2) Open the D: drive on your computer. You will see two files. Double-click on the one titled "DRxH Player..."
- 3) Double-click on the "BackupPlayer."
- 4) A media player should open. In the lower right corner of this player, you will see a file folder symbol above a printer symbol.
- 5) Click on the file folder symbol.
- 6) Navigate to the D: drive again, and this time open the "2014.08.04, Unit 305" folder.
- 7) You will now see two folders, "Video Recorder 1" and "Video Recorder 2." Each of these two folders contains six video clips. The footage of most interest is located in "Video Recorder 1" and is the last file ending in "...38273"
- 8) Double click on this file. You will see the options of "Interlacing" or "De-Interlacing." Our video expert has advised that "De-Interlacing" will probably give you the best playback.
- 9) You will now see footage of a hallway, stairs, and an exterior door. At the bottom of the player, you may slide the selector to the right approximately  $\frac{3}{4}$  of the way. At this point, Officers and civilians can be seen on the footage. The stamp of 10:32:00 PM is a good reference point to start viewing the incident.
- 10) In addition, other angles of the incident can be seen by again clicking on the file folder symbol on the media player and selecting "...21893" in "Video Recorder 1" and "...76499" in "Video Recorder 2." The other video clips provide footage of the remainder of the incident.
- 11) All other video clips should be viewed for a full comprehension of events.

2014.08.20, script of security video export, Mpls Police incident 2014.08.04  
2014.08.20  
Whitter Co-Op  
Security camera video export for Alyssa Kiffmeyer(PM)

Minneapolis Police officers are called on a domestic dispute.  
Bosch DVR @ 10.0.65.253

=====  
10:12:00 C5 Officers arrive at front door.  
10:15:22 C5 Officer kicks door in attempt to get attention of someone in lobby to be let in.  
10:17:00 C5-7 A resident notices the officers at the door and lets them in, officer props front door open likely in case additional officers need access.  
10:17:30 C7-8 Officers walk hallways in attempt to locate apartment unit.  
10:24:10 C5 A resident enters the front door and removes & disposes of the paper used to prop the front door previously by the officer.  
10:27:30 C10-11 Residents begin moving their belongings out at the back door/ramp.  
10:32:00 C10-11 officers appear on camera from the hallway in the rear entry assisting residents with moving out.  
10:34:00 C10-11 Female resident appears from hallway talking on cell phone, moves to rear entry, stops in door/proping door open with her body, appears to be talking to officer outside the door at the same time as talking on the phone.  
10:34:20 C10-11 Officer shoves female resident into the building and into the stairs where she falls backwards onto the stairs.  
10:34:30 C10-11 Officer then slaps her cell phone out of her hand, victim tries to protect herself and scoot away from officer lording over her whereby officer grabs her by the throat and throws her backward on the landing further, then continues to talk down to her and demean her.  
10:35:00 C10-11 Officer backs away and female victim gets to her feet, picks up her phone.  
10:35:15 C10-11 Officer and female victim are both standing now and continue talking.  
10:35:30 C10-11 Female victim leaves and goes back into the hallway, officer then leaves the building, 2nd officer was holding the door monitoring the situation during the altercation.  
10:39:00 C10-11 Both officers re-enter the building with a resident.

Bosch DVR @ 10.0.65.254

=====  
10:00:00 C14/16 Resident(s) have begun staging belongings outside apt/elevator.  
10:18:20 C2-3 officers appear in hallway after arriving via the front door.  
10:18:45 C14/16 Officers appear on 3rd floor at apartment where domestic is and belongings are stacked in the hallway.  
10:22:50 C16 Residents begin moving belongings into elevator.  
10:27:00 C3/16 Residents are moving belongings out of elevator, officers are monitoring situation in hallway outside of apartment unit.

2014.08.20, script of security video export, Mpls Police incident 2014.08.04

- 10:32:02 C2-3 Officers appear coming down stairs from apartment unit.
- 10:32:02 C4 Residents are moving belongings out of the building at the rear entrance.
- 10:33:20 C4 Officer props rear door open while monitoring move out.
- 10:34:00 C16 Female resident leaves apartment unit while talking on cell phone.
- 10:34:30 C3-4 Female resident takes the stairs down to the rear entry while talking on the cell phone.
- 10:34:40 C4 Female resident appears in rear doorway talking on cell phone, both officers who are outside approach her, w/ the officer in question talking to her and the 2nd officer monitoring the situation.
- 10:34:50 C4 Officer in question then shoves female resident into the building from the doorway, 2nd officer opens the rear door and watches.
- 10:35:22 C4 Resident approaches rear entry, officer doesn't keep her from approaching, she sees the situation, turns around and leaves.
- 10:35:40 C4 2nd officer holds door open while several residents enter the building just after the incident.
- 10:36:15 C4 Officer in question leaves building, 2nd officer continues to hold door open and gestures to 1st officer(?) and continues to hold door open (no one entering/leaving).
- 10:39:30 C4 Both officers re-enter the building with the resident who goes upstairs and officers then exit via the North door.
- 10:40:00 C1 Both officers exit building via North door.

PHOTOS  
OF ARY  
BIBLY









Cook.

Rec.

7014 0150 0001 7178 3883

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	Postmark Here  9/15/14
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To  
 Melissa Desjarlais c/o Amy Nelson  
 Street, Apt. No., or PO Box No. 2609 Blaisdell Ave. S. # 305  
 City, State, ZIP+4 Mpls, MN 55408

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Melissa Desjarlais  
 c/o Amy Nelson  
 2609 Blaisdell Ave S. # 305  
 Mpls, MN 55408

2. Article Number 7014 0150 0001 7178 3883  
 (Transfer from service L)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 X *[Signature]*

B. Received by (Printed Name) *Amy Nelson* C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

MINNEAPOLIS, MN 55408 SEP 25 2013 USPS

PS Form 3811, July 2013 Domestic Return Receipt

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

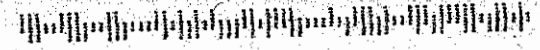
PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

UNITED STATES POSTAL SERVICE  
 MINNEAPOLIS  
 MN 554  
 25 SEP '14  
 PM 2 L

First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

*Sgt. Jason Walters*  
**INTERNAL AFFAIRS**  
**MINNEAPOLIS POLICE DEPARTMENT**  
 ROOM 112 CITY HALL  
 MINNEAPOLIS, MINNESOTA 55415





**Minneapolis**  
*City of Lakes*

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

09/15/2014

Melissa Desjarlais  
2609 Blaisdell Ave S #305  
Minneapolis, MN 55408

RE: OPCR Case Number 14-17538

Melissa Desjarlais:

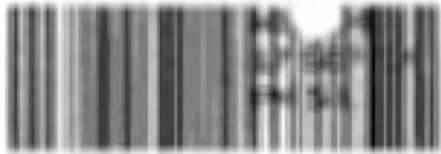
The MPD Internal Affairs Unit is currently investigating an allegation made against an employee of the Police Department. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Jason Walters, at 612-673-2567, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit





7014 0150 0001 7178 3807

NEVER  
RETURN TO SENDER  
UNLESS  
UNABLE TO FORWARD  
NO SALES \*2025-04780-17-21

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Andrea Fossmo  
2609 Blaisdell Ave S. #202  
Mpls MN 55408*

2. Article Number

(Transfer from service fee)

7014 0150 0001 7178 3807

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

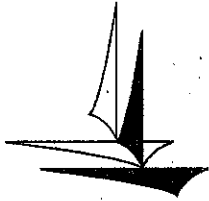
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail®
- Registered
- Insured Mail
- Priority Mail Express™
- Return Receipt for Merchandise
- Collect on Delivery

4. Restricted Delivery? (Extra Fee)

Yes



**Minneapolis**  
City of Lakes

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

09/15/2014

Andrea Fossmo  
2609 Blaisdell Ave S #202  
Minneapolis, MN 55408

RE: OPCR Case Number 14-17538

Andrea Fossmo:

The MPD Internal Affairs Unit is currently investigating an allegation made against an employee of the Police Department. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Jason Walters, at 612-673-2567, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Shenita Esaw  
2609 Blaisdell Ave S. # 302  
Mpls, MN 55408*

2. Article Number

(Transfer from service label)

7014 0150 0001 7178 3791

PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*X [Signature]*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

*9/18/14*

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

3. Service Type

Certified Mail®

Priority Mail Express™

Registered

Return Receipt for Merchandise

Insured Mail

Collect on Delivery

4. Restricted Delivery? (Extra Fee)

Yes

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7014 0150 0001 7178 3791

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

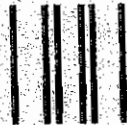
*9/15/14*

Sent To *Shenita Esaw*  
Street, Apt. No., or PO Box No. *2609 Blaisdell Ave. S. #302*  
City, State, ZIP+4 *Mpls, MN 55408*

PS Form 3800, August 2006

See Reverse for Instructions

UNITED STATES POSTAL SERVICE  
MINNEAPOLIS  
MN 554  
18 SEP '14  
PM 4 1



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

*Sgt. Jason Walters*  
**INTERNAL AFFAIRS**  
MINNEAPOLIS POLICE DEPARTMENT  
ROOM 112 CITY HALL  
MINNEAPOLIS, MINNESOTA 55415

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047



**Minneapolis**  
*City of Lakes*

**Police Department**

Janeé L. Harteau  
Chief of Police

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

612 673-2735  
TTY 612 673-2157

09/15/2014

Shenita Esaw  
2609 Blaisdell Ave S #302  
Minneapolis, MN 55408

RE: OPCR Case Number 14-17538

Shenita Esaw:

The MPD Internal Affairs Unit is currently investigating an allegation made against an employee of the Police Department. It has come to our attention that you may have information of investigative value.

Please contact Sgt. Jason Walters, at 612-673-2567, within five days of receipt of this notification to schedule an appointment for an interview. Your anticipated cooperation in this matter will be greatly appreciated. Failure to respond will result in this investigation proceeding without the benefit of your important information.

Sincerely,

Sgt. Jason Walters  
Internal Affairs Unit





CommonBond  
COMMUNITIES



Whittier Housing -  
City Flats Apts

[www.commonbond.org](http://www.commonbond.org)

**Alyssa Kiffmeyer**

*Property Manager*

Direct 612-870-4493

Fax 612-870-8419

2609 Blaisdell Ave. S., Minneapolis, MN 55408

[Alyssa.Kiffmeyer@commonbond.org](mailto:Alyssa.Kiffmeyer@commonbond.org)



MARS



2609 Blaisdell Ave S, Minneapolis, MN 55404



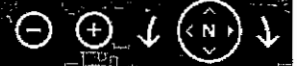
Sign in  
2



Road **Bird's eye** Traffic

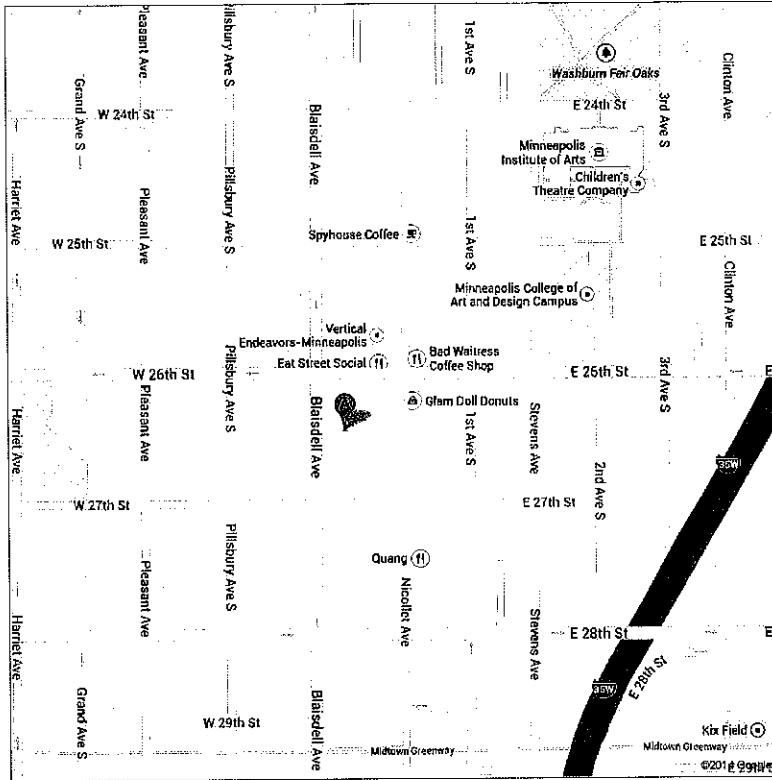
Fullscreen Print Share

World • United States • MN • Hennepin Co. • Minneapolis • Powderhorn



Google

Address **CommonBond Communities**  
2609 Blaisdell Ave  
Minneapolis, MN 55408



P/O +

P no.

## **5-300 USE OF FORCE**

### **5-301 PURPOSE (10/16/02) (08/17/07)**

The purpose of this section is to provide all sworn MPD employees with clear and consistent policies and procedures regarding the use of force while engaged in the discharge of their official duties. (Note: MPD Training Unit Lesson Plans – Use of Force, are used as a reference throughout this section.)

#### **5-301.01 POLICY (10/16/02) (08/17/07)**

Based on the Fourth Amendment's "reasonableness" standard, sworn MPD employees shall only use the amount of force that is objectively reasonable in light of the facts and circumstances known to that employee at the time force is used. The force used shall be consistent with current MPD training.

#### **5-301.02 STATE REQUIREMENTS (10/11/02)**

The MPD shall comply with Minn. Stat. §626.8452 to establish and enforce a written policy governing the use of force, including deadly force and state-mandated pre-service and in-service training in the use of force for all sworn MPD employees. (08/17/07)

### **5-302 USE OF FORCE DEFINITIONS (10/16/02) (10/01/10)**

**Active Aggression:** Behavior initiated by a subject that may or may not be in response to police efforts to bring the person into custody or control. A subject engages in active aggression when presenting behaviors that constitute an assault or the circumstances reasonably indicate that an assault or injury to any person is likely to occur at any moment. (10/01/10) (04/16/12)

**Active Resistance:** A response to police efforts to bring a person into custody or control for detainment or arrest. A subject engages in active resistance when engaging in physical actions (or verbal behavior reflecting an intention) to make it more difficult for officers to achieve actual physical control. (10/01/10) (04/16/12)

**Deadly Force:** Minn. Stat. §609.066 states that: "Force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm other than a firearm loaded with less-lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force." (10/01/10)

**Flight:** Is an effort by the subject to avoid arrest or capture by fleeing without the aid of a motor vehicle. (10/01/10)

**Great Bodily Harm:** Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

**Non-Deadly Force:** Force that does not have the reasonable likelihood of causing or creating a substantial risk of death or great bodily harm. This includes, but is not limited to, physically subduing, controlling, capturing, restraining or physically managing any person. It also includes the actual use of any less-lethal and non-lethal weapons. (08/17/07)

**Objectively Reasonable Force:** The amount and type of force that would be considered rational and logical to an "objective" officer on the scene, supported by facts and circumstances known to an officer at the time force was used. (08/17/07)

**Passive Resistance:** A response to police efforts to bring a person into custody or control for detainment or arrest. This is behavior initiated by a subject, when the subject does not comply with verbal or physical control efforts, yet the subject does not attempt to defeat an officer's control efforts. (10/01/10) (04/16/12)

**Use of Force:** Any intentional police contact involving:(08/17/07) (10/01/10)

- The use of any weapon, substance, vehicle, equipment, tool, device or animal that inflicts pain or produces injury to another; or
- Any physical strike to any part of the body of another;
- Any physical contact with a person that inflicts pain or produces injury to another; or
- Any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury.

### **5-303 AUTHORIZED USE OF FORCE (10/16/02) (08/17/07)**

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

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

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

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

#### **The *Graham vs Connor* case references that:**

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

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

The "reasonableness" of a particular use of force must be judged from the perspective of the reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

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

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

## **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.

- Escort Holds
- Joint Manipulations
- Nerve Pressure Points (Touch Pressure)
- Handcuffing
- 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.

- Takedown Techniques
- 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.

- 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)
- 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.
- 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.



**5-105 PROFESSIONAL CODE OF CONDUCT (A-D)**

15. Employees shall be decorous in their language and conduct. They shall refrain from actions or words that bring discredit to the Department. They shall also not use words or terms which hold any person, group or organization up to contempt. The use of such unacceptable terms is strictly forbidden. (04/01/93)



**Minneapolis Police Department**  
**Discipline Matrix**  
 Rev: August 2012

Policy	Type of Violation	Range	Discipline		
<b>Compliance with Lawful Orders &amp; Supervision</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
1-403	Compliance with lawful orders in administrative and routine situations	B-C	WR	10 hours	20 hours
1-406; 5-307	Supervisory responsibility: fail to supervise	C	10 hours	20 hours	40 hours
1-403	Compliance with lawful orders repeated violations or critical orders	D		Termination	
<b>IAU &amp; CRA Procedures</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
2-109	CRA/IAU: fail to return Garrity notice or set up appointment with investigator	B	WR	10 hours	20 hours
2-101, 5-105.7	Failure to notify IAU of arrest or being a suspect in criminal offense	D		Termination	
5-105.7	Failure to notify IAU of OFP which invokes the Lautenberg amendment	D		Termination	
<b>Training</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
5-410.02; 2-502-E	Failure to attend mandatory or requested training	B	WR	10 hours	20 hours
<b>Equipment</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
3-200	Failure to carry required equipment	B	WR	10 hours	20 hours
3-201	Unauthorized equipment carried but not used, excludes firearm	C	10 hours	20 hours	30 hours
<b>Overtime &amp; Court</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
3-706, 3-707	Failure to appear in court or standby violations, any criminal case	B	WR	10 hours	20 hours
<b>Off-Duty Employment</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
3-800	Failure to sign on to off duty job/buyback	B	WR	10 hours	20 hours
3-800	No prior approval to work job site (Does not include failure to renew previously approved sites)	B	10 hours	10 hours	20 hours
3-800	Working a prohibited site or denied site	C	10 hours	20 hours	40 hours
3-800	Working while on restricted status	C-D	10 hours	40 hours	Termination
<b>MVR Violations/Email Violations</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
4-218	MVR: no start up checks	B	WR	10 hours	20 hours
4-218	MVR: microphone not worn or not turned on	B	WR	10 hours	20 hours
4-218	MVR: failure to record vehicle stops	B	10 hours	20 hours	30 hours
4-218	Altering or destroying MVR equipment or recordings	D	30 hours	Termination	
4-220	Unprofessional or offensive email (protected class)	D	30 hours	40 hours	Termination
<b>Truthfulness</b>					
		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
5-101.01	Untruthful to supervisor or falsify unofficial documents	D	30 hours	40 hours	Termination
2-106, 5-101.01	Garrity violations; perjury; falsify official documents or CAPRS reports	D		Termination	

**Minneapolis Police Department**  
**Discipline Matrix**  
 Rev: August 2012

<b>Code of Ethics</b>		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
5-102	Criminal activity: Any felony crime, domestic assault, sex crimes, narcotics, steroids, interfere with 911 call, theft, discharge weapon or repeat DWI.	D		Termination	
5-102	Criminal activity: Gross misdemeanor or misdemeanor (other than those listed in other categories)	C	10 hours	30 hours	Termination
5-102	Identify self as officer with intent to gain special consideration	C-D	10 hours	40 hours	Termination
5-102	Misuse of police powers: search warrants, administrative subpoenas, credit checks, etc	D		Termination	
5-102, 3-800	Working off-duty while still on city time	D		Termination	
4-501	Access confidential records (DVS, NCIC, etc.) not related to assigned job duties/no official law enforcement purpose-no known personal gain	C	WR	10	20
4-501	Access confidential records (DVS, NCIC, etc.) not related to assigned job duties/no official law enforcement purpose-for personal gain	D	10	40	Termination
<b>Code of Conduct/Professional Code of Conduct</b>		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
5-105.10	Unprofessional conduct, indecorous language (not protected class)	B	WR	10 hours	20 hours
5-106, 3-302	Remain on duty until relieved; put self on detail without supervisor permission	B	WR	10 hours	20 hours
5-105.18	Association with known criminals	C	20 hours	40 hours	50 hours
5-105.2, 5-106.1	Failure to take appropriate police action	B-D	WR	40 hours	Termination
5-105.15	Language: biased based on protected class	D	30 hours	40 hours	Termination
5-105.20	Possession of duty weapon or other firearm while consuming alcohol, no criminal action	D	20 hours	40 hours	50 hours
5-105, 5-102	Referral to outside business with personal benefit to employee	D		Termination	
5-101.02	Failure to meet minimum job qualifications (some discretion on OFP with Lautenberg Amendment)	D		Termination	
<b>Reports</b>		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
5-307	Failure of supervisors to complete force review report in compliance with policy when the subject of forces incurs any injury at the level of substantial bodily injury or greater.	B-C	WR	10 hours	20 hours
5-306	Failure to report use of force in CAPRS	B-D	WR	40 hours	Termination
5-306	Failure to notify supervisor of use of force resulting in injury	B-C	WR	20 Hours	40 Hours
<b>News Media</b>		<b>Range</b>	<b>Mitigating</b>	<b>Baseline</b>	<b>Aggravating</b>
6-202	Responsibility of MPD employees regarding news media	B-D	10 hours	20 hours	Termination



Sample  
Rate,

## Internal Affairs Blue Card Report

*This profile card contains PRIVATE DATA and any review, disclosure, copying, distribution or use of this information is governed by the Minnesota Government Data Practices Act.*

**Officer Blayne Lehner, Badge 4073**

Incident Date	PM MATTER #	WFD Complaint #	Last Name	First Name	Allegation Type	Allegation Subsection	Allegation Complaint Severity	Allegation Outcome	Discipline	Status
9/13/11	13-31206	IA12-74	Lehner	Blayne	Discretion or Judgment	Discretion	B	Sustained	Suspension	Closed
					Force	Reasonable Force	B	Sustained	Suspension	
					Search and Seizure	Search/No warrant	B	Sustained	Suspension	

4/7/12	13-31131	IA12-46	Lehner	Blayne	Code of Conduct	Other	B	Sustained	Letter of Reprimand	
4/27/12	13-31233	IA12-95	Lehner	Blayne	Force	Reasonable Force	B	Sustained	Letter of Reprimand	Closed
5/29/12	13-31395	IA12-182	Lehner	Blayne	Open					
6/6/12	13-31237	IA12-93	Lehner	Blayne	Force	Reasonable Force	C	Sustained	Suspension	Closed
8/4/14	14-17538	OPCR	Lehner	Blayne	Open					

Aug 27, 2015

10:25:46 AM