



Minneapolis
City of Lakes

Police Department

Timothy J. Dolan
Chief of Police

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

Office 612 673-2853
TTY 612 673-2157

March 17, 2010

Officer Dean Milner
Third Precinct
Minneapolis Police Department

Officer Milner,

RE: CRA Case Number #05-2251
LETTER OF REPRIMAND

The finding for CRA Case #05-2251 is as follows:

MPD P/P 5-303 Use of Force...SUSTAINED (Category B)
MPD P/P 5-103 Use of Discretion...SUSTAINED (Category C)

You will receive this Letter of Reprimand. This case will remain a C violation and can be used as progressive discipline for five years until 7/3/2010, which is from the date of incident. The case will remain in the IAU files per the record retention guidelines mandated by State Law.

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

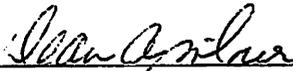
Sincerely,

Timothy J. Dolan
Chief of Police

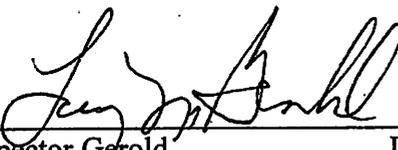
BY:
Scott Gerlicher
Deputy Chief



I, Officer Dean Milner, acknowledge receipt of this
Letter of Reprimand.

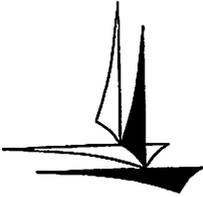
 3/23/10

Officer Dean Milner Date of Receipt

 3/23/10

Inspector Gerold Date

CC: Inspector Gerold
Personnel
IAU



Minneapolis
City of Lakes

Civilian Police Review Authority

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

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157

June 16, 2006

CHIEF TIMOTHY DOLAN
MINNEAPOLIS POLICE DEPARTMENT
130 CITY HALL
350 S 5TH ST
MINNEAPOLIS MN 55415

RE: Complaint No. 05-2251

Dear Chief Dolan:

I am submitting to you the Civilian Review Authority Board's Findings of Fact and Determination in this complaint.

In accordance with Title 9, Chapter 172 of the Minneapolis Code of Ordinance of the Minneapolis Civilian Police Review Authority, in particular, Section 172.130, you are required to make a disciplinary decision based upon this information and to provide the Civilian Review Authority and the Mayor with a written explanation of the reason for your disciplinary decision.

If you have any questions or concerns, please contact me.

Yours truly,

Samuel L. Reid II
Interim Manager

SLR:sp

enc

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY
400 SOUTH 4TH STREET
1004 GRAIN EXCHANGE BUILDING
MINNEAPOLIS, MN 55415
(612) 673-5500

NOTICE OF HEARING

Complaint No. 05-2251

Complainant: [REDACTED]
Officer(s): Dean Milner (Badge #4807)

To The Above Officer(s), His/Her/Their Counsel, Manager of Minneapolis Civilian Police Review Authority, Complainant and Panel Members:

Please take Notice that a Hearing shall be held in this matter in Room 135 Grain Exchange Building, 400 South 4th Street, Minneapolis, Minnesota at **6:30 p.m. on May 24, 2006.**

At the hearing, the review authority manager shall present the investigatory findings of fact and recommendations to the panel. No person other than the review authority manager and the panel members shall be present during the presentation and discussion of the case. At the close of the case presentation, the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint.

Please be prompt. Failure to arrive at the start of the hearing will cause you to lose your opportunity to address the panel.

I have appointed the following members of the Authority to serve as the Hearing Panel in this matter:

[REDACTED] (Chair)

ANY MEMBER NOT ASSIGNED TO A PANEL MAY SERVE AS ALTERNATE

The hearing will be conducted in accordance with Title 9, Chapter 172 of the Minneapolis Code of Ordinance of the Minneapolis Civilian Police Review Authority, in particular with Section 172.100. For further information about the hearing process, please refer to the ordinance and administrative rules that can be found on the City's website: www.ci.minneapolis.mn.us/cra.

On Behalf of the Minneapolis Civilian Police Review Authority,


Michael Weinbeck, Board Chair

Date: April 11, 2006

MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT

GARRITY WARNING

TO: Off. Dean Milner

DATE: 8/2/05

FROM: Chief William P. McManus

RE: CRA Case 05-2251

Investigator: [REDACTED]
Direct phone 612-[REDACTED]
CCN#

I have been informed by the Civilian Review Authority that they are conducting an investigation in which they need your cooperation in a question/answer statement.

At this time, you are being advised of the Garrity Warning pursuant to Department policy. Please sign and date this, as it will be your acknowledgment of your receipt and understanding of the Garrity Warning and this notification.

Forward this notification back to IAU within five (5) days, also within these five (5) days, you must call the CRA investigator listed above, at the Civilian Review Authority (CRA), at 673-5500, Monday through Friday 0800 to 1600 hours. An appointment must be made with the investigator for your statement.

Failure to comply with this order will result in a Category B violation and disciplinary action.

YOU ARE BEING ORDERED TO GIVE A STATEMENT REGARDING MATTERS PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT AND YOUR FITNESS FOR DUTY. THIS STATEMENT IS COMPELLED BY GARRITY AND CANNOT BE USED IN CRIMINAL PROCEEDINGS AGAINST YOU EXCEPT IN CASES OF ALLEGED PERJURY.

Signature William P. McManus #407 date Aug 3, 2005

WPM:bas

REC'D AUG 24 2005

MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT

GARRITY WARNING

TO: Off. [REDACTED] witness

DATE: 8/10/05

FROM: Chief William P. McManus

RE: CRA Case 05-2251

Investigator: [REDACTED]

Direct phone 612-[REDACTED]

CCN#

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[REDACTED SIGNATURE]
Signature

8/17/05
date

WPM:bas

MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS UNIT

GARRITY WARNING

TO: Off. [REDACTED] witness

DATE: 8/10/05

FROM: Chief William P. McManus

RE: CRA Case 05-2251

Investigator: [REDACTED]

Direct phone 612-[REDACTED]

CCN#

~~I have been informed by the Civilian Review Authority that they are conducting an investigation in which they need your cooperation in a question/answer statement.~~

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[REDACTED SIGNATURE]

Signature

8/12/05
date

WPM:bas

NOTICE OF COMPLAINT
Civilian Police Review Authority
400 South Fourth Street, Suite 1004
Minneapolis, Minnesota 55415-1424
612-673-5500

File: 05-2251
Date: July 21, 2005

Officer Dean Milner (Badge #4807):

Notice is hereby given that our office has received a signed complaint alleging the following acts, which may constitute misconduct:

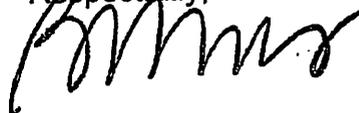
Complainant alleges Officer Dean Milner used excessive force, inappropriate language, displayed inappropriate conduct and harassed complainant when he came to complainant's home.

Officer Milner pounded on complainant's door and when complainant answered, ordered complainant to step out from behind his screen door. When complainant complied, Officer Milner grabbed complainant by the neck and slammed him down on his back onto the ground. Officer Milner put his knee in complainant's chest. Officer Milner accused complainant of threatening a neighbor, asked complainant if he had a problem with people who voted for President Bush and called complainant "a little shit."

This incident occurred on July 2, 2005 at approximately 2300 hours at the location of [REDACTED] Street.

Copies of this Notice will be forwarded to the Deputy Chief of Police for your assignment area and the Internal Affairs Unit.

Respectfully,



Barbara Damchik-Dykes
Manager

cc: Deputy Chief
I.A.D.
Complainant

noc 05-2251

COMPLAINT

CITY OF MINNEAPOLIS
 CIVILIAN POLICE REVIEW AUTHORITY
 400 SOUTH FOURTH STREET, SUITE 1004
 MINNEAPOLIS, MN 55415-1424
 (612)673-5500

CASE NUMBER
 DATE REPORTED
 7/3/05

05-2251
 TIME REPORTED
 1730

Type of Incident
 Excessive Force, Inappropriate Language, Inappropriate Conduct, **Harassment** Code 1,2D, 7, 3D Primary 1

Location Where Occurred Pct. Ward Date Occurred Day of Week Time Occurred
 [REDACTED] 5 13 7/2/05 SAT 2300

Code Name Age DOB Gender Race
 CV [REDACTED] 21 [REDACTED] M

Address City/State/Zip Home Phone Business Phone
 [REDACTED] [REDACTED] [REDACTED]

Charged Officer 1 - Name and Badge No. Race Gender Rank/Assignment Off-Duty
 Dean Milner 4807 W M Officer/Pct 3

Allegations

Complainant alleges Officer Dean Milner used excessive force, inappropriate language and displayed inappropriate conduct when he came to complainant's home.

Officer Milner pounded on complainant's door and when complainant answered, ordered complainant to step out from behind his screen door. When complainant complied, Officer Milner grabbed complainant by the neck and slammed him down on his back onto the ground. Officer Milner put his knee in complainant's chest. Officer Milner accused complainant of threatening a neighbor, asked complainant if he had a problem with people who voted for President Bush and called complainant "a little shit."

I hereby certify that to the best of my knowledge, and under penalty of perjury, the statements made herein are true.

Complainant's Signature [REDACTED]

Date 7/14/05

**CITY OF MINNEAPOLIS
CIVILIAN POLICE REVIEW AUTHORITY
FINDINGS OF FACTS AND DETERMINATION**

Complaint No.:	05-2251
Complainant:	[REDACTED]
Subject Officer(s):	Officer Dean Milner (Badge #4807)
Allegation #1:	Excessive Force
Allegation #2:	Inappropriate Language
Allegation #3:	Inappropriate Conduct
Allegation #4:	Harassment
Case Investigator	[REDACTED]

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172, the Minneapolis Civilian Police Review Authority (CRA) has the authority to hear citizen complaints of misconduct on the part of officers of the Minneapolis Police Department as provided by that section. This complaint was timely filed and has been referred to a panel of the board for hearing.

I. SUMMARY OF COMPLAINT ALLEGATIONS

This complaint alleges that Officer Milner used excessive force, inappropriate language and displayed inappropriate conduct.

It is alleged that Officer Milner came to the complainant's home and pounded on his front door. When the complainant answered the door, Officer Milner ordered him to step out from behind his screen door. The complainant complied and was grabbed around the neck by Officer Milner and slammed down on his back onto the ground. It is alleged that Officer Milner then put his knee in the complainant's chest, accused the complainant of threatening a neighbor, asked the complainant if he had a problem with people who voted for President Bush and called the complainant a "little shit."

II. PANEL HEARING

A three-person panel was appointed by board chair, M [REDACTED] Wembeck, to hear this case on May 24, 2006. The panel included [REDACTED] (chair), J [REDACTED] and [REDACTED]

III. FINDINGS OF FACT

Based on review of the CRA Investigation the complaint investigator finds the material facts regarding this complaint to be:

1. On July 2, 2005, the complainant resided at [REDACTED]. On this date at approximately 21:00 hours, the complainant had a verbal confrontation with his neighbor [REDACTED] of [REDACTED] [REDACTED] regarding a President Bush bumper sticker on Mr. [REDACTED]

2. Later that evening at 22:17 hours, Mr. [REDACTED] called 9-1-1 and told them that his neighbor was harassing him about how he voted and that it was an ongoing problem. At 22:29 hours, the police dispatcher spoke with Mr. [REDACTED] and told him that she was not sending a squad because it was not a police matter and if the male came back and was disrespectful to call the police. The dispatcher then canceled the call. Mr. [REDACTED] stated that the complainant never threatened him but used profanity in front of his children.
3. Officer Milner referred to Mr. [REDACTED] as a friend and Mr. [REDACTED] also stated that he and Officer Milner attend church together.
4. Mr. [REDACTED] telephoned Officer Milner and told him the situation. At the time, Officer Milner was working squad 310 as a field training officer (FTO) with Officer [REDACTED] who was a new recruit officer. Officer Milner then contacted squad 543, Officer [REDACTED], advised him of the situation and asked for his assistance. According to the ECC printout, at 22:31 hours, Officer [REDACTED] told the dispatcher to 'send' the call. Officer Milner met with Officer [REDACTED] at [REDACTED], Mr. [REDACTED] residence. At 23:04, squad 543 advised the dispatcher that he would be out at 2620 W. 58th Street speaking with the threatening party. There is no indication on the printout showing squad 310 out on this call.
5. Officers Milner, [REDACTED] and [REDACTED] went to the complainant's residence and knocked on the door. The complainant responded and spoke to the officers through the screen door. Officer Milner told the complainant to step outside to talk with them. The complainant was reluctant and told the officers that he felt safer standing inside and that he could speak to them through the screen door. Officer Milner told the complainant he had to come outside. With the screen door partially open, Officer Milner grabbed the complainant by the back of his neck and pulled him out of the house and down onto the steps, landing him on his back. Officer Milner then placed his knee in the complainant's chest, holding him down. The complainant did not struggle or resist the officer.
6. Officer Milner spoke to the complainant about the political comments he made to the neighbor, Mr. [REDACTED] then released the complainant. The complainant retrieved Officer Milner's watch and gave it to him. The watch had fallen off when Officer Milner grabbed the complainant.
7. Officer Milner returned to Mr. [REDACTED] residence and informed him that he had spoken to the complainant. Before leaving the scene, Officer Milner discovered that the complainant had an outstanding warrant and returned to the complainant's residence but received no response at the door. Squad 543 cleared the call at 23:09 hours.
8. According to the daily activity report (log), squad 310 was logged out from 22:21-23:01 hours at the location of [REDACTED], assisting on an assault call. At 23:01 hours they responded to [REDACTED] on a domestic abuse complaint.
9. There is nothing on the log indicating 310's contact with the complainant.

IV. RECOMMENDATION

Standard of Proof: The standard of proof necessary to sustain a complaint is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision.

Allegation #1: Excessive Force. It is recommended that this allegation be **sustained**.

The complainant was standing inside his residence with the screen door between him and Officer Milner. As the screen door parted, Officer Milner reached inside and grabbed the complainant by the back of his neck and pulled the complainant out of the house and down onto the steps, landing the complainant on his back. Officer Milner then proceeded to place his knee down onto the complainant's chest.

There is no dispute of the facts that Officer Milner used force on the complainant. The question is whether the force used was justified and reasonable.

MPD Policy 5-303 Justified Use of Force

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

- 1. 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.*

The facts and circumstances of each case determine justification of the use of force. Among the factors that may be considered are the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

When examining the severity of the crime or whether the complainant posed a threat there is no evidence to substantiate that this was the circumstance. Mr. [REDACTED] never accused the complainant of making threats or being verbally aggressive. Officer Milner stated that the complainant was threatening Mr. [REDACTED] and his family but could not recall a specific threat. This is contrary to Mr. [REDACTED]'s statement and his complaint to the 9-1-1 operator and the police dispatcher. The complainant did not pose an immediate threat to the safety of the officers or others, and he did not actively resist arrest or attempt to evade arrest by flight because he was not under arrest. Officer Milner stated he went to the complainant's residence

to investigate a complaint of terroristic threats, (Officer Milner's statement to CRA Investigator [REDACTED] pg. 2), and as a result, the complainant was seized by Officer Milner and his freedom of movement restrained. Officer Milner's response as to why he wanted the complainant to step outside;

"I- Because I usually don't make a practice to speak to someone between a screen door. I mean, this has got some decorative stuff on it and it's much easier to see face to face. Plus, I want to identify the person. I want to know who they are. I want to know if they have weapons on him, things that you can't see through a screen door. And given the, you know, the nature of the threats, I don't know what he has on him, behind that screen door or what he has access to. I'd rather keep him in my proximity." (Officer Milner's statement to CRA Investigator [REDACTED] pg. 5)

Under the Fourth Amendment to the United States Constitution, the objective reasonableness standard applies when an officer "seizes" a "free person." Under the objective reasonableness standard an officer may use that amount of force that is objectively reasonable.

The reasonableness of an officer's use of force is based upon the totality of the circumstances as known by the officer at the moment the force is used. An officer's use of force will not be judged by what "He" believes to be acceptable, rather the question is would a reasonably prudent and well trained officer believe that what the officer did was acceptable.

Officer Milner had no reason to believe that the complainant was a threat to his safety. Officer Milner does not articulate seeing the complainant make any evasive gestures. The complainant had a verbal disagreement with his neighbor, Mr. [REDACTED]. The complainant voluntarily responded to the officers' knock on his door. The complainant cooperated with speaking to the officers. The forceful removal of the complainant from his residence and physically restraining him down on the ground, subjected the complainant to a seizure that was unwarranted and excessive.

Allegation: Inappropriate Conduct/Language. It is recommended that the allegations be **sustained**.

According to CRA Administrative Rule 3; Inappropriate Language, Attitude or Conduct is that language or action, which under the circumstances may be rendered unnecessarily confrontational or otherwise inappropriate.

According to the MPD Policy Code of Conduct 5-103 Use of Discretion; officers must adhere to the following principles in the course of their employment with the Minneapolis Police Department:

Police Action – Legally Justified: *Officers must act within the limits of their authority*

As defined by law and judicial interpretation, thereby ensuring that the constitutional rights of individuals and the public are protected.

Equality of Enforcement: Officers shall provide fair and impartial law enforcement to all citizens.

Loyalty: Officers shall be faithful to their oath of office, strive to uphold the principles of professional police service, and advance the mission of the Department.

According to MPD Policy 5-104 Impartial Policing; The MPD is committed to unbiased policing and to reinforcing procedures that ensure that police service and law enforcement is provided in a fair and equitable manner to all.

According to MPD Policy 5-106 On-Duty Code of Conduct; (3) Employees shall remain alert, observant, and occupied with police business during their tour of duty. When on duty, employees shall devote their entire attention to the business of the Department. It is a violation of this order for employees to conduct personal or private business while on duty or for officers to engage in policing for private interests while on duty.

Officer Milner did not witness the encounter between the complainant and Mr. [REDACTED], and only acted upon the word of his friend, Mr. [REDACTED]. Officer Milner was not able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for forcibly removing and detaining the complainant from his home. This act was both unwarranted and inappropriate.

This complaint alleged that Officer Milner called the complainant "a little shit" as he held him down on the steps with his knee in the complainant's chest. Officer Milner denied saying this, and Officers [REDACTED] and [REDACTED] both stated Officer Milner did not use profanity when speaking to the complainant.

Although there is no corroborating evidence present regarding Officer Milner calling the complainant "a little shit", it is apparent that Officer Milner spoke inappropriately when he chastised the complainant about the expression of his political views during his conversation with Mr. [REDACTED].

Allegation: Harassment. It is recommended that the allegation be **sustained**. The Minneapolis Civilian Review Authority defines harassment as inappropriate words, gestures, and other actions intended to annoy, alarm, or abuse another person (See Minneapolis Civilian Police Review Authority Administrative Rules §3).

The over reaction of Officer Milner's exercise of authority can be reasonably construed as actions intended to annoy, alarm, or abuse another person. In unjustifiably removing the complainant from his home with force, and restraining the

complainant's liberties, Officer Milner behaved in a harassing manner.

V. DETERMINATION OF PANEL

A Civilian Review Board Panel conducted a hearing on May 24, 2006 per Minneapolis Code of Ordinance 172.100. This written report, resulting from the hearing, is authorized by subsection (c) of 172.100

The hearing included review of the investigative findings of fact and recommendation by the Civilian Review Authority Manager. The respondent but not the complainant provided additional information to the Panel during the hearing.

The authorized standard of proof is **preponderance of evidence** (172.110).

DETERMINATIVE ISSUES

Is it more likely true than not that Officer Milner's use of force was justified and reasonable? Is it more likely true than not that Officer Milner's actions were legally justified and represented impartial law enforcement? Is it more likely true than not that Officer Milner called the complainant "a little shit" or otherwise used inappropriate language during the encounter? Is it more likely true than not that Officer Milner's actions constituted Harassment under the CRA Rule (which was approved by the Minneapolis City Council) defining Harassment?

DETERMINATIVE FINDINGS OF FACT

(Except in regard to the allegation of Inappropriate Language, the Panel concurs with the findings of fact and recommendations prepared by the Investigator.)

Officer Milner's use of force was not justified or reasonable according to the analysis of factors as instructed by MPD Policy 5-303, which is based on Minnesota Statute 609.06 Subd. 1.

Officer Milner's actions did not represent impartial law enforcement. He responded to a cancelled dispatch call based on a personal call from a friend when his friend was not in any immediate peril. (Aggravating, though not determinative, factors might include: that he left his sector in order to do so on what various testimony -- including the officer's -- indicated was a busy night, and that he acted inappropriately while training a recruit.) Facts do not support that this was truly a matter of investigating a "terroristic threat".

Officer Milner did not have appropriate legal grounds for forcibly removing the complainant from his home.

It cannot be affirmed by preponderance that Officer Milner's language was inappropriate.

Officer Milner's actions constituted Harassment, even if the complainant's behavior would likely have been grounds for a restraining order issued by the court (and subject to appropriate police enforcement after such issuance).

DETERMINATION

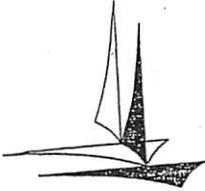
Officer Milner

Excessive Force -- SUSTAINED

Inappropriate Conduct -- SUSTAINED

[REDACTED]

Respectfully submitted by Panel Chair [REDACTED]



Minneapolis
City of Lakes

Civilian Police Review Authority

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

Office 612 673-5500
Fax 612 673-5510
TTY 612 673-2157

August 17, 2005

[REDACTED]
Dear [REDACTED]

Enclosed are two copies of your statement given on August 1, 2005. Please review and initial any corrections you wish to make on your statement. Sign and return one copy of the statement 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
DATE: August 1, 2005
TIME: 5:00 PM
CASE NO: 05-2251
INVESTIGATOR: [REDACTED]

QUES: State your full name for me please, spelling your first and last name.
ANS: Jameson [REDACTED]

QUES: And your home address?
ANS: [REDACTED]

QUES: Your home phone number?
ANS: [REDACTED]

QUES: Your age and date of birth?
ANS: I'm 21 [REDACTED]

QUES: Mr. [REDACTED], directing your attention, sir, to the day of July 2, 2005 at approximately 11:00 PM, you had an occasion to come in contact with Minneapolis police is that correct, sir?

ANS: That is correct.

QUES: And what was the location of this contact?
ANS: My home [REDACTED]

QUES: Okay. And is that approximate time was about 11:00 PM?
ANS: Yes it was.

QUES: And how did this contact come about sir?
ANS: It came about— I had no clue the cops were called or anything. I just— They showed up outside. They were banging on the door, shining lights in the windows.

QUES: How many officers?
ANS: Three officers. Two squad cars.

QUES: So were you asleep at the time?
ANS: Yes I was. I was asleep and they were banging pretty loud. It must have gone on—It took maybe, I don't know— It woke me up so . . .

QUES: Okay. Did you respond to the door?
ANS: Yes I did. I cracked the front door but I didn't open the screen door. I asked them what they wanted. They said they wanted me to step outside. I said that I felt safer standing inside and they didn't like that very much.

- QUES: What do you mean they didn't like that very much?
ANS: Well, the officer, the one whose badge number I received and name, he told me that I had to step outside and speak with him.
- QUES: And who was that?
ANS: That was Officer Milner.
- QUES: Uh huh. And you received his badge number?
ANS: Yeah, I wrote it down somewhere here. I believe it was—I think it was 4807. I'm trying to remember because it's not on this sheet of paper I wrote down but . . . Yeah, 4807.
- QUES: And how did you obtain that information?
ANS: I got a quick glimpse at it when I was on the ground with him on top of me.
- QUES: Okay. So which one of the officers— you say there were three officers at the door?
ANS: Yeah.
- QUES: And which one initiated the conversation with you?
ANS: It was Milner. He was initiating everything. The other two stood at the bottom of the stairs just shining their flashlights at me but they never said a thing.
- QUES: Okay. And so you said that you told the officer when he asked you to step outside that you'd rather stay inside and speak with him?
ANS: Yeah, I said I could speak with him through the screen door. I felt safer.
- QUES: Okay. And what— Did he respond to that?
ANS: Yeah, he told me I had to step outside. That it was the law or something. So I cracked the screen door and the minute I did he physically grabbed me and threw me down on my steps.
- QUES: Before that did the officer tell you why they were there?
ANS: No, he just told me that I had to step outside to speak with him about why he was there. He wouldn't tell me when I was inside the house. I asked him maybe two or three times, said I could stand right here and talk to him through the screen. He said I couldn't. So . . .
- QUES: So then you cracked the door a little bit more to speak to the officer and you stated that you were then grabbed by—

ANS: Yeah, I cracked the screen door. It was closed, the screen door was. When I opened that that's when his hand shot right in and grabbed me and pulled me out.

QUES: And you're speaking of Officer Milner?
ANS: Officer Milner, yes.

QUES: And what happened once he pulled outside?
ANS: He- I wouldn't say exactly slammed but he forcefully got me onto my back onto the steps with his knee in my chest and told me not to pull that I feel safer inside crap with the cops. That they can do whatever they want.

QUES: You say you were on your back on the steps?
ANS: Yep, on the front steps with his knee on me. He was towering over me. The other two officers just kept their light shined. They didn't ever say a thing.

QUES: And where did he have his knee placed on you?
ANS: On my chest.

QUES: And so he may the statement about not-
ANS: Not to play that I feel safer inside crap with the police.

QUES: Okay. And then what happened sir?
ANS: And then he went on to lecture me about my comments to a neighbor down the road about Bush. I made some comments about this guy being responsible for my brother being over in Iraq. I called him Bush Junior and I guess that was when I realized that's the reason he was there because I had made some comments to this neighbor down the road.

QUES: Did the officer give you any indication that there was-that was the reason why he was there?
ANS: That was what he was lecturing me about. I guess he just kept saying stuff to me about not to-not to give anyone crap or judge anyone about their political views or voting for Bush. And I asked him if I had the right to say that? And he goes, "You do but we were told that you were threatening someone." And I never threatened anyone so I just went along with what he said. He was pretty physical with me and I just didn't want to get into any trouble with him. So I just- "Yes sir. Yes sir. I'm sorry sir. I'm sorry sir."

QUES: And was this while you were still on your back on the steps with his knee in your chest?

ANS: Oh yeah. Yep. The whole time, yeah.

QUES: And then what took place, sir?

ANS: Eventually, he ended up letting me up after a big long lecture about how I was a terror to the neighborhood and I was terrorizing people and you know me commenting on one person's behavior. I just went along with what he said. Made him feel good for being, you know, physically violent and getting his way. And eventually he let me up. I had to retrieve his watch from the entry way of my house. When he ripped me out, he broke his watch off on the screen door. So I opened the door and I gave him his watch back even after he was, you know, physically aggressive with me and mean. He went to the car, ran my name and I found out I had a warrant for missing a court date. And so with him knowing I had a warrant, the next three or four days he just he proceeded to come by the house and harass me, banging on the door. He couldn't enter because he couldn't take me on it, you know, unless he saw me but he proceeded to come and check on me and see if he could do something about—they'd drive up and down the alley.

QUES: And how are you assured that it was Officer Milner returning to—
ANS: Because he would come and knock on the door and I'd see his face as he came up.

QUES: Do you recall the dates that he was there?
ANS: I had them written down at one point but I only have one of my sheets of notes here and they're not on there so . . .

QUES: And do you recall—
ANS: Oh it's there. It's there.

QUES: Go ahead.
ANS: Nope this isn't it. This is my bus schedule. I'm sorry.

QUES: Do you recall the time of day that he appeared after this incident?
ANS: They were all around 7:00 or 8:00 PM at night. And it was about four separate occasions. All a day apart.

QUES: Since the July 2nd incident?
ANS: Yeah, it was like July 3, July 4, July 5.

QUES: And do you know if he was in a squad car?
ANS: Oh yeah. Yep.

QUES: Did he have a partner with him?
ANS: I couldn't tell. I couldn't see to the car so . . .

QUES: And how many times did he actually come up to the door and knock on the door?
ANS: Three. Three times.

QUES: And have you had any other further— Did you have any more contact with this—with Officer Milner on the July 2nd night?
ANS: Nope. They came back a couple more times but I knew what they were coming back for so I just didn't answer the door.

QUES: Officer Milner?
ANS: Yep, Officer Milner, yep.

QUES: Did he come by himself?
ANS: Yeah, he came back in just one car. There was only one car back. I was on the phone with my brother. He's a— going through police academy and he told me I didn't have to answer the door, to leave the phone on in case they tried to come in so he could hear.

QUES: Did—
ANS: And he— There was— There was swearing involved. Calling me "a little shit" for— I don't quite remember exact words but there was cursing involved. He cursed me for— And what happened, I eventually went down to the neighbor and apologized to him. And I said, "Well, I don't who Officer Milner is to you." And he goes, "Oh, it's a friend from church." So this friend down the road never called the police, he called his friend from church and sic him on me.

QUES: Okay. Lets back up a little bit. You said that or you recall—Officer Milner called you, when he had you down on the ground, called you "a little shit"?
ANS: Yeah. "Not to be telling people about their political views, you little shit."

QUES: Then you also— You had contact with this neighbor who allegedly made this complaint to Officer Milner?
ANS: Yeah. Yep.

QUES: And where does this neighbor live, sir?
ANS: I don't know his name and he lives [REDACTED] d Queen on the corner. I don't know that house number or his name but . . .

QUES: And when did you have this— When did you have contact with him?
ANS: I went there on the seventh I think. I walked down there and said I was sorry.

QUES: What's this? About five days after the incident.
ANS: Yep.

QUES: And you went and spoke to the neighbor?
ANS: Yep, told him I was sorry. Said, "I don't know who Officer Milner is to you." And that's when he said, "Oh, it's friend from church." So . . .

QUES: Did you tell him what happened with Officer Milner and you?
ANS: I told him that— Yeah, I told him Officer Milner you know physically— I don't know if it was considered assault or what but I mean he harassed me and I felt assaulted so I told him that and I also told him I filed a complaint so I said next time your at church you can tell Officer Milner. You know. I'm not going to lay down like a little dog and take that so . . .

QUES: And was there any thing else that you two discussed during this conversation?
ANS: Nope that was it.

QUES: Do you know if he had contact with Officer Milner after Officer Milner came to your home on the night of July 2nd?
ANS: Yes. Yes. I watched when Officer Milner and them cars drove away, they drove right down to that guys house and I just figured that's because that guy called the police. Well, no that was because they were friends. But yeah, he drove right from here down to that guys house and when my information came up and then he came right back here so . . .

QUES: Pardon me. When your information came up?
ANS: On the computer I had a warrant for missing court in Anoka County. I've taken care of it since but . . .

QUES: So you're saying at the time that officer first came to your home on July 2 that they were not aware of the warrant that was outstanding?
ANS: No, not until they let me go up off the steps. I went inside, locked the door. They got in their car and ran my name.

QUES: How do you know they ran your name at that time?
ANS: Well that would be the only excuse for them coming back so quick.

QUES: How soon after they left did they come back?
ANS: Maybe five, six minutes.

QUES: Okay. Was this after speaking to the neighbor?
ANS: Yeah. That's where they went. They went from here to the neighbors and they must have been doing that in their car as they were there. And then they came right back here right away, just one car.

QUES: Do you—
ANS: He was banging on the door and I just didn't answer it.

QUES: Do you know if the neighbor was aware of the outstanding warrant?
ANS: Yeah. When I went to go apologize to the neighbor, he goes, "Just so you know there's a warrant out for your arrest." I said, "I know." I had taken care of it on the sixth. I went and turned myself in and got a new court date. And I was surprised that this neighbor knew this kind of information about me.

QUES: Did you ask him how did he come about that information?
ANS: Yeah. Officer Milner told him. He said, he goes, "These police know what they're doing."

QUES: Did he tell you that Officer Milner told him?
ANS: No, but I put two and two together so . . .

QUES: Okay. So did you ask the neighbor how did he know about the warrant?
ANS: Nope. I just told him that I had taken care of it. I don't have it anymore and that Milner, you know . . .

QUES: And did he say it came directly from Milner, the information?
ANS: Nope. He didn't tell me where it came from. He just told me that he knew and that Milner and those guys knew what they were doing.

QUES: Anything else, sir, that you recall about this incident?
ANS: Nope.

QUES: Anything else you wish to add to your statement?
ANS: I just want to know who to contact if I receive anymore harassment from them. That's all I want to know. Because he knows I filed a complaint by now, right?

QUES: Yes sir. Anything else?

[REDACTED]
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ANS: Nothing to say. Nope.

QUES: Has anyone from the Minneapolis Civilian Police Review Authority made any threats or promises to you for giving this statement here today?

ANS: No ma'am.

QUES: After you've read your statement and if necessary made corrections to it, are you then willing to sign it, sir?

ANS: Yes I am.

Signature: _____

Date: _____

slm

RECD SEP 8 2005

STATEMENT OF Officer Dean Milner

PLACE: Minneapolis Civilian Police Review Authority Offices

DATE: August 8, 2005

TIME: 3:01 PM

CASE NO: 05-2251

INVESTIGATOR: [REDACTED]

ALSO PRESENT: Sgt. Robert Kroll, Minneapolis Police Federation

QUES: State your full name for me please, spelling your last name.

ANS: Dean A. Milner. M-I-L-N-E-R.

QUES: And your rank and duty assignment, sir?

ANS: I'm a patrol officer at the Third Precinct, Middlewatch.

QUES: And how long have you been a police officer with the City of Minneapolis?

ANS: I was appointed on March 25, of '96.

QUES: And have you been Garrtied to appear here to provide a statement as provided by the Garrity Decision, sir?

ANS: Yes I have.

QUES: And you're willing to give me a statement at this time?

ANS: Yes I am.

QUES: Officer Milner, directing your attention to the day of July 2, 2005, were you working on that date at approximately 2300 hours, sir?

ANS: Yes I was.

QUES: And what was your duty assignment?

ANS: I believe I was assigned to Squad 330 as an FTO car.

QUES: And for the record, sir, can you explain what that means, FTO?

ANS: I was a Field Training Officer for a new recruit.

QUES: And did you work that shift, that assignment your entire shift?

ANS: Yes I did.

QUES: And who was your partner?

ANS: Recruit officer [REDACTED]

QUES: Did you work the same call number your entire shift?

ANS: Yes I did. Again though, like I said, I believe it was 330. I might possibly have been in 332 also. My assignment changed periodically during that month.

Officer Dean Milner
CRA Case #05-2251

QUES: Is it possible that you were assigned to Squad 310 on that night?

ANS: It is possible, yes.

QUES: And during that shift, sir-- Pardon me, let me just back up a little bit. What were your hours, your scheduled hours for that day?

ANS: 1600 hours to 0200.

QUES: And during this shift did you go to the location of [REDACTED]?

ANS: Yes I did.

QUES: And what was the reason for that, sir?

ANS: To investigate a complaint of terroristic threats.

QUES: How were you notified of this complaint?

ANS: I was called via cell phone by a friend that's a Minneapolis resident at [REDACTED]

QUES: What's the name of your friend, sir?

ANS: [REDACTED]

QUES: And what did Mr. [REDACTED] inform you?

ANS: Mr. [REDACTED]

QUES: Pardon me, Mr. [REDACTED]

ANS: Mr. [REDACTED] mentioned that actually over the period of week there he had given me two phone calls earlier in the week about a party stopping pass his house while him and his wife and kids were in the yard and threatening them. I can't be very specific on the threats because it's been awhile. I'm sure he could probably give you a better idea. But the information that he did provide me at that time made me believe that definitely terroristic threats had happened and I had given him advice as to call 9-1-1 and to have them investigate it but later on that evening this being the third incident, he called me back and said that 9-1-1 had called him back and told him they would not be responding. There was nothing they could do to help him. So that call had been deactivated. At that time, I got a hold of another squad in the Fifth Precinct that was a directed patrol squad and asked if they would meet me at [REDACTED] house so that we could investigate the complaint together since it had been deactivated.

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QUES: And who were those officers?
ANS: It was just a single man squad. That was Officer [REDACTED]

QUES: At what time did you receive a call from Mr. [REDACTED]?
ANS: I don't recall the time.

QUES: What time did you meet Officer [REDACTED] you said?
ANS: [REDACTED]

QUES: [REDACTED]
ANS: I couldn't give you the exact time but it was probably within 45 minutes of the phone call.

QUES: Is this location on your district, sir?
ANS: Was it in my district?

QUES: Yes sir.
ANS: No, it was not.

QUES: Were you given permission to leave your district in order to go to this location?
ANS: No ma'am. I didn't need permission for that.

QUES: And explain why sir?
ANS: Okay. Because it was within the City of Minneapolis and since it was deactivated in the Fifth Precinct, I believe he had a right to service still so that's why I went. Instead of making a big fit with the dispatchers I figured we'd just quickly easily go over and handle it and be gone.

QUES: Did you advise the dispatcher that you were going to that location?
ANS: Yes we did.

QUES: And did other officers respond besides Officer [REDACTED]?
ANS: No ma'am, just him.

QUES: And you— Did you have your FTO, pardon me, your recruit with you at the time?
ANS: Yes I did.

QUES: And so where did you meet the other officer, O [REDACTED]
ANS: I met him at, I believe— I believe I met him at [REDACTED] address.

QUES: Did you go to [REDACTED] residence upon meeting the other officer?
ANS: Yeah, that's the [REDACTED] address.

QUES: And did Mr. [REDACTED] provide you with any further information regarding this call?
ANS: He just gave me some information about what the guy had done and a description of him and then he also pointed out the address because up to that time we didn't have an address.

QUES: And what did he tell you that this gentleman did?
ANS: Again, I can't give specifics. He just said he was threatening his family that his wife had to bring the kids in the house because the guy was scaring them and threatening them. In my mind, I believed, you know, it definitely constituted terroristic threats and we were going to go over and find if we could get this solved.

QUES: Do you recall any specifics, as far as the threats go? Do you recall any specifics that Mr. Von Hagen told you in regards to what this other individual said?
ANS: He said that— I think the threats stemmed because the guy was irritated about a Bush sign that he had in his garage.

QUES: Did he make bodily threats toward Mr. [REDACTED]
ANS: Towards him and his family, I believe, yeah.

QUES: And after speaking to Mr. [REDACTED], what did you do sir?
ANS: When he pointed out the address, I met up with Officer [REDACTED] there and we drove over to the address and knocked on the door, trying to make contact.

QUES: Did you make contact?
ANS: Yeah, I had to knock about three or four times. There was no answer and then finally the door opened up and I was met at the door by a party that resembled the description given to me by [REDACTED] White male with tattoos on his forearm and we had the screen door closed between us. And then he said, "Can I help you guys?" And I said, "Well, we got a complaint about some problems in the neighborhood

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here and we would like to talk to you about it." And he responded, "Well, what's it all about?" And I said, "Well, you know, that's what we want to talk about. Now ^{you} step out and talk to us." At that time he said he was afraid to and I said, "Why would you be afraid to there's three police." He goes, "Well I just don't know what you really want." So I said, "Well, we just want to talk about it so if you'd just step outside," and I went to open the screen door. At that time, he ^{got up} went to slam the interior door. So I got my arm in-between it and got a hold of him and actually pulled him out and pulled him to the ground in a take down.

QUES: And how was he positioned when you pulled him down to the ground? How was he positioned on the ground?

ANS: I believe when I got a hold of him I had one arm and I had the back of his neck or something and I pulled him down directly like this. I think when we ended up he was on—we were on steps. There was a landing and steps. And he ended up down on his back. So I had him down on the ground like that and as the complaint alleges, very true, I did have my knee on his chest and I did that to hold him down and to subdue him.

QUES: Why did you need him to step out of his residence in order to speak to him about this incident?

ANS: I— Because I usually don't make a practice to speak to someone between a screen door. I mean, this has got some decorative stuff on-it and it's much easier to see face to face. Plus, I want to identify the person. I want to know who they are. I want to know if they have weapons on him, things that you can't see through a screen door. And given the, you know, the nature of the threats, I don't know what he has on him, behind that screen door or what he has access to. I'd rather keep him in my proximity.

QUES: And then once you had him down on the ground what happened sir?

ANS: I basically told him that he doesn't have a right to infringe his beliefs upon someone else and you don't have a right to scare other people, frighten their families or children just because of your beliefs.

QUES: And what beliefs are that? Is that?

ANS: Well, apparently the nature of the threats were he was upset because [REDACTED] had a George Bush sign in his garage and so I told him that I— I said regardless of his thoughts or his beliefs, he doesn't have a right to infringe them on

other people and create fear in them.

QUES: Did you ask him if he had a problem with people who voted for President Bush?
ANS: No I did not.

QUES: Did you ask him any questions in regards to his political conversation with this Mr. [REDACTED]

ANS: Regarding his political con-

QUES: Con- Yes.

ANS: I don't believe so, no.

QUES: Okay. Did you ask him-

ANS: I think that was the nature of the complaint but I don't believe I asked him a question regarding it.

QUES: And just so that I'm clear on this sir. You stated earlier that Mr. [REDACTED] did inform you that the conver- some of the-about what the conversation with him and his neighbor stemmed from a poster he had of some sort of President Bush or-

ANS: I believe so, yeah. I'm not sure which phone call that was whether it was the first time the guy stopped by, second or third but apparently that's what it all stemmed from.

QUES: Stemmed from. Okay. Thank you. And so while you had him on the- This neighbor from [REDACTED], while you had him down on the ground, you advised him in regards to his contact with Mr. [REDACTED]

ANS: Yes.

QUES: Any further conversation with him while he was still on the ground?

ANS: I think that was it. He was- I had him down. He was very apologetic immediately and said that he didn't want any problems. And we said- "Well," I said, "That's good. Because," I said, "You know we don't want them either. We just wanted to come here and advise on this and you're trying to make more out of it then what it is." And I know that I told him, I said, "You don't need to slam the door on us. You don't need to act like this." And you know it wasn't our goal to go and arrest him either. And in fact he had mentioned that he didn't want anything done to this guy other than talk to him. He said [REDACTED] mentioned that he just wanted the guy to

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leave him and his family alone and to stop threatening them. And he also wanted to make sure that his family was going to be safe. You know, given that this guy was very apologetic and you know, "I'm sorry, sir," and this and that, I felt you know what he understood completely to leave these people alone and that you're not to go and threaten and harass them anymore.

QUES: Did it end there, sir? After?
ANS: Did it end there?

QUES: Mmhmm.
ANS: The whole call you mean?

QUES: Yes sir.
ANS: Or did the harassment end?

QUES: No, did the call end there?
ANS: No, it didn't end there. We- I let him up and he said he was sorry for what he did. I said not a problem, you know, we just came over here to take of it and I think it's solved. You just keep to yourself. They'll keep to themselves and as we were leaving I went out and I had the recruit officer- Well, I jotted down the guy's name. I identified him and he didn't have ID on him and so I wanted to verify it. We went out to the squad and I had the recruit officer run his name in the DVS website and the picture came up so we verified it was him but the NCIC check showed a gross misdemeanor warrant out of Anoka for false information to police.

QUES: This is an active warrant sir?
ANS: Yeah, it was an active warrant. So, at that time we went back up to the house, knocked on the door because at that time we planned then to take him into ~~the~~ custody for the warrant. He wouldn't answer the door. I felt that we were justified at that time going in and get him because it was a gross misdemeanor and NOT A WARRANT warrant but we were so busy in our precinct that I figured, you know what, I'm not going even mess around with it. We need to get back to our call load. He'll be around and we'll eventually get him some other time or somebody else will pick him up. So we did clear at that time and just noted the warrant on our log and then also went back to check that address three or four more shifts over the next week. In the next shifts that we worked we drove over and knocked on the door. I even spoke to a neighbor that was across the street and I spoke to her and asked if

she could call me on the cell phone if she saw him return. And she actually mentioned there had been some problems in the neighborhood since he moved in.

QUES: Now you're assigned to Third Precinct, is that correct, sir?
ANS: Yes ma'am.

QUES: And this residence is in the Fifth Precinct?
ANS: Yes ma'am.

QUES: And so how far off of your district is this residence--was this resident located?
ANS: Well they're on [REDACTED] and my district is-- The north boundary is Lake Street. South boundary is-- I'm sorry north district is 94. South is Lake. West is 35W and East is the river.

QUES: Did--Go ahead.
ANS: No, go ahead.

QUES: Did you advise Dispatch on those other dates that you went to--attempt to pick up this individual on a warrant that you were going to that location?
ANS: I believe so. I believe so, yes.

QUES: Did you go back and speak to the-- Mr. [REDACTED]
ANS: Yes I did.

QUES: And what was your conversation with him?
ANS: I told him I believed the problem was resolved. The guy was apologetic and he basically said he was going to leave them alone.

QUES: Do you know if there's been any other encounters between Mr. [REDACTED] and the resident of [REDACTED]-- Pardon me [REDACTED]
ANS: Yes there was. [REDACTED] called me actually a few days later and mentioned the guy had come over to his house and apologized for his actions. Said he was wrong and that he had just gotten out of jail because he turned himself in for the warrant.

QUES: And did you tell Mr. [REDACTED] about the active warrant on the neighbor?
ANS: Yes I did.

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QUES: At [REDACTED]
ANS: Yes I did.

QUES: And what did you inform them in giving that information?
ANS: I had told him that he had an active warrant too so I said if you do see him come by out there you can call me or call 9-1-1 and let them know that this guy has an active warrant in ~~Minnesota~~ ^{Alaska} to come out and pick him up or do an attempt pick up on him.

QUES: Was on that on the same night in question of July 2?
ANS: That I stopped and told him that?

QUES: Mmhmm.
ANS: Yes.

QUES: When you-- Did you grab this gentleman outside--out of the [REDACTED] did you grab him by the neck and pull him out and onto the ground?
ANS: I believe I grabbed him by the arm and by the back of his neck.

QUES: Did you slam him down onto the ground?
ANS: No. It was a take down. I just pulled him straight down.

QUES: And you stated that you did place your knee in his chest?
ANS: Yes I did.

QUES: And that was-- What reason for that, sir?
ANS: That was to subdue him and hold him down. I had a hold of one arm and the neck and when I brought him down I put my knee on there to hold him down.

QUES: Was he resisting?
ANS: Not at that point, not once I took him down, no. He started apologizing immediately then.

QUES: Did he resist once you placed his hands on him?
ANS: Yeah, he was trying to close the door, slam the door on me.

QUES: Now when you were initially speaking to him, did he have-- was the door part open by him?

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ANS: He had the— He had the interior door open and he was standing there kind of holding onto the door and probably I think the door jam and when I reached— well, it's hard to explain like that but if you were in my position— when I— when you reached to open that storm door, that's when he tried to slam it on me.

QUES: He tried to slam which door, sir?

ANS: The interior door.

QUES: Did you call this resident of [REDACTED] little shit?

ANS: No I did not.

QUES: Did you use any profanity when speaking to him Officer Milner?

ANS: No.

QUES: Were you wearing a watch at the time of this call?

ANS: Yes I was.

QUES: Did your watch become broken on the scene of this call?

ANS: Yes it did. He handed it back to me.

QUES: And how did that occur, sir?

ANS: When we were leaving he stepped off the steps and said, "Did someone lose a watch?" And he handed it to me.

QUES: Do you know how your watch became broken?

ANS: No idea. It's probably—

QUES: Or came off your wrist?

ANS: —been broken a dozen times on this job.

QUES: And how did you ID this resident at [REDACTED]?

ANS: Initially verbally and then through the DVS Website.

QUES: Anything else you recall about this call, sir?

ANS: Nope.

QUES: Anything you wish to add to your statement?

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Sgt. Kroll: [REDACTED] could I clarify that we got districts—

QUES: Just a moment, we'll go off record. Okay. Back on record. Was there something else that you wanted to add Officer Milner?

ANS: No.

QUES: And how do you know Mr. [REDACTED] sir?

ANS: He's— Was a neighbor of mine when I lived in the city and he also attends my church.

QUES: Anything else, sir?

ANS: No. That's it.

QUES: Has anyone from the Minneapolis Civilian Police Review Authority made any threats or promises to you for giving this statement today?

ANS: No.

QUES: After you've read your statement and if necessary made any corrections to it, are you then willing to sign it, sir?

ANS: Yes I am.

Signature: Dean A. Milner Date: Sep 2, 2005

slm

STATEMENT OF Officer [REDACTED]
PLACE: Minneapolis Civilian Police Review Authority Offices
DATE: August 24, 2005
TIME: 2:53 PM
CASE NO: 05-2251
INVESTIGATOR: [REDACTED]

REC'D SEP 21 2005

QUES: State your full name spelling your last name.
ANS: [REDACTED]

QUES: And your rank and duty— Oh, I'm sorry, sir. Go ahead.
ANS: My last name is [REDACTED] And I'm a police officer for the City of Minneapolis, Fifth Precinct, Directed Patrol Unit.

QUES: And how long have you been a police officer with the City of Minneapolis?
ANS: It'll be seven years in December.

QUES: And have you been ordered to appear here and provide a statement as provided by the
ANS: Garrity Decision?
Yes I have.

QUES: And you're willing to give me a statement at this time, sir?
ANS: Yes I am.

QUES: Officer [REDACTED] directing your attention, sir, to the day of July 2, were you working on that
ANS: day in question, sir?
Yes ma'am.

QUES: Were you working around the hours of 2300?
ANS: Yes.

QUES: And what was your duty assignment, sir?
ANS: I was assigned to the Fifth Precinct, Directed Patrol Unit. We pretty much had precinct - precinct jurisdiction.

QUES: For the entire Fifth Precinct area?
ANS: For the entire Fifth Precinct. We're not assigned to a certain district. We're assigned to the precinct as a whole.

QUES: And were you working with a partner?
ANS: No I was not.

QUES: Do you recall your call number on that night?
ANS: Squad 543.

Officer [REDACTED]
CRA Case #05-2251

QUES: And during your shift on the date in question, sir, do you recall responding to [REDACTED]
[REDACTED] at around 2230 hours?

ANS: Yes.

QUES: And what was the nature of that complaint, sir?
ANS: I believe it was a neighbor trouble call.

QUES: And how did you receive your information regarding the call?
ANS: I was originally contacted by Officer Milner from the Third Precinct who had stated that there's a call in my precinct that he was familiar with and asked that I assist him with handling the call.

QUES: Did he give you any other particulars in regards to this call?
ANS: He had just stated that a friend of his was being harassed pretty severely by a neighbor and— and that it was—it needed to be addressed.

QUES: And how did Officer Milner make contact with you?
ANS: On my Nextel phone.

QUES: And did you then meet later with Officer Milner?
ANS: Yes.

QUES: Where did you meet?
ANS: We met at a— We met near the address. I couldn't tell you exactly what the intersection was but it was an intersection within a few blocks of the incident address.

QUES: In a few blocks of [REDACTED]
ANS: Yes.

QUES: And once meeting with Officer Milner did he discuss the nature of this call any further with you?
ANS: I don't recall. I mean at some point prior to the call he had said that his ^{friend of} neighbor was being harassed pretty severely by—by another neighbor in regards to some signs, some political signs he had in his yards and that the harassment was on the borderline of criminal. Well, I think he said it was criminal, you know. Pretty severe harassment. This person would walk by the neighbor's house and shout obscenities towards him based on the signs that he had posted in his yard. Pretty hostile—pretty hostile— He was having hostile encounters with this person.

QUES: Did you then go immediately to— After speaking with Officer Milner, did you then go

ANS: immediately to [REDACTED] the residence?
Yep. We met, like I say, we met within a few blocks of the address. He told me just to follow him over there and we were going to have word with him and that's what I did. I ended up following him and his partner over to that address.

QUES: What happened once you arrived?
ANS:

I walked up the stairs to the front door, knocked on the door several times. Eventually, the person involved answered the door and stood in the doorway. Officer Milner opened the storm door and asked the person to step outside. It was pretty evident to me that Dean, Officer Milner, knew who he was talking with because he—he basically asked him to come outside, we need to have a word. And the guy did not want to come out initially. He said, "Well, I'd rather not." And then Dean, Officer Milner asked if we could come inside and he said, "Well, my parents wouldn't approve so no, you can't come inside." Officer Milner asked him a few more times to step outside at which point he tried to close the—the main door of the house.

QUES: Who?

ANS: The party in question.

QUES: At the resident of [REDACTED]
ANS: Yes.

QUES: West 58th Street?
ANS:

Yeah. We only dealt with one individual there. So when I say, a party, I'm referring to the one individual that answered the door, the resident. He wouldn't come outside. He then attempted to close the door at which time Officer Milner grabbed him in like a cupped fashion, like behind the neck shoulder area and pulled him outside. And had a discussion about how what he was doing was wrong, was criminal and it's against the law to make terroristic threats towards another person based on their beliefs.

QUES: That's what Officer Milner said to this individual?
ANS: Yeah.

QUES: And when Officer Milner pulled him outside, did this individual end up on the ground?
ANS: No, not that I recall.

QUES: When Officer Milner was speaking to him were they standing face to face?
ANS: Yes, they were standing face to face.

QUES: Do you ever recall this individual being on the ground with Officer Milner down over him?

Officer [REDACTED]
CRA Case #05-2251

ANS: No, I do not. After he pulled outside and it was evident that he was responsive to what Officer Milner was telling him, I backed down the stairs simply because Officer Milner had a partner with him and I was there as an assisting officer at that point so I don't recall him going to the ground at all.

QUES: Once Officer Milner pulled him outside did he put hands on him again during their encounter?

ANS: Not that I recall, no. No.

QUES: Did you have any conversation with this party?

ANS: I reiterated that terroristic threats were indeed a crime and that he could easily be placed under arrest.

QUES: And you stated that he was responsive to you—your advisement?

ANS: Yeah. I mean, at first he was— At first he was not. He was rather evasive. Did not want to talk with us. He made a statement about he's afraid to come outside because there were all of us, which was three of us. Officer Milner made it clear that we're the police. We're not there to— He doesn't have to be afraid of the police. He made it clear that they were just—we were just there to discuss what was happening with the neighbor. He— He evidently knew what was happening. Do you have to change the tape?

QUES: No, it's fine.

ANS: Okay. He evidently knew why we were there because he did say within a minute or two of us being there he did say he immediately started to apologize. He just said, "I'm sorry. I'm sorry. I shouldn't have done it." So, he was aware of why we were there just as a side note.

QUES: Do you know if this individual made any physical threats towards this neighbor?

ANS: No, I don't. I don't have that kind of knowledge.

QUES: Do you know why he was ordered to come outside in order for officers to speak with him?

ANS: No I don't. However, often times when you can't— when you're dealing with somebody, which involves a criminal activity you don't know what they're capable of, what kind of weapons they may have. Often times it's not uncommon for us to ask to speak with them outside because then we can kind of see them as a whole. We know there's not someone behind the door. We know they aren't holding any objects if we can get them outside and have them in full plain view, near us. I don't know what his reasoning was though.

QUES: Going off record to flip the tape. [Side B of tape] Okay. Back on record. When Officer Milner grabbed this individual to pull him outside, did he resist?

ANS: I would say to a slight degree because I think he didn't just come walking out. It appeared

that Officer Milner may have had to pull him slightly to have him step out of the door. Like I said he was very-very evasive acting and apparently that very well could have been due to the fact that we later found out that he had a warrant. So that may have been partially why he was reluctant to talk with us, reluctant to come outside. Generally, you know, people that have nothing to hide that are stable and strong they're going to- they're going to obey officers, you know, commands to step outside. And the fact that he didn't obey them numerous times I myself felt that was kind of odd and I was basically put on alert and I'm sure Officer Milner was too but I can't speak for him.

QUES: Now when he was speaking to Officer Milner through the door was the screen door between the two?

ANS: Initially there was the screen door between the two and then I believe Officer Milner opened the screen door and instructed him to come out and he would not come out. So then Officer Milner asked him if we could come in and he denied us-he denied us to come in. I think at one point Officer Milner resorted to him going to get his parents and he did not want to go get his parents.

QUES: How-

ANS: So he really wasn't being cooperative.

QUES: How old did this individual appear to be?

ANS: He appeared, I don't know, suspicious. He appeared as if he were hiding something.

QUES: How old, sir?

ANS: How old?

QUES: Yes, What age-

ANS: Oh, his appearance?

QUES: -did he appear to you? Yeah.

ANS: Oh. Oh, I would say he was-and you know it's hard to tell but I would say he was probably twenty-one to twenty-three. I could be wrong. I mean, he looked like he was a college student.

QUES: Did Officer Milner use any profanities when speaking to this individual?

ANS: No, not that I recall.

QUES: Do you recall if Officer Milner referred to this individual or called this individual a little shit?

ANS: No.

Officer [REDACTED]
CRA Case #05-2251

QUES: Did you have any contact with the other neighbor that was complaining about this individual?

ANS: No, I didn't.

QUES: Do you know if Officer Milner made any contact with that individual?
ANS: Are you talking after contact was made?

QUES: Anytime during this incident. Anytime during this call.

ANS: Yes. From my understanding Officer Milner spoke with the other neighbor just prior to or just after the call was put into our dispatcher.

QUES: So after speaking with the party at [REDACTED], Officer Milner spoke with the other neighbor that initially placed the call?

ANS: I don't know. I know that he talked with him prior to us arriving.

QUES: You stated also earlier that there was—it was discovered that there was an outstanding warrant on this party that you were talking to at [REDACTED].
ANS: That's correct.

QUES: And at what point was that discovered?

ANS: I would say within—within about two minutes approximately after we left the address. Officer Milner contacted me on the phone and said that—asked if I would assist him in returning because the person has a warrant for his arrest.

QUES: And was this individual ID'd by officers when you had the initial contact with him?
ANS: No.

QUES: How was— Do you know how his— how Officer Milner discovered his identification?
ANS: Well, I mean I don't know to answer your question but I can only assume that he was given a description. I do recall the person having a tattoo on his forearm. We often use tattoos to identify people, to make identifications.

QUES: Did Officer Milner when you were on the scene speak to this individual? Did Officer Milner ever request any identification from this individual?
ANS: No, he did not.

QUES: Did he ever ask this individual for his name or any identifiers?
ANS: Yes, he asked him for his name and date of birth and I would have to assume that that's how he verified the fact that he had a warrant based on his personal information. He went

back to the squad, I'm assuming, I don't know, and ran his name and did a warrant check.

QUES: Did you go back to the scene with Officer Milner?
ANS: Yes.

QUES: And what happened?
ANS: Knock on the door several times and then no one answered the door.

QUES: Did you have an occasion to go back to that location looking for this party?
ANS: I did not, no.

QUES: Do you know if Officer Milner damaged his watch while dealing with this individual on this date and time in question?
ANS: I don't—I don't know of any damage to anything.

QUES: Anything you recall about this incident, sir, that I haven't asked you?
ANS: No. The idea was—was brought up that we into the house and arrest him based on his warrant when we went back the second time. But we had a discussion and decided it was probably was not appropriate based on the circumstances but that was something that we contemplated to enter inside and make the arrest but knowing we were unsure that he was there at the time so we chose not to do that.

QUES: Anything else, sir?
ANS: No ma'am.

QUES: Do you know of any specific alleged threats that were made by or threats that were allegedly made by this party toward his neighbor?
ANS: I do not know the specifics of the threats. I don't. All I know is that the threats were rather hostile and it sounded as if they were—they happened on a couple of occasions. When the party would walk by the neighbor's home, he would yell obscenities and hostile remarks based on some signage that he had in his yard.

QUES: And is that your impressions based on information that was provided to you by Officer Milner?
ANS: Yes. Yes, he's the only one that informed me of the incident. No one else did.

QUES: Has anyone from the Minneapolis Civilian Police Review Authority made any threats or promises to you for giving this statement today?
ANS: No.

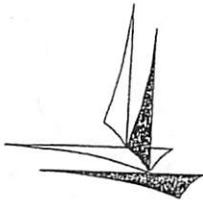
Officer [REDACTED]
CRA Case #05-2251

QUES: After you've read your statement and if necessary made any corrections to it, are you then willing to sign it?
ANS: Yes.

QUES: That concludes this interview.

Signature: [REDACTED] Date: 9-14-05

slm



Minneapolis
City of Lakes

Civilian Police Review Authority

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

Office 612 673-5500

Fax 612 673-5510

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September 8, 2005

Officer [REDACTED]
Minneapolis Police Department
Fourth Precinct
1925 Plymouth Ave. N.
Minneapolis MN 55411

Dear Officer [REDACTED]

Enclosed are two copies of your statement given on August 29, 2005 at the Civilian Police Review Authority's office.

Please review and initial any corrections you wish to make. Sign and return one copy by interoffice mail.

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

Sincerely,

[REDACTED SIGNATURE]

Case Investigator

enc

REC'D SEP 14 2005

STATEMENT OF Officer [REDACTED]
PLACE: Minneapolis Civilian Police Review Authority Offices
DATE: August 29, 2005
TIME: 1:10 PM
CASE NO: 05-2251
INVESTIGATOR: [REDACTED]
ALSO PRESENT: Sgt. Robert Kroll, Minneapolis Police Federation

QUES: State your full name for me please, spelling your last name.
ANS: [REDACTED]

QUES: And your rank and duty assignment?
ANS: Officer [REDACTED] Fourth Precinct.

QUES: And how long have you been a police officer with the City of Minneapolis?
ANS: Six months.

QUES: And have you been ordered to appear here and provide a statement as provided by the
ANS: Garry Decision?
Yes.

QUES: And you're willing to give me a statement at this time, sir?
ANS: Yes.

QUES: Okay. Officer [REDACTED] you've said you've been on the Minneapolis Police Department
ANS: for six months?
Yes.

QUES: Are you in training at this time?
ANS: Yes I'm on FTO.

QUES: Okay. Directing your attention, sir, to the date of July 2, 2005 at around 2300 hours, were
ANS: you working on that date and time in question?
Yes.

QUES: And do you recall who you--what squad you were working?
ANS: Yes.

QUES: What was that, sir?
ANS: 310.

QUES: And were you working with a partner?
ANS: Yes.

QUES: And who was your partner?
ANS: Dean Milner.

Officer [REDACTED]
CRA Case # 05-2251

QUES: And were you in training at the time on this date and time, sir?
ANS: Yes.

QUES: Okay. On this date and time, sir, do you recall responding to the location of [REDACTED] Street with Officer Milner?
ANS: Yes.

QUES: And what was the nature of that call?
ANS: The nature of the call, I didn't know if he had just gone over there because the call had been cancelled by dispatch and it was a-a disturbance with a-with a neighbor and another kid down the street where the house was where we went to regarding threats and we had gone there with another Fifth Precinct Officer and went to talk to the kid about making the threats.

QUES: So this location was actually out of your district?
ANS: Yes.

QUES: And how did you- Do you know how-how did you come about the information as far as neighbor trouble at this location?
ANS: I was just doing what I was told by my FTO.

QUES: So what the Officer Milner provide you with any information regarding this call?
ANS: He just told me the nature of it and what- we were going to go over there with another Fifth Precinct Officer.

QUES: And what happened once you arrived at this location?
ANS: We knocked on the door and waited for the person inside to come in the door and it took him awhile to come to the door. When the individual came to the door I was standing down at the bottom of the stairs and I was behind Milner and I heard him ask the kid to step outside he wanted to talk to him about some threats and the kid was kind of being uncooperative. He was saying that he was afraid and that he didn't want to come outside and I remember Dean saying, "There's three police officers out here. What are you afraid of? I just want to talk to you." And then the kid wouldn't come out. Dean opened the screen door and said, "You need to come outside." And at that time, the kid tried to slam the door on Dean and Dean grabbed him and threw him to the ground and pretty much said you just need to just settle down and explained why we were here. And at that time, the kid became really apologetic and said he was sorry and Dean explained the whole reason why we were there.

QUES: And how was this individual positioned on the ground once Officer Milner took him down?
ANS: He was on the stairs and Dean was kneeling on his chest.

QUES: And how long approximately did he remain in that position?
ANS: I don't know. It wasn't an extended period of time. It wasn't long at all.

QUES: Do you recall the conversation that Officer Milner had with him while he was down on the ground?
ANS: Yes.

QUES: What was that, sir?
ANS: It was just pretty much saying that you need to listen when a police officer tells you to come outside you need to listen what he says and don't try and slam the door on his face. And he said that you can't be making threats to people even if you don't agree with their political views and he just pretty much explained to him the whole thing why we were there.

QUES: Do you know of any specific threats that was made by this individual to his neighbor?
ANS: I don't know of any.

QUES: And at the end of that conversation was this individual allowed to get up off the ground?
ANS: Yes.

QUES: And what happened from there?
ANS: From there the kid was very apologetic. He said I was sorry. He didn't want to cause any problems. And he kept sorry for slamming the door on Dean. Dean just explained to the kid that you got to, you know, respect your issues and respect other people's issues and you can't be making threats to other people about-if you don't agree with them. And the kid said okay I understand. And at that time Dean had asked me to go to the car and run his name just to see if he had any warrants and he end up having a warrant, gross misdemeanor warrant for false info to a police officer and at that time Dean-By the time I had found out, Dean was walking back to the car. I told him. We went back to the door. The kid wouldn't come to the door again so we just left at that. And then we went back a couple nights to check because we knew he had a warrant. And he ended up, I guess, turning himself in later.

QUES: Do you recall which nights you went back to check?
ANS: I don't.

QUES: Was it soon after this incident?
ANS: Yes.

Officer J. [REDACTED]
CRA Case # 05-2251

QUES: And how did you come about this individual's identification information in order to check him for warrants?
ANS: We asked him for his name and he gave that to us.

QUES: You stated that when Officer Dean opened up the screen door at some point this individual attempted to slam the door on officer Dean?
ANS: Mhmm. Yes.

QUES: Was this the interior door?
ANS: Yes-

QUES: Or was it the screen door he was trying to close?
ANS: No. Dean had opened the screen door and then it was the main door to the house that he tried to close.

QUES: Did Officer Milner sustain any injuries as a result of the action taken by this individual?
ANS: I do not believe he got injuries but his watch did break and fall off his arm.

QUES: Go ahead.
ANS: I was going to say, the kid actually picked it up and said sorry for-sorry for this and handed him his watch so . . .

QUES: Did you speak to anyone else on the scene?
ANS: No.

QUES: Did Officer Dean, pardon me, Officer Milner speak to the neighbor that made the original call?
ANS: Yes.

QUES: On the scene?
ANS: Down the street. After we had talked to the kid.

QUES: Went to a different location?
ANS: Yes.

QUES: Okay. And were you there during that conversation?
ANS: Yes.

QUES: And what was the gist of that conversation, sir?

Officer [REDACTED]
CRA Case # 05-2251

ANS: The gist of it was pretty much that he had talked to the kid about making threats about the whole—what the whole thing had started over. And he said that, you know, I think that I talked to him and I got the point across. He was very apologetic about it. And I just basically told him that he can't be making threats if you didn't agree with people's political views. And he said I don't think I needed to go any further because the kid seemed that he got the point across because he was very apologetic after we had talked to him.

QUES: Did you have knowledge of the active warrant at that time?
ANS: Yes.

QUES: Was the—this caller given that information as far as this warrant, outstanding warrant on this individual?
ANS: I don't recall.

QUES: Do you know if Officer Dean was familiar with this individual, the neighbor that called?
ANS: Yes.

QUES: And how do you know about—how did you come about that information, sir?
ANS: Dean told me that he knew him.

QUES: Was that before you went to this location?
ANS: Yes.

QUES: Did Officer Dean when speaking to this individual at the [REDACTED] Street ever call him a little shit?
ANS: No.

QUES: Did he use any profanity when speaking to this individual?
ANS: No.

QUES: Do you recall how Officer Dean was able to get this individual out of the house?
ANS: Ah, he grabbed him by the neck.

QUES: You grabbed him by the neck?
ANS: No, Dean—Dean had grabbed him and pulled him out.

QUES: Did this individual put up any resistance?
ANS: No. Other than slamming the door.

QUES: But once he grabbed by Officer Milner?

Officer [REDACTED]
CRA Case # 05-2251

ANS: No, he was put on the ground right away.

QUES: Did Officer Dean have any conversation with the neighbor that called prior to going to the location and speaking to this young man?
ANS: Yes. The only part that I remember was him calling and saying that the call had been cancelled and that's why Dean had headed over there is because he actually had called 9-1-1 about the threats and was going to go over there because the call was cancelled.

QUES: And how did he contact Officer Milner?
ANS: By phone.

QUES: While you were in the squad?
ANS: Yes.

QUES: And you stated that you met another Fifth Precinct squad over there?
ANS: Yes.

QUES: How many officers?
ANS: One.

QUES: Did Officer Dean place his knee in this individual's chest while he--when he had him down on the ground?
ANS: Yes.

QUES: Was the disagreement-- Was it your understanding or do you know if this disagree-- Do you know if this disagreement between these two neighbors, if it was a political--they were having a political disagreement?
ANS: Yes.

QUES: While-- When Officer Milner was speaking to the caller, do you recall if the caller make mention of any detail of any of the threats that were allegedly made by this individual at [REDACTED]
ANS: I don't recall those.

QUES: You don't recall any specifics?
ANS: I-- Dean's the one that talked to him and he just said we were going to go over there and handle it.

QUES: Anything else that you recall about this incident, sir, that I haven't asked you?
ANS: Nope.

Officer [REDACTED]
CRA Case # 05-2251

QUES: Anything you wish to add to your statement?
ANS: No.

QUES: Has anyone from the Minneapolis Civilian Police Review Authority made any threats or promises to you for giving this statement today?
ANS: No.

QUES: After you've read your statement and if necessary made any corrections to it are you then willing to sign it sir?
ANS: Yes.

Signature: _____ Date: _____

slm

STATEMENT OF [REDACTED]

PLACE: Minneapolis Civilian Police Review Authority

DATE: July 18, 2005

TIME:

CASE NO: 05-2251

INVESTIGATOR [REDACTED]

REC'D SEP 28 2005

QUES: State your full name for me please.

ANS: Charles [REDACTED] as in [REDACTED]

QUES: And your home address?

ANS: [REDACTED] [REDACTED]

QUES: Your home phone?

ANS: [REDACTED]

QUES: And your- How old are you, sir?

ANS: I am- Well, [REDACTED] I think that makes me [REDACTED]
or [REDACTED]

QUES: Okay.

ANS: [REDACTED]

QUES: Okay. And on the day of July 2, 2005 at about eleven o'clock PM do you recall calling 9-1-1 operator on a neighbor trouble?

ANS: Yes, that's correct.

QUES: And do you know the address of the neighbor that you were calling the police for?

ANS: No, I did not but I pointed the house to them.

QUES: Okay. Do you know the name of this individual?

ANS: No, I do not. [inaudible recording]

QUES: And what happened with you and this neighbor?

ANS: [inaudible recording] use profanity to myself and my family. *because of the president Bush bumper sticker on our car.*
The gentleman directed CRT

QUES: Pardon me, sir?

ANS: I said when this kid came by, he came by twice and he proceeded to use profanity in front of my kids and I just felt like that wasn't-that's not cool to do. You know, it's not right. People shouldn't be allowed to do that.

QUES: And so- Because of that you were offended by something that this individual said?

ANS: Yeah. And you know what, when somebody you don't know comes up to my home and in front of my family and starts making comments, you never know in this day and age where the guys is going to go next and so I felt like that this is something that

I feel like the police should know about because if something happens to my family, my children, my home, I want this person to be the first on the list so the police can go talk to him.

QUES: Okay. Did he come up and knock on your door or you just happened to—
ANS: No, no.

QUES: —be outside?
ANS: No. We live on the corner house so we're outside and we're exposed to everybody. So, he came by. My cars are in the garage with the President Bush bumper stickers on them and the garage door was open and he came by and he saw them and so that's what precipitated his comments. They were unsolicited comments. I never asked for them.

QUES: Did you call the police immediately after the incident?
ANS: I called them the second time.

QUES: The second time.
ANS: The second time it happened I called the police.

QUES: Okay. When was the first time that it happened?
ANS: I can go up on the computer and look at some paperwork. In fact, I could send you a copy of it.

QUES: Was it on— Was it on the same day?
ANS: No. No. It was—

QUES: Or another occasion?
ANS: It was prior. Yeah, it was separate day.

QUES: Okay. So, this day of that Saturday evening of July 2nd—
ANS: Mhmm.

QUES: —You called the police?
ANS: Yeah, that—

QUES: That was the 2nd?
ANS: That was the third time.

QUES: Third time. Okay. And did the police come immediately- Did you call the police immediately after this third incident?

ANS: Yep. Yes, I did.

QUES: And did they come and speak with you?

ANS: Yes, they did.

QUES: What happened once they arrived?

ANS: Well, they took down the description of the person. I said that's the house down there, I pointed to the, I believe you said it was [REDACTED] and they went and talked to the kid.

QUES: How many officers arrived?

ANS: There were three.

QUES: How many squad cars? Did you happen to see the squad cars?

ANS: Two. There were two.

QUES: Two squad cars?

ANS: Mhmm.

QUES: So two officers in one and one in the other?

ANS: That's correct.

QUES: And you just- Did you reiterate to the officers what had taken place on that day?

ANS: Yeah, I explained that my first-my first time that I had called the police I had given them a report and I said here's what happened and they took down the description of the kid, I gave them the age. I gave them the fact that he had a big tattoo on his left arm and I said, in my opinion, I think the kid gets a real bad attitude because it's just not normal for people to go up to strangers and start, you know, start hassling them about who or what their beliefs are or what they're in support of the president or not and so that's just kind of what I said. And I said I feel like I'm in fear for my family and my property and so that's why I called the police.

QUES: Did you go with- Did the officers go to speak to this gentleman?

ANS: Yes, they did.

QUES: And did you witness them talking to this gentleman?

ANS: No, they're quite a ways a way. I couldn't hear what they were saying.

QUES: Did they go to his house?

ANS: Yes. Yes, they went to his house.

QUES: Do you have a direct view of that house from your location?

ANS: Well, it's dark and it's quite a ways a way so I-you can't hear what they were saying.

QUES: Did they come back to speak with you afterwards?

ANS: They just said that they talk to the kid.

QUES: Okay. And have you had any other incidents with this neighbor since this incident?

ANS: No. No, in fact he came by a couple days ago, maybe it's been about a week, and he came and he apologized to me and my kids were out there and he apologized to my kids and of course, we forgave him and I mean, I thought that was pretty decent of him. Yeah, he apologized.

QUES: So do you feel as though the issue was resolved?

ANS: Yeah, it's resolved as far as I'm concerned.

QUES: Did the officers- I don't know if I asked you, did the officers come back to speak to you after speaking to this gentleman?

ANS: Yeah, they came back and they just said they talked to him.

QUES: Did they provide you with any other information regarding this gentleman?

ANS: Nope. Nope. *They informed me that the gentleman had an arrest warrant*
C/1/16

QUES: And were you familiar with any of the officers that arrived on the scene?

ANS: Yes I am.

QUES: With who?

ANS: Dean Milner.

QUES: How about the other two officers?

ANS: No I am not.

QUES: Okay. Do you feel as though the officers treated you in a fair and impartial manner?

ANS: Oh sure, yeah. No, I asked them for some help and they came out and talked to the kid.

QUES: And as far as you were able to observe and as far as your contact with the officers, would you say they acted in a professional and appropriate manner?

ANS: Absolutely. And you know and the fact that kid came and he apologized to me, I'm very grateful for.

QUES: Did this gentleman—

ANS: I shouldn't call him a kid he's—he's older than a kid I think.

QUES: Did he speak to you about any of the conversations that he may have had with the officers?

ANS: Not—No. He said, "I'm sorry and I'm sorry for the way I treated you and I'm sorry for the things I said."

QUES: Did he complain to you about—Did he have any complaints or make any complaints to you about his contact with these officers on the date in question.

ANS: Yes he did.

QUES: And what was that sir?

ANS: Oh, he just said that the officers weren't treating him very kindly.

QUES: Did he give you any specifics?

ANS: No. No. And I did not ask.

QUES: And that was his only complaint. He just said he was not treated kindly?

ANS: Yeah, and he said he was going to file a complaint and I thought well, you know that's within your rights to do.

QUES: Did he say anything as far as—Okay, didn't treat him kindly, was he speaking as far as—Do you know if he was talking about as far as the way they spoke to him or was there any physical contact?

ANS: That I don't know.

QUES: Okay. And how are you familiar with Officer Milner, sir?

ANS: I go to church with him.

QUES: Is there anything else, sir, that you recall about this incident?

ANS: No, I'm just glad it's done.

QUES: Is there anything you wish to add to this statement, sir?

ANS: No, I'm okay with what I've said.

QUES: Oh, one more question, sir, did you ever tell this gentleman, the neighbor, did you ever tell the officers that the neighbor was threatening you in any manner?

ANS: I think by technical definition, no. He was never threatening me but the mere fact that a total stranger comes up to me, there's probably a legal definition for threat but the fact that the kid came up to me in the presence of my wife and children and made the comments that he did, I think that could be construed as being a threat. And I don't know how far or to what degree but when a total stranger comes up to a person and starts making comments to an individual that they don't even know then yeah, you know, that could be construed as a threat.

QUES: Do you know—

ANS: I mean, is that harassment? Is that considered harassment when you come up to a total stranger and you make comments? And you— In this day and age you just don't know where somebody's going to take those comments.

QUES: And you felt the comments were harassing?

ANS: They're totally inappropriate in the presence of my wife and my children.

QUES: Okay. Do you know if the officers that responded if they took any actions against this individual at all?

ANS: No, I don't.

QUES: And did you have any contact with the officers on the night in question after they came back and spoke to you after speaking to your neighbor?

ANS: No. Nope.

QUES: Okay. That concludes my questions, sir.

ANS: Okay.

QUES: The time is 4:42 PM. Has anyone from the Minneapolis Civilian Police Review Authority made any threats or promises to you for giving this statement today?

ANS: No.

QUES: After you've read your statement and if necessary made any corrections, would you willing to sign it, sir?

ANS: Sure.

Signature: 

Date: 9/25/05