



Minneapolis  
City of Lakes

Civilian Police Review Authority

400 South 4th Street - Room 1004  
Minneapolis MN 55415-1424

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September 7, 2004

[REDACTED]

Dear Mr. [REDACTED]

Enclosed are two copies of your statement given on May 26th, 2004 at the Civilian Police Review Authority offices.

Please review, fill in and initial any corrections you wish to make. Sign and return one copy in the enclosed stamped, self-addressed envelope.

Thank you for your cooperation, and feel free to contact our office if you have any questions.

Sincerely,

[REDACTED]

Case Investigator

enc

STATEMENT OF [REDACTED]

PLACE: Minneapolis Civilian Police Review Authority Offices

DATE: May 26, 2004

TIME: 3:59PM

CASE NO: 04-2153

INVESTIGATOR [REDACTED]

QUES: Would you please state your full name.

ANS: [REDACTED]

QUES: How do you spell Erin.

ANS: [REDACTED]

QUES: And [REDACTED] is [REDACTED]

QUES: What is your mailing address, please?

ANS: [REDACTED]

QUES: What is your home telephone number?

ANS: [REDACTED]

QUES: Do you have another telephone number you wish to provide?

ANS: No.

QUES: What's your age and date of birth?

ANS: Um. A [REDACTED]

QUES: [REDACTED]

ANS: Yes.

QUES: Alright Mr. [REDACTED] on May 14<sup>th</sup>, 2004 at approximately 10:30PM, you came into contact with Minneapolis police officers. Is that correct?

ANS: Yes.

QUES: Please tell me where you were, what you were doing and what happened.

ANS: I was at um—I was in front of the old Science Restoration business and Dusty's Bar on north—on Marshall Street. The address are 1317 NE Marshall Street and 1314 NE Marshall Street at 13<sup>th</sup> Street. Um.

I was—Is this where I can go into the description of the event?

QUES: I would just tell me where you were, what you were doing just as you remember.

ANS: Okay. I was at —before I wandered into the event I had been walking around so things had already started happening before I got there.

QUES: Where were you walking around?

ANS: I was in the alley way between the two places.

QUES: Alright.

ANS: I stepped out from the alley way and then the scene was happening in front of the two buildings, kind of mixed in-between the street and the sidewalk of the two buildings.

QUES: What did you see when you first came out?

ANS: When I first came out there were a number of people confronting a man wearing a black shirt with a mustache and he had a mark on his face like he had been punched. They were yelling at him apparently for assaulting a friend of mine who is [REDACTED] [REDACTED] I had no idea who this person was. I had never seen him before. Um. When I heard that he had hurt a friend of mine, I started confronting him as well. Asking him why he had hurt my friend, if it was true that he had hurt my friend, what kind of thing would want to happen or what kind of thing would happen that he would want to do that. Um.

QUES: What was he saying? Was he saying?

ANS: He wasn't saying anything that —that I can recall. He was breathing really heavily. He had like a somewhat distant look in his face or in his eyes. And he had this really um—this really intense look on his face. You know like. It's really hard to describe. After somebody's been fighting or somebody's been drinking. It's a really similar look or just distance and I don't know, anger.

QUES: Now was there any reason you might have thought he was drinking?

ANS: The way he was holding himself, communicated to me that he was not sober in one way or another. Whether it was drugs or alcohol I can't really tell. I couldn't smell him. I wasn't close enough to him at anytime to smell anything on him. And this is also at the same time a woman who I think would be his wife but I didn't identify her. She was blonde, older started pushing on me, back from him. I wasn't approaching him. I was just near him.

QUES: How close were you?

ANS: I would say I was four feet away, maybe five feet. Like some good distance where I was not—I had no intention of approaching him.

QUES: And you weren't right in his face as they say?

ANS: Yeah. And so this woman came—she was trying to push us all back, I think because there was a small group of people who were around him saying ah, "You hurt our friend." I was the closest to her so I think that's why her hands landed on me and she

was pushing me and saying, "This is really a horrible man. Be really careful. You don't know what he's going to do next. He hurts people." And from gathering or gathering from other statements that I've read, I come—I've come to believe that this woman was with him and was his wife but I can't be sure.

QUES: Alright. And for the record, we've got a picture of the two officers who were involved and named in the report and they're Wally Krueger and Bob Kroll.

ANS: Yeah.

QUES: And this man that you've just described, can you identify him for the record?

ANS: The man—That was him.

QUES: And that's Wallace Krueger.

ANS: Yes, that was Wallace Krueger.

QUES: That's the one with the mark on his face that you were asking why he hurt your friend?

ANS: Yeah.

QUES: Please continue.

ANS: Okay. So um around this time police cars starting arriving so my friends and I decided it would be best to sit down. I don't know how many friends were sitting down with me. It was like three or four. Not the whole group. Because we didn't want to, you know cause more disturbance and make things more confusing so we separated ourselves, sat down on the corner or on the curb of the sidewalk. And this would be the time that um one of the men would have hit Paul. And I did not witness it.

QUES: You didn't. Okay.

ANS: Yeah. And so like that happened as the police cars were arriving. And then moments later like anywhere from half a minute to a couple minutes later the police were out, they were—they appeared to be assessing the situation as to what was going on. The two men had attacked [REDACTED] and the one man who was part of the group, who attacked [REDACTED] I were standing around—they were not being detained in anyway. The police—Where they started detaining [REDACTED] is kind of foggy. Somewhere around there they started detaining [REDACTED] and at the same time, one of the two men who attacked him came up behind me as I was sitting on the curb, kicked me in the head, in the back of the head. I'm pretty sure I fell on the ground and then he kicked me in the face I think two times. So it was three kicks in total.

QUES: Can you identify that man?

ANS: I can't because he kicked me in the face and then got away. He came from behind me and attacked me and then when he was attacking me, the attack was happening in my face. And so like I couldn't see anything plus after the attack happened, I was not very

aware of what was going on. Like it really really affected my brain. Like somebody had to tell me that I had just been attacked and I needed to wipe blood off of my face. So I can't identify who it was. Other people who witnessed it said that it was Robert Kroll and we have witness statements that mention that. I myself can't say one guy or the other.

QUES: Alright. We have a picture here of Robert Kroll. Did you see him there that night?

ANS: Robert Kroll I saw but I saw him at a distance. So I couldn't really like he wasn't like really close. Like this guy I could see the mark on his face from getting hit or whatever happened to him. I couldn't see the other guy too well at all. And after getting kicked in the head, like I have a bad memory of it but -Yeah.

QUES: When you saw him, did he appear to be one of the -I mean was he wearing plain clothes?

ANS: He was wearing plain clothes, yes.

QUES: Do you know if he was one of the two men in the truck? Were you able to ascertain that or not really?

ANS: Not really.

QUES: Okay. Alright. So I think you've narrowed it, taken up to the time that you had been kicked.

ANS: Yeah.

QUES: Then what do you remember after that?

ANS: After that my friends held me and apparently around this same time, another person mentioned that they tried to intervene and they were pushed down by an on-duty police officer.

QUES: One of your friends?

ANS: Yeah. [REDACTED] had tried to protect me from this guy who was kicking and she was stopped from doing that. Um. So I think I laid there for a moment after the -my attacker had stepped back and removed himself and left the situation. My friends pulled me up onto my feet, um, tried to bring distance between me and all the officers and told me there was blood on my face. They told me I had just been attacked. They were trying to inform me what was going on. I was really -I was relatively incoherent from the attack. I couldn't comprehend what was going on. They had to tell me that Jack was being arrested and I was asking why. And then it started coming back in, you know like asked what had happened but still everything was kind of -my sequence of events -my memory of the sequence of events was somewhat choppy.

QUES: Did you get some medical attention?

ANS: I didn't, unfortunately. I walked into the—At that point, I walked into the Old Science Renovation building which was hosting Art-A-Whirl event. And I got on the — I asked the permission to get on the mic and I talked to people and asked people who were willing to be witnesses to call me. And then I was asked to leave because they wanted to remain neutral so I was escorted out of the building. And at that time they were, I was watching the people —the men Wallace Kreuger and Robert Kroll exit the scene untouched by the on-duty police officers.

And I was watching the officers standing in a line between a group of people from the Art-A-Whirl event from the Old Science Renovation Building, questioning the police officers and asking why those men were allowed to leave. The officers said they were just doing their duty. And that —Well the people in the crowd, it was a relatively small crowd if they were—if the two men were police officers and why they were being let go. And the on-duty officers mentioned it was a large district or a large precinct and they didn't —There is a lot of people who are part of it and they have no idea who these men are. So they basically stated they don't know who the men were although they were not —not questioning the men, they were not detaining the men for what many people described as drunken or intoxicated behavior, violent behavior. Many people were saying those men attacked that man, that man being [REDACTED]. We think that those men are drunk and so on. So they're spitting these allegations out to the cops who —the on-duty officers who were not doing anything to detain the men from leaving the scene. Once the men leave the scene, that is when the police officers got in their car and drove J [REDACTED] back to the detention or to downtown I suppose.

One officer stayed behind, Officer [REDACTED] and he took statements from people, offered medical advice or places—He offered information on places to get medical attention and legal advice. And um. He told us those men were indeed officers of higher ranking than himself or anybody or any other officer that was there. He didn't say who they were. And it was through other investigations that we found out who they were. And um. Yeah. So. That was pretty much it.

QUES: Alright. We'll go off record for a second.  
Back on record. We're going to look at one of the police reports and ask you some questions from this and I understand that you kind of came in the middle here so this might not apply to you.

ANS: Yeah.

QUES: Did you see anybody assaulting the police officers at any time?

ANS: I saw no one assaulting any police officers at all.

QUES: And the two plain clothes guys, Kroll and Kreuger? Did you see anybody assaulting them?

ANS: I saw no one assaulting them either.

QUES: Okay. I guess you stated that Sgt. Krueger already had the mark on his face when you got there, right?

ANS: Mmhmm [Yes.]

QUES: You didn't see that happen?

ANS: Mmhmm [Yes.]

QUES: How about this—how many people—what was the totality of the number of people surrounding the officers when you came? How many people were there?

ANS: It's hard to say. It was a really small group. And it didn't even involve anybody—all the people that I was there with. Um. I'd say there was six or eight people surrounding Wallace Krueger when I stepped out of the alley. And it wasn't really a surrounding, it was more like a grouping near. Like they weren't in a circle or anything.

QUES: Do you have any sense of how intoxicated [REDACTED] was?

ANS: I don't.

QUES: I think that pretty well covers it. Anything else you want to state at this time?

ANS: No.

QUES: Okay. Has this been true and correct statement to the best of your knowledge?

ANS: Yes.

QUES: Okay. Or have you received any promises or threats from anyone as inducement to give this statement?

ANS: No.

QUES: And when the statement is transcribed, are you willing to read it, make any necessary corrections, sign it and return it to us?

ANS: Yes.

QUES: Okay that concludes this statement. Time is now 4:16PM.

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

STATEMENT OF [REDACTED]

PLACE: Minneapolis Civilian Police Review Authority  
DATE: February 8, 2005  
TIME: 1:59 PM  
CASE NO: 04-2153  
INVESTIGATOR: [REDACTED]

REC'D FEB 16 2005

QUES: Sir, please state your full name and spell the last name for the record.  
ANS: My name is [REDACTED] and my last name is spelled [REDACTED]

QUES: What is your current mailing address if you wish to provide that?  
ANS: I actually don't have one.

QUES: And do you have a current telephone number?  
ANS: No.

QUES: Could I- Would you mind, I think I probably have it, in fact, I'm sure I do but would you mind telling me what your dad's number is again as perhaps a contact.  
ANS: It's [REDACTED]

QUES: And what's his first name?  
ANS: [REDACTED]

QUES: With an [REDACTED]  
ANS: Yeah.

QUES: Great. And what is your age and date of birth, please?  
ANS: [REDACTED]

QUES: Alright Mr. [REDACTED] going back now, referring to May 14, 2004, last summer or last spring, approximately 10:30 PM, you came into contact with two Minneapolis police officers, did you not?  
ANS: Yeah, sounds right.

QUES: Did you know- I know the background of this but of course this is for the record so did you know when you first encountered them or they first encountered you that they were police officers?  
ANS: No, I didn't find out until Monday which would have been the 17<sup>th</sup>, I guess when I talked to the investigator.

QUES: That whole time. Oh, a police investigator?  
ANS: Yeah.

QUES: And so that whole time, did you know, did you have any idea that you were dealing with police officers?

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ANS: No, I didn't. I thought they were just random drunks, I guess.

QUES: And just to pick that up now, why do you think—why would you say drunks?

ANS: Just 'cause, I don't know— They seemed so violent, I guess.

QUES: Violent?

ANS: Yeah.

QUES: Did you smell any alcohol on them that you remember?

ANS: No, I didn't but I was kind of out of it.

QUES: Yeah. Okay. Just wondering but you kind of assumed by their behavior that they were intoxicated in some way?

ANS: Yeah, in some way.

QUES: Yeah.

ANS: Yeah.

QUES: We'll just start out with just telling me where you were and what you were doing and then what happened when you came into contact with these two men.

ANS: We were— I was with a group of friends, eight or nine people and we were at the Art Crawl Northeast and specifically we were at I think it's called Old Science Furniture Excursion on 14<sup>th</sup> and Marshall. And we just went in there to look at their art and eat the party food and hang out. And then on our way out, I was crossing the street and I didn't— I didn't actually see them get out of their car and come up to me.

QUES: You didn't?

ANS: No. I was in the middle of the street looking back to cross and then they had gone past me, stopped and got out and I wasn't paying any attention to them really. So, I didn't see that part. I didn't notice them until they just came up to me and started hitting me so. . .

QUES: Can you describe that in some detail about which way you were facing, where you felt the first blow, stuff like that? If you can remember.

ANS: Well, I was just facing away from them.

QUES: Were you looking back toward the warehouse or the bar?

ANS: No, I mean, I was in the middle of the street looking, which direction would that be? North?

QUES: Off to your right? North.

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ANS: Off to my right and so they were to my left.

QUES: So where do you remember getting hit first?

ANS: I just remember kind of getting shoved and I look around and heard guys there and they just, I don't know.

QUES: They started throwing punches or what did they do?

ANS: Yeah, they did and they knocked me down, I think because I was on the ground. And one of them was sitting on me and hitting me. And then my friends came over and they kind of turned into a-

QUES: Melee?

ANS: A brawl. Yeah, a melee. After that I don't remember a great deal of the fighting after that. I guess- Well, I was drinking. So I was a little drunk and also I hit my head.

QUES: When you went down or what?

ANS: Yeah.

QUES: Not before you encountered these guys?

ANS: No.

QUES: Yeah. Okay.

ANS: So the next thing I remember was sitting on the sidewalk and my cousin, Zoe was trying to help me up. And then I was - I was telling her that we had to find these guys and apologize because-

QUES: Really?

ANS: Yeah, I just assumed because there were two of them and eight of us. I was like, "Oh no, those poor guys. They must be hurting." So, "[REDACTED] let's find those guys. Let's say sorry." She was like, "No, just stand up. We need to leave." And like a few seconds later, I think the first or not the first but some police officers got there and they hauled me off and put me in cuffs and threw me in the back of the car.

QUES: Here's a question off the flow of the facts there but were you ill that night? Did you get physically sick?

ANS: Yeah. I did.

QUES: Did you end up throwing up?

ANS: Yeah. I had them stop the car.

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QUES: That was alleged, I just wanted to see if you remembered that when it happened or not. What about- What did they - Do you remember them saying anything to you when they first encountered you or first came at you and shoved you as you say?

ANS: No, I remember some vague cursing. They just seemed they were angry. I think, if my cousin [REDACTED] or [REDACTED] think were watching me out on the street so they might have seen it from when they got out or may have heard better what they said. I mean, I wasn't even thinking about them until-

QUES: What is that, I'm sorry?

ANS: I wasn't even thinking about them until they -

QUES: on you?

ANS: Yeah.

QUES: Did- What- It seems to be the general consensus from a lot of the witnesses, independent witnesses, and some of, while I guess, I think, [REDACTED], I believe, whoever else. Oh [REDACTED] think was watching. Anyway, and the police officers, one of them gave a supplemental statement and said that you had hit their truck with your backpack or book bag. What about that? Do you have any idea?

ANS: No, I don't. I don't remember that. I mean, I believe it but I don't remember doing it.

QUES: You don't remember?

ANS: Yeah. It's, I think, I don't know. I mean, it was more of a- I mean, it sounds- it seems like it sounds worse in the report but it was like a purse.

QUES: Like a letter bag or something or what?

ANS: It was just canvas. It had room for - It just had a book in it. A paperback book.

QUES: Oh, just a paperback book?

ANS: Yeah.

QUES: So, how heavy would you think that whole bag would have been?

ANS: I don't know.

QUES: Any estimate?

ANS: A pound. I mean, I had pencils in it and stuff.

QUES: You had no heavy object in it?

ANS: No, that was the one thing we couldn't find them on the ground after so. . .

QUES: Couldn't find yours?

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ANS: Yeah. And I never got it back. It's just gone. So. . . I don't know. It seems a little suspicious to me, you know. Though I had it, you know, I would hold it up and be like-

QUES: Hang on. We'll go off record for a moment. Back on record. So you don't remember what they said to you, if anything?

ANS: No.

QUES: Do you remember what the officers looked like? Who picked you up and handcuffed you and put you in the squad car?

ANS: No.

QUES: Would you recognize either of the two men's picture who allegedly assaulted you?  
ANS: Yeah, I might.

QUES: Alright. I'll try that. I'll show you some pictures and see if you can identify who the men were that you allegedly attacked you. We'll go off record a moment. Back on record. Mr. [REDACTED] I'm showing you a picture of Sergeant Wally Krueger and you've stated that you do- You think you recognize him as one of the men who assaulted you that night?

ANS: Yeah.

QUES: And what role in that alleged assault, did Sergeant Krueger play to the best of your knowledge?

ANS: He was the guy who sat on me and punched me in the head a few times.

QUES: And what about, I've shown you this picture of Sergeant Robert Kroll. Are you able to recognize him? Well, I guess you stated off record that you weren't too sure about this guy. What do you say now?

ANS: It could be him. I didn't- I mean, if I-It could be the guy who knocked me over in the first place but I think he was mostly mixing it up with my friends after that too. Yeah, I didn't see too much of him, of the two.

QUES: So you say you remember being struck by Sergeant Krueger, the more balding of the two?

ANS: Yeah.

QUES: And where did he strike you?

ANS: In the forehead.

QUES: Really?

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ANS: Yeah.

QUES: How many times would you say?

ANS: I think three or four. I think that's when-

QUES: friends and sister came in?

ANS: Yeah. [REDACTED] came over.

QUES: Did you witness anybody, any of those two men, who you now know to be police officers, Minneapolis police officers, did you witness either one of them hit your sister?

ANS: No, I didn't.

QUES: Did you witness either one of those men, Krueger or Kroll, hit anybody else, your friends or anything?

ANS: No, that would have been behind me, kind of on the sidewalk when I was laying my head going back towards the sidewalk so everything that went on behind me, I kind of miss. So . . .

QUES: Where did you—When they knocked you down or when you fell down or were knocked down, where did you end up in the street in relation to the curb with the warehouse? How close were you to the sidewalk?

ANS: I think we were not—I was in like the parking lane but maybe like half way out.

QUES: From?

ANS: Like if here's a car's distance from the curb it would be kind of my upper body would be that close.

QUES: Okay. So, you say there's sort of a lane where cars are going to be parked so you were kind of in that general area?

ANS: Yes.

QUES: With your head pointing toward the curb?

ANS: Yeah.

QUES: Do you know what building— Do you remember what building would have been Dusty's Bar that night?

ANS: Yeah. It's—

QUES: Right next door is it?

ANS: It's a little brick building. Yeah.

QUES: Can you tell me—Do you remember where you were in relation to that bar, up or down the block?

ANS: I think we were — I think we were closer to— in front of the art building. I think it has like a garage door and then a main entrance sort of thing and I think the garage door was towards Dusty's.

QUES: Okay.

ANS: I think we were over by that door but—

QUES: So maybe in-between the two?

ANS: Yeah. It was—I remember seeing it there was a lot of people on the sidewalk though because it seemed like a lot of people ran out and we're watching.

QUES: Any kind of estimate how many?

ANS: No, it wouldn't be worth anything just looked like a lot of people.

QUES: How intoxicated do you think you were? Let me see if I can ask you more specifically. How much do you think you had to drink that night?

ANS: I probably had six or seven glasses of wine.

QUES: Okay. About what time span do you think that was over?

ANS: Four hours.

QUES: Alright.

ANS: I don't know. I mean, I was feeling pretty tipsy but I wasn't perfect to ride my bike but sometimes I should act, you know, I shouldn't act like this but I didn't get that feeling. I was walking around. I was able to walk.

QUES: You weren't out of control or anything?

ANS: No.

QUES: Okay. Alright. What else can you tell me about the incident? It sounds like you covered it, the general facts or occurrences but anything else stand out in your mind that you want to tell me about right now? What injuries did you sustain? How about that?

ANS: It wasn't actually that bad.

QUES: That's good.

ANS: Yeah. I was surprised. I mean, I remember thinking when he was hitting me, like what's wrong with this guy? Why does he keep hitting me in the forehead like that but

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maybe, they just know to do that because considering what happened I looked pretty good at the time I got out of jail, so . . . .

QUES: Better than the nose and the eyes and mouth.

ANS: But yeah, they— I think I got my phone call, I think at like four in the morning because I was done with booking and all that. And I called my sister and she's like, "Oh, my God. You're alive." You know, like, you hit your head so hard.

QUES: When you fell?

ANS: Yeah.

QUES: So where did you hit it? In the back of your head?

ANS: Yeah. So she's like, you know, they have to treat you if there's something wrong with you. You should go have that go have that looked at because—

QUES: Did you go to the hospital?

ANS: They have a little— I don't know it's called like a Nursing Station or something and I told the guy about it and he just offered me an aspirin so that was about it. So that was kind of —

QUES: Did you talk to a nurse?

ANS: Yeah, I think he was a nurse.

QUES: Oh, he was a nurse.

ANS: Yeah. He had just like this little, it's like a cubicle almost but that was it.

QUES: I'll want to get if you want to give 'em, I would like to get a released filled and signed by you today for your jail records and that.

ANS: Okay.

QUES: I'm going to refer to the police report now and ask you some questions based on that. Off record for a moment. Okay, we're back on record. You've spoken to this, sir, already but I do have this question I would like to ask you again. Did either of these men, who you now know to be Krueger and Kroll, did either one of them ever identify himself as a police officer to you?

ANS: I never heard that.

QUES: Did you— You've spoken to this too but I'll ask you again. Did you witness any attack on [REDACTED] from either of these men?

ANS: No, I did not.

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QUES: Or striking or anything like that from them? No. Did you witness any attack [REDACTED] was in [REDACTED]

ANS: [REDACTED]

QUES: Sorry. [REDACTED]. Did you witness any attack on him?

ANS: No.

QUES: Okay. Alright, referring to police reports, this is I'm going to be referring to a police report written by Sergeant Kroll and not the balding guy but the other guy.

ANS: Okay.

QUES: It's alleged that you were in the middle of the street or a white male, later ID as you they say. "Was in the middle of the street" That would be-

ANS: Marshall.

QUES: Marshall. And you were dancing around and putting your hand up, indicating that you wanted their truck to stop. What about that?

ANS: I don't think so.

QUES: Do you have a pretty good memory of what you were doing at that time even though you were-

ANS: Yeah, I mean, my bike was locked up across the street. So . . .

QUES: That's why you were crossing?

ANS: Yeah.

QUES: Okay. And do you think you might have been dancing around or sort of goofing around or you don't remember?

ANS: Not that I recall.

QUES: What about swinging your bag with a book in it? Do you remember doing that?

ANS: No.

QUES: Swinging it around in a circle or anything?

ANS: No.

QUES: Do you remember what you were wearing that night?

ANS: Yeah, I had black jeans on and some brown boots. What shirt was I wearing?

QUES: If you remember. It's not critical.

ANS: Yeah, I don't know if I ever- I think I got it back but-

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QUES: What about any kind of hat? Did you have a hat on?

ANS: No.

QUES: No hat?

ANS: No.

QUES: It's alleged that you were screaming bizarre—

ANS: Oh, that! Yeah.

QUES: It's been described as a

ANS: moose hat.

QUES: jester style hat. So what did it look like?

ANS: No. Oh, that's right, yeah. It's a moose.

QUES: Oh, so it's actually what? The head of a moose with antlers or what?

ANS: It's all like this stuffed plush.

QUES: So it's really moose?

ANS: No, I think it's fake. Fake fur made out to be— It's got like these plush antlers and big moose nose.

QUES: Oh, okay.

ANS: So yeah, it looked like a jester's hat.

QUES: Alright.

ANS: I guess it is a hat. Yeah.

QUES: Just curious. It's alleged that you were screaming, this is a quote, "screaming very bizarre obscenities and took up a". Well, how about that? "As the two men approached you, Krueger and Kroll, you were screaming very bizarre obscenities." How about that?

ANS: I don't think—I mean, All these things I can't tell you a hundred percent that it didn't happen but I don't—

QUES: Just give me your thoughts as to what you really think. You don't think so?

ANS: No. No.

QUES: And then it's also alleged that you took up a "fighting stance" toward the officers.

ANS: No.

QUES: And it's also alleged that you approached the two men, Krueger and Kroll, punching and swinging the bag at them. How about that?

ANS: No.

QUES: Did that happen?

ANS: No.

QUES: And then it's also alleged that you struck Sergeant Krueger, the man with less hair, you struck him in his eye causing severe swelling. What about that?

ANS: I don't think I did it.

QUES: And why don't you think you did it?

ANS: Because I think they knocked me over as soon as, you know, aware that they were there. And then he got right on me after that.

QUES: Yeah, okay. We'll go off record for a moment. Sir, it's alleged in the police report that Sergeant Kroll evidently— You appeared to Sergeant Kroll, you and your friends to be gothic or anarchist types of individuals. Is that an accurate statement? Are you an — Do you participate in anarchist-type politics? You don't have to answer that but you can if you want.

ANS: No. No, I don't.

QUES: Did you witness any of the altercation— You know, you've mentioned that [REDACTED] came out and how many others came out to assist you and her do you think? Flora's your sister, right?

ANS: Yeah. I think [REDACTED] I know [REDACTED] came over. I think she dragged me back onto the sidewalk eventually. That I can for sure remember seeing, it would be those two. But I believe more people did.

QUES: It's alleged in the police report that a mob of approximately 20 men and women were punching, kicking and scratching the two officers. Did you witness anything like that?

ANS: That seems loudly inflated. I don't think there was even ten of us.

QUES: Okay.

ANS: I don't think all of my friends were fighting with anything.

QUES: Yeah, they're not naming the people so I don't mean to imply that it was your friends particularly but you think that's overstated by about ten?

ANS: I was there with I think about ten people but I think some of my friends were still on the sidewalk at that point. I believe [REDACTED] wasn't.

[REDACTED]  
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QUES: Did you witness anybody punching, kicking, or scratching the officers or the two men, Krueger and Kroll?

ANS: No.

QUES: What did you witness, if anything, with contact between them and other people.

ANS: I saw [REDACTED] kind of collide with him. Him would be Krueger, I guess who was sitting on me. And he was just kind of swinging at me like this and she came in, kind of on the side, was trying to push him off.

QUES: Okay. I'll just identify-- Here, we'll go off record for a moment. Sir, you stated a moment ago that -- You showed me, when you said Sergeant Krueger was hitting you like "this". Can you describe for the tape how "this" was?

ANS: Yeah, he was sitting kind of on my stomach and just bending over my face and kind of pounding on my head with both hands. So. . .

QUES: And you motioned like he was kind of almost-

ANS: kind of one, two, one, two.

QUES: -roundhouses kind of?

ANS: Yeah.

QUES: Punch. Punch. Were they--How would you characterize the force of the blows? Did they hurt, for instance?

ANS: Yeah, it hurt. I just remember-- I mean, it's odd what you remember but I just remember, thinking it was really odd that he was just hitting me on the forehead.

QUES: Were you arms pinned down? I don't know if you were trying to cover up your face or what you were dealing with your arms?

ANS: I don't know.

QUES: Off record. It's alleged-- The police report alleges that after you were first assaulted by -- well, they don't say that but anyway that you eventually got to your feet. Is that true? Did somebody help you up or were you just sitting there?

ANS: When the arresting officers came up, I was sitting on the sidewalk and I don't believe [REDACTED] dragged me all the way over there by herself so I probably-

QUES: walked over?

ANS: Yeah, I'm sure she probably helped me.

QUES: And then you sat down on the sidewalk?

[REDACTED]  
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ANS: Yeah.

QUES: Or on the curb?

ANS: Yeah. And I mean, I must have been there for awhile. I'm not sure when the first call was and how long it took them to get there but I mean, they probably called before I got punched, you know. It was probably sometime around then. It's like, oh, my god there's a fight outside. So, yeah, I think must have just been sitting on the sidewalk most of the rest of it.

QUES: Okay.

ANS: But I believe— And then I must have been blacked out or something.

QUES: It's alleged, "they were attempting to get AP1 [REDACTED] his feet and back to a vehicle." Does that sound at all accurate?

ANS: Could they be talking about a bicycle?

QUES: No. It's a vehicle, means motorized vehicle.

ANS: No.

QUES: Was anybody driving that night?

ANS: No.

QUES: And that's a no for the—

ANS: That's a definite no.

QUES: And it's alleged that Krueger and Kroll were again, after they say you were on your feet, trying to get to a vehicle they allege. But you've stated that that's not the case, Sergeant Krueger alleges that he and Sergeant Kroll were again attacked or no, "again assaulted by the angry crowd."

ANS: No, I don't think the crowd was really that angry. I mean, they were just kind of shocked but— I think there was like me and four or five other people. Because nobody knew they were cops at this point. So it was just like, 'Wow, here's these two raging beefy lunatics,' so. . . Let's go help [REDACTED] out.

QUES: We'll stop and flip the tape over. [Side B] Alright, what about, it's alleged that Sergeant Krueger got punched in the eye, now this is from witnesses that have made statements, it's alleged not from the police report but from witnesses that he got hit in the eye by like a bystander or somebody who came out of—

ANS: Oh.

QUES: What do you know about that? Did you witness anything like that?

[REDACTED]  
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ANS: I heard about it.

QUES: Just heard about it.

ANS: When I got out. I never saw it.

QUES: What did you hear as far as who the person was? Do you remember?

ANS: It's some guy just walked out of Dusty's like that second, I guess.

QUES: He punched Sergeant Krueger in the eye or in the face?

ANS: Yeah, because [REDACTED] was – that must have been when he was fighting with my sister, [REDACTED] because the guy was like, "Never hit a bitch like that." And he just hit him right in the eye and ran off some place.

QUES: But you didn't witness that as you've stated?

ANS: No. I believe [REDACTED] said that maybe someone else. I don't know.

QUES: You were taken to jail, you say and you didn't, you weren't treated for you injury to your head?

ANS: No. Yeah, he was kind of–

QUES: Did you ask to go to the hospital?

ANS: No, I told him–It must have been a sheriff that I was worried about whether I had a concussion or not. I wanted someone to look at my head so he sent me to the nurses station. And the guy offered me an aspirin.

QUES: Didn't check you for a concussion as far as you know?

ANS: No. No, he didn't. He was kind of snide about it.

QUES: Did you ever get examined after that night or early morning to see if you would have had a concussion?

ANS: No.

QUES: Do you think you did have a concussion?

ANS: It would make sense because there's a good few minutes in their–

QUES: That you don't remember?

ANS: Yeah, between when I was laying in the street and between when I got arrested. It must have been a couple minutes at least. It's just, I don't remember anything. Yeah. And that was right after, so . . . .

QUES: Do you have a memory of yourself falling and how hard your head hit the ground?

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ANS: Yeah. I just remember being basically shoved over.

QUES: Shoved over and then you landed on the back of your head or kind of on the side?

ANS: Yeah, it would have been the back because I was kind of, I mean, I was facing kind of straight away from that. I kind of turned into them as they came up and they were just—

QUES: Pushed you back?

ANS: Yeah, and that's when I heard them shouting . . . .

QUES: I'm assuming you didn't get a chance to get your hands behind your head or anything before your head hit the ground?

ANS: No.

QUES: It was in the street where you fell?

ANS: Yeah.

QUES: Alright. We'll go off record. Back on record. Sir, the complaint alleges that Sergeant Kroll and Sergeant Krueger punched you multiple times. What about that? You've stated that you remember Sergeant Krueger punching multiple times in the forehead. Do you think you were punched by Sergeant Kroll? Do you know if you were?

ANS: No. I don't— I mean, he was more the guy I remember knocking me over but I don't remember him punching me, no.

QUES: So you remember him pushing you?

ANS: Yeah, when I turned around, he's the guy I saw.

QUES: And then the other one got on top of you?

ANS: Yeah.

QUES: Krueger?

ANS: Yeah.

QUES: Alright. Well at this time, is there anything else you would like to add about this incident that maybe I haven't asked you and you think I should?

ANS: No.

QUES: Has this been a true and accurate statement to the best of your knowledge?

ANS: Yes.

[REDACTED]  
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QUES: And have you received any promises or threats from the Civilian Review Authority, that's us, as inducement to give this statement?

ANS: No.

QUES: From anyone?

ANS: No.

QUES: And when the statement is transcribed and sent to you, will you read it, make any necessary corrections, sign it and return to us?

ANS: Yes.

QUES: Very well, that concludes this statement. It's now 2:44 PM.

Signature

[REDACTED SIGNATURE]

Date: 2/13/05

slm

STATEMENT OF [REDACTED]

PLACE: Minneapolis Civilian Police Review Authority Offices

DATE: May 26, 2004

TIME: 3:26 PM

CASE NO: 04-2153

INVESTIGATOR: [REDACTED]

QUES: Would you please state your full name and spell it for the record.

ANS: Um. [REDACTED]

QUES: What is your mailing address?

ANS: [REDACTED] 10000 Hennepin Ave. S. Minneapolis MN [REDACTED]

QUES: [REDACTED]

ANS: Yeah.

QUES: What is your home telephone number?

ANS: [REDACTED]

QUES: Back on record. Do you have alternate telephone number you wish to supply us with?

ANS: Nope.

QUES: What's your age and date of birth, please?

ANS: Um. [REDACTED]

QUES: Ms. [REDACTED] going back now to May 14<sup>th</sup> 2004 at approximately 10:30PM, did you come into contact with an officer or officers of the Minneapolis Police Department?

ANS: Yeah. Yes.

QUES: Please tell me where you were and what you were doing and then what happened.

ANS: Okay. Um. I was at an art opening at Old Science Restoration on Marshall Avenue and 13<sup>th</sup> Street NE. And I was sitting outside with two of my friends. We were kind of waiting for all of my friends to be ready to leave. And um. I saw my brother, Jack Mahaffy start to cross the street. He crossed the—across the first lane because there weren't any cars coming and then waited in the middle and cars were going by there. And he was kind of dancing around or waving his arms or something, I don't know exactly what. I know he wasn't being aggressive thought. But—And suddenly the—this dark SUV by him, he may have hid it with his bag or something along those lines and it pulled up past him to the light and stopped.

At this point, he was turning around walking back towards us. I got kind of nervous because both of the doors of the SUV opened. These two guys jumped and I thought they were going to come and have words with him or whatever. And um. Then they

started running at him, his back was at 'em, he was walking away. They caught up with him back on the sidewalk and grabbed him and started punching him. And just like they were both holding him and hitting him. And I ran over and I—I grabbed one of the guys shoulders from behind and pulled him away. And then we both kind of fell towards the ground. I fell onto the ground facing up and then this guy turned around and was on top of me and started hitting—he punched me in the face, in the forehead.

Should I describe what—It's

QUES: We've off the record—we've pulled the police report and the two officers are identified in the police report in this regarding this incident are Wally Krueger and Robert Kroll. And you've identified earlier, you identified that it was—by his picture here as you're looking at that it was Wally Krueger who punched you in the face.

ANS: Yeah.

QUES: Okay. Please continue.

ANS: Okay. And while I was there, my friend [REDACTED] and [REDACTED] were also there. And I think they were just kind of yelling at these guys to stop. And um. After I got punched, um, I just kind of crawled away and sat down maybe about eight feet away. Like my eyes were closed for a good while and when I opened 'em and started looking around again, [REDACTED] was sitting over by the bikes with [REDACTED] his glasses were broken. He wasn't wearing his glasses and his mouth was bloody. And Kroll, Robert Kroll was on the phone standing another distance talking with Krueger and this third woman. So I went over to [REDACTED] and I was just sitting with him for awhile and um, we were talking about trying to get home or go home. But then we heard the police were coming so we weren't worried about these guys attacking us anymore because it was over and the police were coming. So we were like we'll just wait here. [REDACTED] didn't seem like really ready to bike home at all.

So I was sitting with him and then a little pretty soon after some officers arrived on the scene and they were just standing around. They were I guess seeing what was happening. I don't really know that they were doing anything. They might have been, the ones that I was watching or something. And my cousin, [REDACTED] was really upset and she was like yelling about what had happened, how these guys attacked us so I just went to calm her down because I didn't want her to get arrested or something. So I just went and sat her down next to my friend [REDACTED] and I was just kind of sitting with them, like trying to soothe her whatever. And um. Then I looked over and saw Robert Kroll about six feet away and he ran towards us and he kicked [REDACTED] in the face.

QUES: Dan was sitting down?

ANS: Yeah.

QUES: Let me stop you there just for a second and say you are also identifying him, he's named in the police report and we are looking at his picture now too, Robert Kroll's picture and you're identifying him as man in question here. Who kicked [REDACTED] and was involved in this incident as well.

ANS: Yeah.

QUES: Okay. So why—What—Did you—What prompted him to do that out of curiosity? Did you see any reason that he came running toward.

ANS: I don't know—I mean I was—Like it was very surprising.

QUES: Yeah.

ANS: And it's hard because um—after I got punched in the face, like the incidences are very clear in my mind but things like that led to—from one thing to the other, you know like the violent incidences stand out really clearly. But it's all confusing as to what everyone was doing around us. I just know that me and [REDACTED] and [REDACTED]

QUES: were sitting there.

ANS: Yeah.

QUES: And you looked up and here came

ANS: Yeah.

QUES: Bob Kroll kicked him in the face?

ANS: Yeah. In the like, around the jaw area or just like around the side of his face.

QUES: Wow. Once or do you remember?

ANS: I think it was three times. More than once. And then he just kind of walked away. Like. It wasn't--

QUES: He being Robert Kroll just walked away.

ANS: Yeah. He didn't even really say anything. And then at the same time, my friend [REDACTED] stood up and was like "Get away from him." And a police officer who was three feet away grabbed her and threw her out of the way. And um. Yeah. So. There was that happening and I was sitting with them for a couple minutes just thinking to take care of them whatever. But then I saw that Jack was getting arrested and so I went over to make sure that he was okay. And I think [REDACTED] was watching out for [REDACTED] at that point. So.

Jack was kneeling down on the ground. They were putting handcuffs on him. Um. Yeah, they just kind of took him to the squad car. I mean I was like—I was really upset just saying, "Why are you arresting him? What are you arresting him for? Why aren't you arresting this—these other people?" And the officers were saying they were

just calming the situation down. They were just doing their job. And then Jack just said, "I'm alright. I'm just going to go. Don't get upset about it."

So that was --that was pretty much the end of the incident once those --the two guys attacked us left and got in their car and drove away. Jack was already in the squad car at this point and then all the squad cars left and --except for one guy who stood around and was still talking to people. I wasn't talking to him but then they asked to see my forehead because I had big like golf ball swelling thing on my forehead and I went and showed the officer. But I didn't really talk to him. And then we all went home.

QUES: Okay. Any photos of your forehead?

ANS: Um. My friend took a picture that night and --

QUES: Which friend?

ANS: His name was [REDACTED]

QUES: But he wasn't there?

ANS: He was there but he was like inside the building. So.

QUES: It would be good to get a hold of that photo if you could as evidence.

ANS: Yeah. It was taken in the dark so you can kind of see it but you kind of can't. But I'll bring it for something.

QUES: Yeah. Great. Remind me if--I'm going to ask you a few questions based on police reports. And you can respond to 'em. It's alleged that in one of the police reports that your brother [REDACTED] was in the middle of the street dancing around and putting his hand up indicating that he wanted this vehicle to stop. Did you see anything like that? Is that consistent with what you saw?

ANS: Um. Well he was in the middle of the street waiting to cross. I don't think he was trying to indicate anything to any specific vehicle. I think he was just. I don't--I mean from what I saw he wasn't really looking at that car because he didn't see it pull up and stop further on.

QUES: Okay. And then it is alleged that [REDACTED] was --two officers got out of their truck and approached and it's alleged that [REDACTED] was screaming. Did you hear him saying anything or

ANS: No.

QUES: screaming first of all or saying anything?

ANS: No.

QUES: It's also alleged that he was screaming very bizarre obscenities. And you didn't hear anything like that either?

ANS: No.

QUES: Well you've described pretty much went on but did you ever see him at any time take up a fighting stance to these two men?

ANS: No.

QUES: And you were watching him the whole time?

ANS: I was watching him the whole time until they started hitting him then I went over to \_\_\_\_\_.

QUES: And it's also alleged that he [REDACTED] struck Sgt. Krueger in his eye. Did you see that? Was there anyway that would have happened?

ANS: Um. I didn't see it happen until the point that I pulled um Krueger off of him and I guess something could have happened in there that I didn't see. But while I was watching him I didn't see.

QUES: Alright.

ANS: I didn't see them touch each other at all until—until those guys caught up with him on the sidewalk and grabbed him.

QUES: Okay. Right. It's also alleged that there was at one point a mob of approximately 20 men and women that were punching, kicking and scratching the officers. How would you respond to that?

ANS: No. I would say at the most there were three people besides [REDACTED] when that happened. Um.

QUES: How about a little later?

ANS: A little later there was a lot of people there like yelling at them but I mean after the initial thing nobody really touched those guys.

QUES: Okay. That covers it pretty well. Um. Anything else you can think of that you want to add at this point?

ANS: No. I don't think so.

QUES: Okay. Has this been true and correct statement to the best of your knowledge?

ANS: Yes.

QUES: Okay. Or have you received any promises or threats as inducement to give this statement?

ANS: No.

QUES: And once it has been transcribed and sent to you, will you read it, make any necessary corrections, sign it and return it to us?

ANS: Yes.

QUES: Okay that concludes this statement. Time is now 3:41PM.

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

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