

Police Department

Timothy J. Dolan Chief of Police

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

> Office 612 673-2853 TTY 612 673-2157

> > Sgt. Clark Goset Child Abuse Unit Minneapolis Police Department

Sgt. Goset,

RE: CRA Case Number #07-2463 **LETTER OF REPRIMAND**

The finding for CRA Case #07-2463 is as follows:

MPD P/P 5-103 Use of Discretion – Female Interfering...<u>SUSTAINED</u> (Category B) MPD P/P 5-105 Professional Code of Conduct...<u>SUSTAINED</u> (Category A)

You will receive this Letter of Reprimand. This case will remain a B violation and can be used as progressive discipline for three years. 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

September 23, 2009

BY

Sharon Lubinski Assistant Chief

I, Sgt. Clark Goset, acknowledge this

Letter of Reprimand.

Sgt. Clark Goset

Category: B

etain until: 4/21/2010

Captain Huffman Personnel

www.ci.minneapolis.mn.usIAU Case File

Affirmative Action Employer

City Information and Services



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

September 23, 2009

Civilian Review Authority Samuel L. Reid 400 South Fourth Street – Suite 670 Minneapolis, MN 55404

RE: CRA Case Number #07-2463

Dear Mr. Reid:

An Administrative Review has been conducted into CRA Case #07-2463, which was a sustained case by CRA against Sgt. (Officer) Goset and Sgt. (Officer) Mathes for violating MPD P/P 5-103 Use of Discretion – Male Smoking, MPD P/P 5-103 Use of Discretion – Female Interfering, and MPD P/P 5-105 Professional Code of Conduct.

Assistant Chief Lubinski reviewed the case and determined Sgt. Goset will receive a Letter of Reprimand (B level) for Use of Discretion – Female Interfering and receive Coaching (A level) for Professional Code of Conduct.

Sgt. Mathes will receive a letter of Reprimand (B level) for Use of Discretion – Male Smoking and Use of Discretion – Female Interfering and receive Coaching (A level) for Professional Code of Conduct.

If you have any questions please feel free to contact me.

Sincerely,

Timothy Dolan Chief of Police

By: Sharon Lubinski
Assistant Chief of Police

Minespols

City Information and Services

CC: Honorable Mayor R. T. Rybak Minneapolis Police Federation Captain DeLugo Captain Huffman Sgt. Goset Sgt. Mathes IAU Case File

NOTICE OF DISCIPLINE PANEL MEETING

August 28, 2009

Sergeant Clark Gosset, badge #02354 Minneapolis Police Department CID

Sgt. Clark:

Re: CRA Case Number 07-2463

This letter is to inform you the Discipline Panel has reviewed CRA Case #07-2463 and recommends the finding(s) as follows:

MPD 5-103 Use of Discretion (Female Interfering) / Category (B)...Sustained. MPD 5-105 Professional Code of Conduct / CategorySustained

The Discipline Panel will meet on Wednesday, 16 September 2009 at 1400 hours in the CID conference room in the City Hall Building (350 S 5th St. – Room 108). At this time, you will be given an opportunity to address the Discipline Panel. If you choose not to attend the Discipline Panel meeting you are ordered to notify the panel chair in writing by Monday, 14 September 2009.

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

Sincerely.

Michael Sullivan, Panel Member

Lieutenant

Minneapolis Police Department

cc: Internal Affairs Unit

Captain Delugo – Panel Chair Captain Huffman – Panel Member

Police Federation

NOTICE OF DISCIPLINE PANEL MEETING

August 28, 2009

Sergeant David Mathes, badge #04439 Minneapolis Police Department Juvenile Division

Sgt. Mathes:

Re: CRA Case Number 07-2463

This letter is to inform you the Discipline Panel has reviewed CRA Case #07-2463 and recommends the finding(s) as follows:

MPD 5-103 Use of Discretion (Male Smoking) / Category (B).....Sustained. MPD 5-103 Use of Discretion (Female Interfering) / Category (B)...Sustained. MPD 5-105 Professional Code of Conduct / Category

The Discipline Panel will meet on Wednesday, 16 September 2009 at 1330 hours in the CID conference room in the City Hall Building (350 S 5th St. – Room 108). At this time, you will be given an opportunity to address the Discipline Panel. If you choose not to attend the Discipline Panel meeting you are ordered to notify the panel chair in writing by Monday, 14 September 2009.

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

Sincerely.

Michael Sullivan, Panel Member

Lieutenant

Minneapolis Police Department

cc: Internal Affairs Unit
Captain Delugo – Panel Chair
Captain Huffman – Panel Member

Police Federation

Memorandum

To: Assistant Chief Sharon Lubinski

From: Captain Isaac de Lugo

Re: CRA Case 07-2463

Date: September 18th, 2009

LAUDERMILL HEARING

CRA 07-2463

On September 16th, 2009, I chaired a Laudermill Hearing to review the facts of this case that involved two MPD officers, Sergeant David Mathis Badge # 4439 and Sergeant Clark Goset Badge # 2354. The panel consisted of me, Captain Isaac de Lugo, Commander, Juvenile Division, Captain Amelia Huffman, Commander, Criminal Investigations Division and Lieutenant Michael Sullivan, Juvenile Division. Also present were Sergeant David Mathes and Federation representative Lieutenant Robert Kroll for Mathes' Hearing and Sergeant Clark Goset alone for his Hearing, at his request. It should be noted that both officers have been promoted to the rank of Sergeant since the date of this incident (April 21, 2007).

CRA sustained charges against both officers are as follows:

- 1) MPD 5-103 Use of Discretion (Male Smoking) (B Violation)
- 2) MPD 5-103 Use of Discretion (Female Interfering) (B Violation)
- 3) MPD 5-105 Professional Code of Conduct (Inappropriate Language) Violation)

It was reported that Officer Mathes acted inappropriately when he 'snatched' a cigarette out of an unknown male's mouth. That after the complainant commented that the officer's action was rude and unnecessary, Officer Mathes told the complainant to mind her own business. And that both Officer Mathes and Officer Goset 'bombarded' complainant with a series of questions and told the complainant she needed to get out of downtown and go back to North Minneapolis. That Officers Mathes and Goset furthered the harassment when they handcuffed the complainant escorted her to a squad car and issued her a citation for obstructing the legal process.

That Officer Mathes said, 'You're just a liberal piece of shit,' and that both officers made several inappropriate and insulting comments to complainant.

Comments by Officers;

Sergeant David Mathes stated to the Panel that back in 2007 Block E was a very dangerous place. So dangerous in fact Sgt. Mathes stated that Mayor Rybak walked Block E while being videoed by the news cameramen to show how safe it was. Sgt. Mathes stated that the Mayor was surrounded by unseen plain clothes officers for his protection.

Sgt. Mathes also stated that they were told by the Command Staff to be aggressive in cleaning up the area and that they would be "backed up". He stated that they did what they believed was asked of them and that they did it in good faith and that he believed at the time that the male with the cigarette was violating the law by getting ready to smoke at a bus stop. He also believed that the complainant's verbal interference violated the law. Sgt. Mathes denied making the "piece of shit" comment.

Sgt. Clark Goset stated that he believed that they were doing what was asked of them, cleaning up the streets around Block E. He also stated, that in hindsight, that he would do things very differently now.

Panel Discipline Recommendation:

After reviewing the facts, allowing both officers to offer mitigating circumstances, comments, and in Sgt. Mathes' hearing, comments by his Federation Representative, Lt. Robert Kroll, the Panel recommends the following:

Sgt. David Mathes-

The discipline for CRA B Violation charges one and two MPD 5-103 (Male Smoking and Female Interfering) be a Letter of Reprimand.

The Panel affirms that CRA was correct in their conclusion that Officer Mathes had no legal basis for taking the cigarette from the male. Possessing a cigarette, lit or unlit, on the sidewalk violates no laws or ordinances.

The Panel also affirms that the comments offered by the female did not constitute a crime based upon explicit court decisions. (In State v. Krawsky, the MN Supreme Court held that interrupting or directing criticism towards an officer does not constitute a violation of obstruction of legal process. To be found guilty of obstruction of legal process a defendant must act in a way that physically hinders an officer in the performance of his duties. In order for verbal conduct to rise to the level of physical

interference, it must exceed ordinary verbal criticism such as a scenario in which the defendant ran alongside an officer engaged in a foot chase shouting and cursing at the officer as he attempted to purse a suspect.)

The discipline for **CRA B Violation charge three MPD 5-105** (Language) be a **Reduced to an A Violation.** (It should be noted that as an A violation this would be beyond the reckoning period of one year).

The Panel believes that the language violations should be reduced to A level because both Sgt. Mathes and Sgt. Goset were patrol officers at the time of the incident, and that language violations by officers are usually regarded as coaching level violations. The language in question was profanity rather than a more egregious language violation like the use of an ethnic slur.

Sgt. Clark Goset-

The discipline for CRA B Violation charge one MPD 5-103 (Male Smoking) be **None.** The Panel believes that this offense was charged and sustained in error as Sgt. Mathes and not Goset, was the officer to grab the cigarette.

The discipline for CRA B Violation charge two MPD 1-103 (Female Interfering) be A Letter of Reprimand.

The Panel also affirms that the comments offered by the female did not constitute a crime based upon explicit court decisions. (In State v. Krawsky, the MN Supreme Court held that interrupting or directing criticism towards an officer does not constitute a violation of obstruction of legal process. To be found guilty of obstruction of legal process a defendant must act in a way that physically hinders an officer in the performance of his duties. In order for verbal conduct to rise to the level of physical interference, it must exceed ordinary verbal criticism such as a scenario in which the defendant ran alongside an officer engaged in a foot chase shouting and cursing at the officer as he attempted to purse a suspect.)

The discipline for CRA B Violation charge three MPD 1-105 (Language) be a **Reduced** to and A Violation. (It should be noted that as an A violation this would be beyond the reckoning period of one year.

The Panel believes that the language violations should be reduced to A level because both Sgt. Mathes and Sgt. Goset were patrol officers at the time of the incident, and that language violations by officers are usually regarded as coaching level violations. The language in question was profanity rather than a more egregious language violation like the use of an ethnic slur.

Respectfully Submitted,

Captain Isaac S. de Lugo II

Mpls Police Dept.
Juvenile Division



Civilian Police Review Authority

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

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



July 28, 2009

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

RE: Complaint No. 07-2463

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

Manager

SLR:sp

SLR:sp

City Information

www.ci.minneapolis.mn.us Affirmative Action Employer

CITY OF MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY

Note: This document is included in the investigative file for the sole benefit of the hearing panel.

In re Police Misconduct Investigation of:

Sergeant David Mathes (Badge #4439) Officer Clark Goset (Badge #2354) WRITTEN SUMMARY OF INVESTIGATIVE FINDINGS OF FACT AND RECOMMENDATION CRA File No: 07-2463

Pursuant to Minneapolis Code of Ordinance Title 9, Chapter 172 § 172.10, the Minneapolis Civilian Police Review Authority (CRA) has the authority to adjudicate citizen complaints alleging misconduct against members of the Minneapolis Police Department (MPD) as provided by that chapter. This complaint was timely filed in the proper form as required by §§ 172.70 and 172.160, and the complaint has been referred to a panel of the board for hearing as provided by § 172.100.

I. SUMMARY OF COMPLAINT ALLEGATIONS

In a complaint filed with the Minneapolis Civilian Police Review Authority, Complainant alleged the following:

Inappropriate Conduct – That Officer Mathes snatched a cigarette out of the mouth of an unknown male.

Harassment – That after the Complainant commented that the officer's action was rude and unnecessary, Officer Mathes told the Complainant to mind her own business, and that both Officer Mathes and Officer Goset bombarded Complainant with a series of questions and told Complainant she needed to get out of downtown and go back to North Minneapolis. That Officer Mathes and Officer Goset furthered the harassment when they handcuffed Complainant, escorted her to a squad car and issued her a citation for obstructing the legal process.

Inappropriate Language – That Officer Mathes said, "You're just a liberal piece of shit," and that both officers made several inappropriate and insulting comments to Complainant.

II. ISSUE(S)

- 1. Did Officer Mathes' act inappropriately when he removed the cigarette out of the unknown male's mouth?
- 2. Was Officer Mathes and Officer Goset conduct harassing toward the Complainant after she spoke out about Officer Mathes's method of enforcement?

STATEMENT OF

PLACE:

Minneapolis Civilian Police Review Authority

DATE:

April 26, 2007

TIME:

3:00 p.m.

CASE NO:

TBA 07-2403

INVESTIGATOR:

QUES:

State your full name, spelling your first and last name.

ANS:

QUES:

And your home address?

ANS:

QUES:

Your home phone?

ANS:

QUES:

Your age and date of birth?

ANS:

QUES:

directing your attention to the day of April 21, 2007, on that day you came in

contact with Minneapolis Police Officers, is that correct?

ANS:

Correct.

QUES:

And do you recall approximately what time that contact took place?

ANS:

It was around 10:00 p.m.

QUES:

Do you recall the location of that contact?

ANS:

It was Seventh and Hennepin, right by Block E, on the side of Seventh Street.

QUES:

And what were you doing at the time of the contact?

ANS:

I was waiting for the bus and I was leaned up against the side of Block E just waiting for the bus. Four officers walked by coming from Hard Rock and on their way towards Hennepin and they walked past me. There was a man standing about an arms length or a little bit more away from me and he had a cigarette in his mouth. I believe that cigarette was unlit. I hadn't smelled smoke. And when I was watching the cops as they walked by and one of the cops, police officer #1, he without saying anything, stopped the man and reached out and grabbed the cigarette from his mouth and then after he grabbed it, he said, "There's no smoking at bus stops." I kind of just—I watched that and I just kind of was—stood there but I was like, wow, you know. You know he didn't even say anything to the man or anything like that before snatching the cigarette out of his mouth. And then at that time, the officer he said—he had said, "There's no smoking at bus stops," and he might have said a few things that I don't quite recall but I said, without moving from where I was standing and without yelling or saying anything sarcastically, I just said in this tone, I said, I said, "That was rude. You don't need to snatch anything out of anybody's mouth." Or "You don't have to

snatch things out of people's mouths." And at the point, Officer #1 said, "Mind your own business," and said a few more things to the man.

Then—There's four officers all together. Officer 3 and 4 kind of stepped off to the side, on the man's other side and just was standing there, they weren't addressing anything, and then Officers 1 and 2 kind of turned, directed their attention towards me. They started asking me questions. They said something like I was just giving him a warning and I could have given him a misdemeanor if I wanted to.

QUES:

And who said that?

ANS:

Officer #1 said that. And kept telling me I should just mind my own business. And "We're were told to come out here and use force."

QUES:

And who said that?

ANS:

Officer #1. Then you know I might have said something. "I'm just stating my opinion you don't have to snatch things out of anybody's mouth." Kind of when that was going on, they were finished with the man. The man you know kind of heard that they were, this is what I think—The man heard that—they were starting to give me trouble and just wanted to leave the situation before they returned their attention to him, which they were done with and none of the four officers stopped him and he walked away and just to get out of the area, which was smart in my opinion.

Then the officers directed their attention toward me and they were just kind of-officers wanted to—they kind of were just yelling things at me but they started asking me questions. And they asked if I was smoker and I said, "No, I'm not a smoker." And then they asked me what I was doing downtown and I told them I was on my way home. And they asked me where I lived and I said, I said, 47^{th} and Emerson and they said, "You need to get out of downtown and go back to North Minneapolis."

QUES:

Now who's asking you these questions and making these statements that you just stated?

ANS:

It was Officer #1 and 2. Officer #2 was asking me the questions but it was kind of going back and forth between them. One would ask the question. The other would make a comment.

QUES:

And who made the statement about going back to North-?

ANS:

I don't—I don't remember which officer said that but it was either 1 or 2. I said I live in Minneapolis and they said, "No, you live in North Minneapolis. Go home."

QUES:

And do you know who said that?

ANS:

No, I just- It was just coming at me.

QUES:

Between 1&2?

ANS:

Between 1&2. Then they- One of 'em asked me where I worked and I said I didn't have to answer that. And the Officer #1 says, I think it was him who asked me it but he says, because I think the set up was for me to tell him where I worked but I didn't. And then he says, "Well, I don't go to your job and tell you what to do so I don't tell me how to do my job." And I just replied, "It's a public street and I was just stating my opinion or I was just saying my opinion." And then they said something like, "You

don't have a right to an opinion."

QUES:

Do you recall which officer made that statement?

ANS:

I don't recall. At this time, it was coming from both officers were talking to me. They said—They brought up the First Amendment because I did not bring up the First Amendment. They brought up the First Amendment and they said, "The First Amendment doesn't give you the right to say your opinion." And I just replied, "Yes, the First Amendment is Freedom of Speech and that's what it does."

QUES:

And do you know which officer brought up that issue?

ANS:

No, I don't know which one but it was 1 or 2. And then they say, "Is that worth getting arrested for?" As to mean, is stating your opinion or is the First Amendment or standing up for your rights, it was kind of all jumbled up in what they were coming at me, and they stated, "Is that worth getting arrested for?" And I just said, "Yes." And then they put the cuffs on me.

QUES:

Did they ask you to turn around in order to—or warned you that they were going to be placing you in cuffs?

ANS:

No, I think it was just their body language. They-I think they took my hand and put the cuffs on me.

QUES:

Who took your hand?

ANS:

I think it was—I believe it was Officer #2 who cuffed me.

QUES:

Did you actually see him take his cuffs out?

ANS:

No, I didn't see him take his cuffs out.

QUES:

And were you given any indication that you were going to be handcuffed?

ANS:

No, I mean, I was just standing there and it just was like, I, you know, my body was just loose and that's-they, you know, I wasn't resisting anything so I think they took

my hand and just put 'em in cuffs and I just kind of went with their lead on what was going on.

QUES:

And how were you handcuffed? How were you hands cuffed?

ANS:

Behind my back. They were definitely behind my back.

QUES:

And then what happened?

ANS:

Then they led me. They didn't say why they were arresting me or anything. They-There was an Officer 1, I believe was on my left. No, Officer 1 on the-1 was-Officer 2 was on my left and Officer 1 was on my right and they had me and they were walking with me and I was just walking with them. I remember Officer 2 saying, "You need to start walking on your own." But I was walking on my own but I had a big bag, tote bag, with me and it had slid down my arm because of the cuffs were on me and it was banging against my leg and I said, I said, "I am walking on my own but my bag just is hitting my leg a little bit." And then he didn't say anything after that. While we were walking towards Hennepin he kept-he kept just saying things to me and I wasn't really-I didn't say anything back most of the time. But he did-He did say- He did call me, "You're just a liberal piece of shit." And I was kind of shocked because I was like, "Where did that come from?" And you know what did I even do? I didn't even say anything you know. I was thinking a lot of things but I didn't say any of 'em. I just said-replied to that, and that was Officer #1 and I replied, you know, "You don't have to call me any names, you know. I was just stating my opinion. Why are you even doing this?" And then he said something smart like, "We just are low on quotas." You know just to be smart. And I knew he was just being smart when he said that but I just dropped it from there. And we turned the corner, a left on Hennepin. And then we were walking. He just keeps saying you need to leave downtown. That was kind of the mantra that I remember being drilled in my head.

QUES:

Officer #1?

ANS:

Both of them were saying that. Officer 1 and 2 were just saying you don't belong downtown you need to leave. They turned around the corner and then there's another bus stop there. And we were walking past it and there was a group of younger men and I didn't know their ages you know but they—they could have been sixteen to twenty-five. They were—They looked younger. And the—One of them had a—a—like a—it was just a little bit—it might have been Figarello or something and it was in one of the—or a blunt and it was in the little cigarette holders that come with the little plastic things and he had that as well and the officer took—snatched that out of his mouth.

OUES:

Which officer?

ANS:

#1. And I was, you know, just—and he through it in on the ground. I didn't say anything at that point because I didn't want to say anything that would get the other people in trouble you know because of what I would say. And I thought the officer was doing that to provoke me because he thought that I would react to it and just to show that he can do what he wants you know. And I kinda—I'm still cuffed and he stopped to do this and then he-I don't-I think he asked for their ID and then there was another person in that same group, a young man who had a bike and he was holding the bike, you know, he wasn't riding it. He was—He was holding it up and they were at that bus stop and the officer's like, "Get that bike off the sidewalk!" Officer #1 said that. "Get that bike off the sidewalk!" And the kid's like- The kid's like or the young man's like, "I'm not riding it. You know I'm just walking it." He's like, "It doesn't matter! Get that bike off the sidewalk!" And I was just like, whoa, this officer's out of control. Because he was-you know, he was yelling, "Get that bike out of here!" And you know and the other kids were like, you know, just listen to him. They said something like, "Just listen to him. He's got a white girl," or something like that because you know, take him seriously or something like that.

QUES:

What was the race of these individuals?

ANS:

The young men were—they were all black individuals and the original man that he took the cigarette was a black older gentlemen. Not older with gray hair but older. And I—Like I said, I didn't say anything because I didn't want to get them into trouble but Officer #1 still had one of the people's ID's. He had looked at it and then he had it in his hand and went to walk away with it while he had me cuffed and one of the—one of the guy's asked, "Can I have my ID back?" Or "Can we—It costs money to get a replacement. Can you give my ID back?" And at that point, I don't remember who—who got arrested—but one of them—one of those gentlemen got cuffed and put in the back of the squad.

QUES:

Okay. Now which individual did he take the ID from? This is the one on the bike or the one with—

ANS:

And that's what I can't remember. I'm thinking—I think it was the one with cigarette that he had the ID because that would make more sense. But—Either the one with the bike or the one with the cigarette but I'm thinking it was the one with the cigarette. He got thrown in the back of the—of the squad but I can't—I was kind of occupied in the sense of I didn't, you know, I was kind of just watching but one of them ended up in the back and they didn't do—I tell you, they didn't—They were totally cooperating and they just asked for the ID back.

QUES:

And who handled that male?

ANS:

. 東河 3

> I don't- I don't know who handled him. I want to- It's like I can't remember now because I don't- I think- I think that Officer #1 did and then I just got led out to behind the squad car and I remember the kid being put in the backseat but I was led behind the squad car but not actually taken inside. And Officer 2 was talking to me and I think- because I think, yeah, because I think later Officer #1 walked up and joined us again but that I'm fuzzy on. I'll say that. I can-So then I'm there at the back of the squad and Officer #2 says more stuff to me. I can't remember specifics. It was just more, "We're-You can-" And even said, "You can-My supervisor's name is this and you can go see here and she's right at the precinct down the street. You can make your complaints to her and just-But not saying it-just saying it very rude and like and they're not going to do anything anyway kind of way. You know he said, "We're told to come out here," and he reiterated, "We're told to come out here and use force on people," and I just, you know, I was kind of thinking, these are-we're people who are not doing anything. We're just waiting for the bus to actually leave and get out of here and you know you're taking up all this time on this. So, Officer #2- And Officer #1 steps off to the side and Officer #2 then asks me, he says, "Do you have an ID in your bag?" And I say, "No." And then he asked me, "Do you have an ID on you?" I said, "Yes, it's in my back pocket," and then he reaches in my back pocket and takes my ID out and then he starts to write the citation. Or he could have already started the citation but then he asked me to fill it out. Then he starts to-He writes out the citation and you know- Wait a second. He's writing it and basically he just kind of keeps saying, "You know you really don't need to be downtown. You don't need to . . ." Things like that and just kind of being pushed into me. You know I'm standing there and I just kind of-Officer 3 and 4 I think are kind of back at the squad too but they're not saying anything. There not getting anything. As soon as they- They kind of had followed. I believe they must have followed behind when I was led there and they were at the squad car I remember. But I just stood there behind the squad you know with my hands cuffed still and I said something like, well, you know, I- I said to myself, but I just kind of said you know I think what I did the right thing. I don't think citizens should be just treated like this and that's kind of-just kind of to get my composure and I said that. And then he-that was while the officer is writing the citation out.

QUES:

Officer #2? He wrote out the whole citation.

ANS:

Officer #2. He wrote out the whole citation. Then he, after he wrote the citation out, he uncuffed me. And at that time then I started to get a little teary of—started to tear up a little bit because I was—You know I had been holding all this stuff in you know and I felt so violated and just I started to cry a little bit and— [begins crying]

QUES: Do you want to take a break? Going off record. The time is 3:18. Back on record. 3:20

p.m.

ANS: So they uncuffed me and that's when I started to tear up a little bit. And then they -

They just said, "Go home. Get out of here." They seen me crying. They're like, "You

don't belong downtown.

QUES: Who said that?

ANS: It was Officer 1 or 2 who said that. I think it was Officer _____. And they

were just kind of laughing when I walked away. I remember I said something like, "I think I missed my bus." They said, "Too bad. Catch another one." That was—That was

it and then I just walked off.

QUES: Did you go back to the location where you were originally?

ANS: I went back to the location where I was originally but then I decided that I didn't want

to go home because I wanted to go see some of my friends [voice quivering] because I was so shook up. And so I went to—I went actually down on 7th to Nicollet and I just walked up to a cab because there's cabs there and I just went and got in the cab and

went to see one of my friends in St. Louis Park.

QUES: Now when you were being questioned by Officer #1 and #2, where were the other two

officers located?

ANS: When I was- They were off to my left, I think, just standing around. They weren't

involved in any of the questioning and they were just kind of ignoring everything. I think I forgot to mention that when they cuffed me, Officer—one of the officer, #3 or 4, he was—one of them was standing to my left a little bit because I remember when I went to turn around he was on my left hand side with his back against the wall. And I looked at him, you know I kind of looked in his eyes. You know I didn't say anything my hands were cuffed and I looked up at him kind of like with the look that kind of said, you know, are you just going to let this happen you know? You can see I didn't do anything. And he just kind of—the look he gave me—it wasn't anything—it was just

kind of like, he's not going to do anything and so I didn't say anything to him.

QUES: Now how far away were the Officers 3 and 4 standing away from you from where you

were being questioned by 1 and 2?

ANS: I believe that they were- The guy had- that they had been messing with, he was like

right there so I think they were just a little to the left of that so

QUES: And you stated earlier that the gentleman, it was a black male correct?

ANS: Yes. Black male. He-

OUES:

Older male.

ANS:

He walked away.

OUES:

And he was, at the time over the encounter with the officer's-

ANS:

Oh yeah.

QUES:

-initial encounter.

ANS:

He was about an arm's length. And it might have been-because I was here on the side of one of these so— And it was probably here. He was just over and like maybe you know just a little bit over. Because I was leaned up against the corner of one of them-

OUES:

Of the pillars?

ANS:

Of one of the pillars.

QUES:

Okay. And for the record, Maria's referring to a photograph that she's provided displaying the 7th Street side of Block E and you're stating that the pillar by the black

awning.

ANS:

You know I think that's where it was but I don't-I can't be sure.

OUES:

Somewhere in that area?

ANS:

Somewhere in that area. And I know I was—I'm pretty sure I was on one of the sides of the pillar because I was leaning and it just gave a little bit of edge you know.

QUES:

So you're facing the street-

ANS:

Yes.

QUES:

-Gameworks would be to the left to you?

ANS:

Yep, the Gameworks corner entrance would be to the left of me.

QUES:

And when you were being escorted by Officers 1 and 2 to the squad car, where was

Officers 3 and 4 located?

ANS:

I know that #3 was just a little bit to my left because as I turned around and was about a foot, a step or two. I remember looking over to my left at him kind of like I was saying, kind of like, you're not going to stop this. He didn't get involved and Officer 3 and 4 didn't get involved in it at all.

QUES:

Did they follow Officers 1 and 2 while they were escorting you?

ANS:

I couldn't see them from behind my back and I believe that they did because they were at the squad car when I was at the squad car.

QUES: Did Officers 3 and 4 were they with you and the other two officers when Officer 1

took the cigar or cigarettes out of the second gentlemen?

ANS: I believe—I believe they were. [crosstalk] I'm sorry.

QUES: I'm sorry. ANS: I'm sorry.

OUE: That's alright.

ANS: I believe that they were when the incident with the bus and the cigarette or the second

group of people. I believe that they were there.

QUES: And you stated that Officer #1 stopped and asked for one of these individuals out of

the group on Hennepin ID?

ANS: I remember seeing him with the ID in his hand. I don't remember him asking for it. I

just remember him standing there with it in his hand and going to walk off with it. And that's when one of the one of the people in that group asked for the ID back.

QUES: Did he still have a hold of you as he was standing there with this ID?

ANS: I think Officer #2 had me on my left and I just stood there and Officer #1 was able to

move freely. He didn't have a hold of my arm anymore.

QUES: And did you see anything further as to what Officer #1 did with this ID?

ANS: No, I just remember that that—the kid got cuffed and then they led me away and I kind

of separated from that and then I remember the kid in the back seat.

QUES: Was this—Was this a black male?

ANS: A black male.

QUES: And you say "kid" so-

ANS: I say kid but I mean, he, I mean, he could, like I- He could be sixteen, seventeen,

eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four. I mean, I just mean that he—He was younger—He was probably younger than me and I'm twenty-five but

he could have- He's probably nineteen but that's an estimate.

QUES: A young man?

ANS: Young man. I would say young man.

QUES: And was he still inside the squad car when you left the scene?

ANS: I believe so but there was a time when I was concentrating on myself more than I

was- He was there for a large part of when I was behind the truck, behind the squad

car. And he was just sitting there kind of waiting and I don't remember what happened to him. If he left early or before me or not.

QUES:

And exactly where was the squad car parked, do you recall?

ANS:

Yes, the squad car was parked on Hennepin and it was just past the bus stop where—where the group of men that we encountered. So if I'm pointing to it on this picture, it would be just outside of the picture. It would be around this area because this blue truck is covering the bus seating area I think.

QUES:

Okay. So, you would've- you went- you walked down 7th towards Hennepin, took a

left on Hennepin to where the squad car was located?

ANS:

Yep.

QUES:

And then so that would have been just past Gameworks, the side entrance?

ANS:

It would have been just past Gameworks.

QUES:

And the bus stop in that area?

ANS:

Yeah, and the squad car was like a little bit further from that bus stop.

OUES:

So do you work in the downtown area?

ANS:

Yes, I work downtown. I work full time, Monday through Friday. And I work downtown for six and a half years.

QUES:

And at that time, on this date, did you work?

ANS:

I did not work. I had spent the afternoon Uptown and I had just transferred from a bus Uptown, one of the busses coming from Uptown had dropped me off on the 7th and Hennepin or it might have been 8th and Hennepin and then I walked around the corner and stood where I was the whole time until the officers approached.

QUES:

Was anyone with you?

ANS:

No I was alone. It had been a really nice day and I wasn't drinking at all.

QUES:

Do you feel that you were interfering with what the officers when they're dealing with this black male that they were speaking to?

ANS:

I don't think I did anything to prevent them from doing anything. There was four officers present and I stood where I was. I didn't move. I didn't yell. I just kind of said out loud, pointing out, you know, they don't have come and just use force right away just snatch something out without warning. This is my words, you know, of what I think that I did is that you know you can ask someone and let them be aware of that there's no smoking at a bus stop and I'm sure that they would put out their cigarette

you know. Or you know remove it from their mouth but just, I think, the officer assaulted that person by just walking up to them and grabbing it. But in no way did I—did I move or like go after the officer or anything like and I did nothing to prevent them from what they were doing to that man except say that one statement.

QUES:

And after you made that statement, did you receive a response?

ANS:

It was mind your own business.

QUES:

And that was said by?

ANS:

I believe it was Officer #1.

QUES:

And did you say anything after he made that statement?

ANS:

I- I'm trying to remember. I might have said, "I'm just saying my opinion," or

something of that nature. You know but I just stood there.

QUES:

Were you advised several times or warned several times to not to interfere?

ANS:

I was advised to mind my own business. I didn't—They never said if you keep interfering you'll be arrested. They had never once said that I would be arrested.

QUES:

Now was there others standing in the area at the bus stop at this time?

ANS:

There were other people waiting for the bus to my right. Nobody interfered at all or said anything because I think it was obvious that it didn't make sense—it was obvious as I had said something that they were just turning their attention and hassling me so no one else said anything and I didn't have any people I knew there to come to my

defense.

QUES:

Were there large crowds on the street at the time or standing near the bus stop?

ANS:

I think there was more people standing where the actual bus sign was but I don't remember as far as crowds being there. I kind of just seen the visual bubble of where I was and the cops around me and the person. Like my back was against the wall and I didn't really look too much down the street.

QUES:

Did it appear to you that the officers completed their business with this male before directing their full attention to you?

ANS:

The first time they said, "Mind your own business," they, I believe that they continued to talk to the man but they—they had completed talking to him and doing everything that they did before they came and questioned me

QUES:

And when you say "they"?

ANS:

Officers 1 and 2. And it might have been just one of them coming first and then the other joining so

OUES:

Were you arguing with the officers?

ANS:

I wasn't arguing with the officers. I kind of—the only thing that I would have said is that I wouldn't back down in saying that what they had done was wrong and that they shouldn't do things like that. I didn't—Everything—They asked me questions and I just answered their questions.

QUES:

And you say that - Did any other officers come to the scene?

ANS:

No, there was four already. I don't- There's- I believe it was only those four that I

ever saw.

QUES:

And if you saw photos of these four officers would you be able to identify as far as

your references Officer 1, Officer 2, and Officers 3 and 4?

ANS:

Yeah. Okay.

QUES:

For the record, the four officers that was on the scene of this incident?

ANS:

Okay. The first officer, Officer #1 is this picture. I'm a hundred percent sure. David Mathes. He was the one who was the most aggressive and I believe out of control and he's who I'm referring to when I say Officer #1. Officer #2 was this man Clark Goset and he—he was not as aggressive but he backed up anything that Officer #1 did and he still told me some of the same things like, "Get out of downtown." Now I don't—I don't remember as much. He didn't do anything that I can remember at all and Officer #3 I'll say is who didn't do anything, just stood off to the side and he kind of the one I looked at, just like, "Are you going to do anything?" And he just stared back at me in kind of the same way his photo looks and I was taken away. So Officer #1 is David Mathes. Officer #2 is Clark Goset and the other two are kind of—they were there but didn't have anything to do with me I think.

QUES:

Is there anything else you wish to add to your statement?

ANS:

Just to say that I think that they shouldn't tell me that I can't be downtown and that they shouldn't come and harass citizens that I'm just not doing anything. And if they are doing something against the law that they should point it out with—and start out in a non-violent way. [pause] And I felt very violated.

QUES:

Anything else?

ANS:

Not really. I was just so shocked that that would happen that—that just trying to go home and I'm just—and other people are doing the same thing and—to try and en—You know, the thing that—I guess to add is that I mean last night I was trying—Last night I

was on my way home and I stayed at a friends and I was going to take the bus and it was nine o'clock and I didn't want to because I still felt so raw from this incident and I was just nervous because I would have had to wait at the same bus stop. And I kind of feel like if the police are harassing you, I don't know—It's not like you can call the police to help you when they're doing that so it—I would like to think that the police is there to protect me and average citizens who are obeying the law. I don't know what else to add. That's all I have—that's all I have to say.

QUES:

And the citation you received you stated was for?

ANS:

The citation I received was for obstruction without force and I don't know how I obstructed four officers from doing anything who are at the scene. I did not move from where I was standing and I did not yell and I wasn't being aggressive at all. I was just kind of being firm with that—pointing out that they don't need to use such force as, you know I just said in my original statement, "You don't have to snatch anything out of anybody's mouth."

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?

ANS: -

Yes.

QUES:

That concludes this interview. The time is 3:39 p.m.

| Signature: | Date: |
|------------|-------|
| | |

slm

STATEMENT OF Sergeant David Mathes

PLACE:

Minneapolis Civilian Police Review Authority Offices

DATE:

November 20, 2007

TIME:

4:23 p.m.

CASE NO:

07-2463

INVESTIGATOR:

QUES:

State your full name for me please.

ANS:

David Mathes, M-A-T-H-E-S.

QUES:

And your rank and duty assignment?

ANS:

I'm currently a sergeant assigned to the Minneapolis Juvenile Unit.

QUES:

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

ANS:

A little over ten years.

QUES:

And have you been ordered to appear here and provide a statement as provided by

the Garrity decision?

ANS:

Yes.

QUES:

And you're willing to give me a statement at this time, sir?

ANS:

Yes.

QUES:

Sergeant Mathes, directing your attention to the day of April 21, 2007, were you

working on that date, sir?

ANS:

I believe I was, yes.

QUES:

And what was your assigned work hours that day?

ANS:

Would have been 8:30 at night until 6:30 in the morning unless I was working a special beat and I don't remember if this was a special beat or just a regular shift

assignment.

QUES:

Were you working with a partner?

ANS:

Yes.

QUES:

And who was your partner sir?

ANS:

Officer Goset.

QUES:

And what was your detail assignment?

ANS:

We were working the foot beat around E Block, which is along Hennepin Avenue

between-between Sixth Street and Seventh Street.

QUES:

Do you recall on that date, sir, coming in contact with a female

ANS:

Yes I do.

QUES:

How did this contact come about ma'am? I mean, sir. I'm sorry.

ANS:

That's alright. We were dealing with a party, an uncooperative party, at the bus shelter along Seventh Street between Hennepin and First Avenue and while we were dealing with this party, I forget how you say her name.

QUES: ANS: Mhmm. We can refer to her as

Okay. Maria was a person that was standing on the bus stop and while we were dealing with this other party, she started interfering with us verbally. "I'm wondering . . ."— She's challenging us; why we were talking to this male, what business was it of ours if he was smoking or not, leave him alone. He has a right to do what he wants. And I can— We just kept telling her, "Ma'am, please be quiet. We're dealing with this guy right now." And she kept interfering with us verbally and that's how our contact was made.

QUES:

Now where was located versus the gentleman that you stopped to speak to? Close proximity. I would say within five feet, maybe three or four feet. Five feet something like that.

QUES:

And was she verbalizing any objections to how you approached this individual or do you- Was it-

ANS:

She was—She had issues with us. Initially it started out, she didn't like the fact that we were harassing him about—she called it harassing him about the cigarette. He was—He was getting ready to light a cigarette and I warned him about the smoking at the shelter. It was prohibited by the ordinance for the Transit Authority and he told me, this guy that we're dealing with told me, "I can smoke wherever I want." And he used some profanities at me. I said, "No, you can't. It's prohibited by ordinance and that's why we're out here. We were directed by our precinct commander, Janee Harteau and in fact, Mayor Rybak came into our roll call and he specifically told us, "I am getting too many complaints from citizens about feeling unsafe on the sidewalks, being harassed at the bus stops. I want you guys out there aggressively enforcing nuisance crimes, livability ordinances, such as like loitering, disorderly conduct, smoking at the bus stops, indecent conduct. Anything that we're—You know we call them livability issues that are—the more of the misdemeanor level. Not felony level, you know, major assault or anything, but more of the livability type of nuisance crimes that happen just routinely downtown. They were—They're getting a

marked increase in complaints about those type of issues so Mayor Rybak and our Precinct Commander addressed the issue at roll call and wanted us to really hit them hard and go after people aggressively that were, you know, breaking these ordinances.

And that's— This gentleman was the prime reason why we were out there that day. He was a nuisance offender violating a misdemeanor ordinance against a Transit Authority for smoking in a shelter and we were dealing with him. She didn't like the fact that we were dealing with him and at one point when the gentleman refused to—He was—He kept bringing his lighter up to his cigarette as though to light it and I warned him several times. And in-between warning him I kept having to turn my attention to who was complaining about us talking to him, dealing with him, didn't like it. Thought it was a freedom of speech issue for her to say what she wanted. I kept telling her that she could talk to us later but while we were dealing with the gentleman she had no business interfering or she'd be arrested for obstructing legal process. And in-between Officer Goset had repeated several warnings to her as well. The same type of thing. You know, "Ma'am, be quiet. You're going to be arrested if you keep interfering." That type of thing.

And at one point I grabbed the cigarette from this gentleman's mouth and I told him if you continue this I'm going to arrest you. He said—And she didn't like that I grabbed the cigarette from this gentleman's mouth and she started—She, at that point she stepped closer to us and started yelling, raising her voice. Now we had a whole bus stop full of people surrounding us, watching this argument. So, I repeatedly told her, I said, "You need to step back right now. If you continue this, you're going to be under arrest." I looked at the gentleman and I said, "We can either end this with this arrest with you or you can comply and leave the bus stop. You want to smoke. Go somewhere else and smoke. He said, "I'm out of here." And he left.

At that point, he was gone. We dealt with him effectively without having to arrest him and our attention was to her. And we told her, and matter of fact I even put it in my report, let me refresh my memory here. Do you mind if I just read through it. I put, "The issue AP1," this is "did not understand and officers tried to explain it to her, was that there is a time and a place to question officers and even take issue with, argue with and even make a complaint about officers but not in the middle of a scene where officers are dealing with a suspect. AP1 jeopardized officer safety."

At that point, our safety becomes a paramount issue when we start—we're out numbered. We have a lot of people surrounding us. Now most of those people I don't think were hostile towards us but she created an incident that constituted disorderly conduct and obstructing the legal process because of her actions. Now had she waited and said, "Officers," when that guy walked away and said, "I really have an issue with the way you dealt with him. I didn't like it. I have issue with this. I didn't like this or that. I'd like to talk to you about it." That would have been fine. You know we're not dealing with a potential suspect that at some point could become violent with us and we're distracted to deal with her as well.

I don't think her intention was to be violent towards us and we weren't violent towards her. This was a verbal exchange. If I would have thought she was a physical threat and was physically interfering we would have arrested her for obstructing with force and we didn't do that. But she just didn't seem to get the fact that there's a time and a place to make a complaint and to complain to us. And had she wanted to talk to us about this after the guy walked away that would have been fine. She could have talked to us. She could have got my card, my badge number, called my supervisor, talk to him or her, whoever's on duty. I don't remember at the time. She could have went to the station and filled out a complaint for CRA or she could have done it later. Whatever. You know, she subsequently must have done that. But there's a number of ways she could have addressed her dissatisfaction with us. And right at the scene while we're dealing with the suspect was not the time to do it. And we arrested her for obstructing legal process.

And generally speaking when I usually make arrests for that I usually book people into jail because it's affecting my safety and I don't have a lot of tolerance for people interfering when they jeopardize my safety or my partner's safety. I did feel a little bit sorry for her because I don't think—I think—I told her, I said, "I think you're fragile being down here." She said, "You're right. I am fragile." And I said, "You need to understand, we are directed out here to take aggressive enforcement action against livability issues and sometimes when you walk up, you don't know what background information we have. You don't know how many times I might have dealt with this guy before. There's people downtown I've arrested thirty, forty times. And I've got prior knowledge about the way they behave. She had no knowledge of any of that. And she cried and cried. And I told her, I said, "You know you should be going to jail right now but I think I'm just going to give you a ticket and I'm going to let you go."

QUES:

ANS: I said-Oh, I'm sorry. Go ahead.

QUES:

Go ahead. Where did that conversation take place?

ANS:

Right at our squad car. Yeah, we—What we did, at the point in time which we decided to arrest her, at that point, we're on the bus shelter. We walked her just around the corner right by GameWorks. We had our squad car parked over on Hennepin right in the bike lanes with our flashers on there. We walked her over to our squad and we conducted our checks. Routine. We run their name, check for warrants, that kind of thing. Make sure that their name checks out and they're who they say they are. And just routine. Now had we decided to book her, we would have done our paperwork, put in her the car and done a booking sheet on her.

At that point, we—we just wrote her a ticket for obstructing the legal process and she was unhandcuffed and released with her ticket.

QUES:

When was she handcuffed?

ANS:

At the point where we arrested her at the bus stop.

QUES:

And how did that go? Was there any resistance?

ANS:

I don't recall any major resistance. I don't think she was happy about it but I don't recall any major resistance handcuffing her. There was two of us there, myself and Officer Goset. So once we handcuffed her, we escorted her from there right around the corner to our squad, which was maybe, you know, a quarter of a block away. I walked her over there and we talked to her some more, did our routine checks and the fact that she didn't have an outstanding warrant and we were talking to her.

At that point, her tone dropped down. She wasn't screaming at us like she was at the corner. You know I'd like to think at some point in time, you know, what we say, you know, gets through to a person. They can sit back. Had she gone, you know—I can—I can understand now based on what you're telling me I guess I made a mistake. She may know—In her mind she was right. And she would do—She said, "I would do the same thing again. I did nothing wrong." And she did. She clearly violated the law. She obstructed us doing our job, which is obstructing legal process. She could have also been charged with disorderly conduct. I think we just charged her with obstructing legal process but like I said that's a bookable offense. I could

have taken her to jail and we decided to give her a little bit of a break on that.

I didn't see—At this point, I knew she was upset. Sometimes I—You know I think we would like to use our discretion for the right reasons and at that point I thought this is a person that taking her to jail isn't going to make a difference. It's gong to hurt her worse. Make her hate the police more. And I didn't want her to hate the police. I wanted her to understand our job and understand that she didn't do the right thing. And just talking to her I couldn't convince her of that so the only thing left was to arrest her and I released her with a summons or with a ticket.

QUES:

And who write the citation?

ANS:

I don't know if it was myself or Officer Goset. One of us wrote it.

QUES:

And so you and Officer Goset escorted her from the location of the bus stop to where the squad car was located?

ANS:

Right. Right.

QUES:

Okay. And did she have a valid identification with her?

ANS:

I don't recall. But if she did that would have been—Like a Minnesota state ID is a sufficient ID. We also have the capability to run her name and pull up—as long as the computer links are up and running, we can pull her picture and her drivers license or ID date right off the computer so sometimes we do that where we can look right at their drivers license photo if they forgot it at home. We can make sure, yeah, that this is the person. In cases where we cannot ID them whatsoever, we don't—we think they're lying. We don't have prior knowledge of them from earlier contacts. We don't know who they are. At that point, we would have either had to take her to the station, try to do some more computer checks or take her to get booked and get fingerprinted and photographed at the jail. And then they would—They wouldn't release her until they knew who she was. We were comfortable. We knew who she was and we didn't think that was necessary.

QUES:

Now when you were speaking to this male, just prior to your contact with Maria, how were you and Officer Goset positioned and where was this male positioned?

ANS:

Well, when I was addressing him I was in front of him. I was kind of standing maybe a little closer than you and I. I was standing within arms reach, maybe a couple feet away from him. And Officer Goset, I don't recall if he was standing behind me or off to my side. He may have been off to my side.

QUES:

So did you initiate the contact with this male?

ANS:

I-I probably did.

QUES: ANS: And then you stated earlier that Maria was standing about five feet away from you?

As I was looking at him, she would have been to my left. She was—We were on the north side of Seventh Street against E Block and she was standing facing south and I was standing facing north and she would have been to my left and the suspect I was

dealing with was directly in front of me facing south as well.

QUES:

And you stated that she was about five-then she would have been about five feet

away from you?

ANS:

About. Approximately, yeah.

QUES:

And when she was- When she was speaking to you or giving her comments about

your dealings with this male, did she remain in that position?

ANS:

She-She stayed in that position for awhile and then she started coming closer to us.

She got to the point where she was maybe three feet away.

QUES:

And how was she positioned at that point?

ANS:

Still to my left. Still to my left. I think it was that she was upset and mad and as she talked she inched forward. She didn't shares at me forward. She inched the inches at me forward the inches at me forward the inches at me forward.

talked she inched forward. She didn't charge at me forward. She just moved closer to

me as she was yelling at me.

QUES:

Did she come away from the wall there at Block E?

ANS:

Yeah. Right.

QUES:

And when she was yelling was she animated? And like was she making any type of

body movements?

ANS:

I don't recall her making any real animated gestures. I remember her holding onto

her, I think she was holding onto, a bag or a purse or something and just glaring at

me, yelling at me.

QUES:

Now is this a posted bus shelter?

ANS:

Yeah, this is the bus shelter that- It used to be over by the Marriott over there on

City Center side of Hennepin. They moved it over to the E Block side.

QUES:

So is it actually a bus shelter?

ANS:

I think it's a bus—a bus stop. I don't—I think the people use the building as a shelter. They have a—Well, they have an overhang at the entrance but then because it's been such an issue with the people hanging out there, they posted signs, "No"—They've actually got signs, "No Leaning" on the building now. It's gotten to the point where it's getting so bad down there they have signs that tell people "No Leaning".

QUES:

Where are those posted? Right on the building.

ANS:

Is it-

QUES: ANS:

Right by GameWorks.

QUES:

How long ago were they posted?

ANS:

I don't know. They were there a few months ago.

QUES:

Were they there at the time of this incident?

ANS:

I believe they were. But they—What we try to do is—because—There's kind of an issue with the people that come out of GameWorks to smoke or to hang out. And then whenever—What they've learned, a lot of people that hang out there from like GameWorks and just downtown, they learn ways around our rules downtown and the ordinances. We'll tell them you can't hang out here. "Oh, I'm just having a cigarette." "Well, you can't hang out and smoke on the corner here. You need to—You need to moving. You can't hang out on the bus stop. You've got to move that way." "Well, I'm waiting for the bus." "Well, then you've got to move down a little further."

The bus shelter's not right at the corner. It's just down—I wouldn't say it's quite midblock. It's maybe a quarter of the way, you know, or a third of the way from Hennepin towards First Avenue so it's not exactly in the middle of the block. But it is a fairly big bus stop so they do get sometimes lots of people hanging out in kind of a long stretch. And you have to use common sense. It doesn't pay to tell somebody who's standing in the vicinity of the bus stop, "Hey, get over in the bus stop." Because now you're just—you're causing problems. Because it's a persons interpretation of where the bus stop is but it's clearly not the corner. And we always tell people you can't hang out at the corner.

In this case, this she was not at the corner so we didn't have issue where her or the gentleman were standing as far as waiting for the bus. That would have been clearly on the bus stop. But his issue was the smoking, getting ready to smoke at the bus stop.

QUES:

So there's a no smoking ordinance downtown in that area?

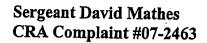
ANS:

It's a transit-any bus stop, any metropolitan transit authority bus stop.

QUES: ANS: No smoking? So if one was walking down the street it would be okay but if you're—Right. If you're just walking by a bus stop and you're in motion, you're walking, clearly, not a problem. But there's a transit authority that they have an ordinance called Crimes Against the MTC and smoking in a bus stop, a shelter is one of the ordinances.

In fact, you know, we didn't do it with this girl here but a lot of times the transit officers will ask us, "Hey when you get somebody that's—you're charging with something like that, call us over. We'll take their picture and we'll trespass them from transit property for up to you a year," which means then they can't ride the bus. They can't be on a bus stop at all. We didn't do that. I didn't think—She didn't strike me as being the type who was a chronic offender. We didn't get that from running her name. We didn't get that from talking to her, trying to find out what she was about. There are people who we arrest them every week downtown at the bus stops or dealing. Those are the people that really are the ones we are trying to target for the trespassing. And Transit will come out and do a Trespass Authority on 'em and they'll take their photograph and then they'll issue them a trespass notice and they'll tell them, "You cannot be on a MTC bus, on a bus stop for ninety days or if they're repeat offender for them they'll trespass them up to a year.

QUES: ANS: But they can only do that if it's some crime against the MTC though, correct? No. Any crime on transit property, even if it wasn't— I mean, any—any crime committed on the bus stop they could be charged with crimes against the MTC but it might be that they were charged with a higher crime like narcotics. They were dealing on a bus stop. Well, at that point, you're going to charge them with the narcotics and subsequently, we'll in a lot of cases, it depends on if a transit squad is busy or not, we would also call a transit squad if they're available or if we had time and bring them over. They'd photograph them, put 'em in their book and trespass them, keep them off the transit property.



QUES:

Did you identify the male that you first stopped to speak with?

ANS:

Nope.

QUES:

And you stated that it was after numerous warnings that you took the cigarette away

from the male?

ANS:

Right. In fact, at one point, right prior to me grabbing the cigarette from him, he was bouncing the cigarette on his lip at me kind of walking it back and forth grinning at

me, just taunting me. You know I-

QUES:

When you were speaking to him?

ANS:

Yeah, when I was speaking to him. Yeah, and that was after several warnings "No Smoking". And he had his lighter in his hand ready to light it. At that point, I've had enough. We're not going to do this. It's either going to be comply with the ordinance, do what we say or you're going to be off the bus stop or I would had no problem arresting this guy. But I think he realized this was going to be a losing battle

and he said, "I'll go smoke somewhere else."

QUES:

Now is it posted no smoking there?

ANS:

Usually the shelters will have a notice in the shelters if it happens to be a shelter. If it's not, you know, it's a written ordinance. Some ordinances aren't posted everywhere they apply.

QUES:

In this case, it wasn't posted?

ANS:

I asked one of the Transit officers, you know, how they go about posting and enforcing. They said, you know, "Any transit stops or shelters." You know the- The advantage of having a shelter there where they actually have walls because they have something to attach a sign to. They're-Most of the time, unless there's a place to put it or if it's really, really a chronic problem at one particular stop they may put additional signage up. But they- My experience is they're not going to go out and put a special sign up that says no smoking here at this stop. They won't do that.

QUES:

Now while you were talking with the male, did Officer Goset attempt to deal with

ANS:

I believe he did. I didn't focus on what he was saying but I did catch bits and pieces of his conversation, talking to her. Much the same as the things that I said to her, you know, "You need to stop interfering. You're going to get arrested. Be quiet." That

kind of thing.

OUES:

And what made you decide to handcuff her?

ANS:

Because she was under arrest.

QUES:

And did she- You stated that you and Officer Goset escorted her to your squad car?

Was she cooperative in going with you to the squad car?

ANS:

To the best of my recollection I think she was. I don't remember her struggling to

break free or anything like that.

QUES:

And once at the squad car did you remain there with her until she was released?

ANS:

Yes both of us were there.

QUES:

Did you run into any incidents while escorting her to the squad car? Was there any

other individuals out there?

ANS:

I-I don't remember.

QUES:

Were there any other officers on the scene when you were dealing with this

gentleman?

ANS:

There may have been. I don't recall for sure because there are—there were several

beats out on that block. It's possible a couple of them might have happened by while

we were dealing with these parties.

QUES:

Did you ever snatch a cigarette out of this gentleman's mouth before advising him of

the smoking ordinance?

ANS:

No.

QUES:

When wave comment to-made a comment to you-Wait a minute. It is alleged

that Officer Mathes- When made a comment about your-about your actions

did you ever tell her to mind her own business?

ANS:

I may have. That's very possible. I know I- If I didn't say it in those exact words I

probably said it in similar words because that's what I was trying to get her to mind her own business and quit interfering with us but I don't recall exactly what words I

used.

OUES:

Do you recall if that would have been said while you were still dealing with this

male or after he had left?

ANS: I know I said things of that nature to her while I was dealing with the male. Once he

left and she was the primary focus I guess it wouldn't have made too much sense to

say that because we were focused with her, talking directly with her so

QUES: Did you ever tell her that- Did you ever make the statement to her, "You're just a

liberal piece of shit."

ANS: No I did not.

QUES: Did you ever speak to her in a harassing manner? Badgering her with questions?

ANS: No, I wouldn't say I dealt with her in a harassing manner. I dealt with her in a

manner that I would deal with a person who is interfering with an arrest. She may

have took it to be harassing but I can't control how she takes it.

QUES: And approximately what time did this incident take place sir?

ANS: I don't recall the time exactly. Yeah, I don't recall the time exactly. My supplement

was entered much later in the shift.

QUES: Did you ever use any profanity when speaking to her, to

ANS: I don't remember using any profanity.

QUES: Do you make it a practice of using profanity when speaking with the public?

ANS: No I don't.

QUES: Did you ever tell her that she needs to get out of downtown and go back to North

Minneapolis?

ANS: I made a comment to her. It may not have been those words but I did make a

comment to her that if she was going to interfere with us doing our job downtown to

stay out of downtown.

QUES: So were you stopping and advising others with regards to the smoking ordinance on

this night in question?

ANS: If we ran across somebody that was, sure. We- We routinely did. That was one of

the nuisance types of crimes that were real easy to spot so that's why we were out

there on foot.

QUES: Did you ever engage in a debate with about her first amendment rights? [End

of Side A, Begin Side B]

ANS:

She kept telling me she could say whatever she wants. It's her first amendment right of free speech and I advised her that first amendment speech only goes so far. If you're interfering with a police officer and their lawful duties, that's obstructing legal process. And it all comes back to—And it all comes back to common sense. When I tried to explain to her, after this gentleman walked away that had she come up and talk to us afterwards, and you know, I don't mind somebody disagreeing with what we do. We're never going to hundred percent have people agree with everything we do. There's a lot of reasons for that. Everybody has a different perspective. We might have different information than they do about this particular person or situation. But the process is in place for people to make complaints or to defer with the officer about what happened. You just have to do it the right way. You can say anything you want if you say it the right way. And she didn't—She disagreed. She said, "No, I can say whatever I want. I'm not sorry that I said what I said and I'll do it again and I can say what I want when I want." And I said, "Well, you have freedom of speech but that goes only to a point and then you're breaking the law."

QUES:

Did she ever convey to you that she thought it was rude that you took the cigarettes

from this gentleman's mouth?

ANS:

She probably did. I don't remember.

QUES:

Would it have been possible for you and Officer Goset to ignore her when dealing

with this gentleman?

ANS:

No, she made sure that we had to address her. She kept verbally interfering. I couldn't hear this gentleman or myself talk back and forth over her. She was verbally interfering. And I repeatedly tried to get her quiet down and hold her thoughts but

she wouldn't.

QUES:

And I don't know if I asked you this. Let me just ask again. So did Officer Goset

make any attempts then to kind of deal with her at that time?

ANS

I think he did. Again, as I answered before, I don't recall specific things he said. But I do remember him saying things of the nature to her such as, "You need to be quiet while we're dealing with this guy. Don't interfere. If you keep talking and interfering with our deal here you can be arrested for obstructing the legal process."

QUES:

Anything else that you recall about this incident sir that I haven't asked you?

ANS:

No. You know it was seven months ago and my attempts are to be you know completely honest with you. I try not to make too many specific quotations of things

Sergeant David Mathes CRA Complaint #07-2463

I didn't remember. That's why some of my answers I tried to preface my response by saying, you know, "It was words of this nature . . . Or generally this is what I would have said," if I didn't remember the exact words. But I believe everything I said was honest.

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.

QUES:

After you've read your statement, if necessary made any corrections to it, are you

then willing to sign it, sir?

ANS:

Yes.

QUES:

That concludes this interview. The time is 4:58 p.m.

Signature: Date: 12-4-07

slm

STATEMENT OF Office

PLACE:

Minneapolis Civilian Police Review Authority Offices

DATE:

December 5, 2007

TIME:

10:36 a.m.

CASE NO:

07-2463

REC'D DEC 1 2 2007

INVESTIGATOR:

QUES:

State your full name for me please.

ANS:

Cain Randal Villi

QUES:

Your rank and duty assignment?

Patrol officer for the First Precinct.

QUES:

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

ANS:

Ten years.

QUES:

And have you been ordered to appear here and provide a statement as provided by

the Garrity decision?

ANS:

Yes.

QUES:

And you're willing to give me a statement at this time, sir?

ANS:

Yes.

QUES:

Officer Williams, directing your attention to MPD CCN# 7. I'd like to show

you this report, sir. Could you tell me is there anything on this report that you're

familiar with? Do you recall being involved in that incident at all?

ANS:

No I don't remember being involved in this incident.

QUES:

On the day of April 21, 2007 at around 2200 hours were you working on that day

sir?

ANS:

Yes.

QUES:

And what were you working?

ANS:

Squad 112, Sector 1.

QUES:

And what does that detail entail?

ANS:

Third Avenue West to Plymouth Avenue.

QUES:

Is that working in a squad or on a foot sir?

ANS:

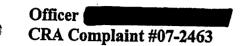
In the squad.

QUES:

So on-Does that detail involve you walking the downtown beat area?

ANS:

No.



QUES: What does it involve? ANS: ' Answering 911 calls and proactive activity within the squad. And after reviewing case number, I mean, CCN **QUES:** is there anything within that report that you're familiar with sir? ANS: No there is nothing familiar. **QUES:** Do you recall if you assisted Officer Mathes and Officer Goset on an arrest on that day in question? ANS: I do not believe I did. **QUES:** Is there anything that you wish to add to this statement, sir? ANS: No I do not. **QUES:** Has anyone from the Minneapolis Civilian Review Authority made any threats or promises to you for giving this statement today? ANS: No. After you've read your statement, and if necessary made any changes or corrections **QUES:** to it, are you then willing to sign it, sir? ANS: Yes.

That concludes this interview. The time is 10:38 a.m.

slm

QUES:

STATEMENT OF Officer Clark Goset

PLACE: Minneapolis Civilian Police Review Authority Offices

DATE: August 8, 2007

TIME: 8:08 a.m. 07-2463

INVESTIGATOR:

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

ANS: Clark Thomas Goset. Last name's spelled G-O-S-E-T.

QUES: And your rank and duty assignment?

ANS: I'm a police officer at the First Precinct, Minneapolis Police Department, Dogwatch.

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

ANS: Seven years now.

QUES: And have you been ordered to appear here and provide a statement as provided by

the Garrity decision?

ANS: Yes ma'am.

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

ANS: Yes ma'am.

QUES: Officer Goset, directing your attention, sir, to the day of April 21, 2007 at around

2200 hours, were you working on that date and time?

ANS: Yes ma'am.

QUES: And what were your regular scheduled hours for that day?

ANS: 8:30 at night to 6:30 the next morning.

QUES: And were you working with a partner on that date and time?

ANS: Yes ma'am.

QUES: And who was your partner?

ANS: Officer David Mathes.

QUES: And what was your assignment?

ANS: We were working a foot beat on Hennepin Avenue from basically Fourth Street up

to about Ninth Street.

QUES: And on that date and time in question, sir, do you recall coming in contact with a

ANS: Yes ma'am.

QUES:

And how did that contact come about?

ANS:

We were enforcing a no smoking ordinance at the bus stop in Block E and as we

initiated contact with the violator, I don't know how to put it,

how you pronounce her name?

QUES:

Yes. Or we can just reference her as

ANS:

Maria. This lady began to question why we were talking to him and what are reasons

for being there were. That's how we came into contact with her.

QUES:

And was this individual you were enforcing the no smoking ordinance on where was

he located?

ANS:

In the bus stop on the Seventh Street side of Block E, mid block approximately.

QUES:

And where was located?

ANS:

She was - She was right next to him, maybe two, three feet away.

QUES:

And when you say in a bus stop was this a sheltered area?

ANS:

No it's an open area with just a canopy above it, a canopy affixed to the Block E

side. There's a wall there and then there's a canopy like a window awning I guess

you'd call or not an awning but-

QUES:

On the Block E building itself?

ANS:

It's attached to the Block E building, yes.

QUES:

Now is there posted—Is it posted no smoking?

ANS:

I don't believe it is there, no.

QUES:

Is it a posted bus stop?

ANS:

Yes ma'am.

QUES:

And where is that posted?

ANS:

I believe on a metal street sign at the curb.

QUES:

And you stated that while trying to enforce the no smoking ordinance.

came in contact with her through that.

ANS:

Yes ma'am.

QUES: And what was she doing or what did she do to draw your attention to her?

ANS: As we began speaking with the individual who was smoking, she immediately

approached us and said, "What are you doing? Why are you doing this?" And began

questioning us as to what we were doing there.

QUES: And you say "approached you" did she walk up on you and Officer Mathes?

ANS: She was two to three feet I'd say right next to him and she turned and I think she was

leaning against the wall but she moved her attention towards us.

QUES: And what happened from there?

ANS: She continued to question us. I requested she stand back and we would talk with

NS: She continued to question us. I requested she stand back and we would talk with her in a few minutes as we continued to try to deal with the individual that was going to

smoke or smoking.

QUES: Going to smoke?

ANS: He had a cigarette in his mouth and I believe he was going to light it.

QUES: So it wasn't lit at the time?

ANS: No it wasn't.

QUES: And how did you approach this individual regarding the no smoking ordinance?

ANS: We walked up to him and Officer Mathes initiated contact and that's how we began

talking to him.

QUES: And when you say initiated contact, exactly what did Officer Mathes do?

ANS: He walked up to him on the sidewalk and started talking to him.

QUES: Did Officer Mathes remove the cigarette from this individual's mouth?

ANS: I believe he was required to, yes.

QUES: He was required to?

ANS: Yes.

QUES: Officer Mathes was?

ANS: Yes.

QUES: Why was he required to remove it?

ANS: Because the individual I think was going to light it.

QUES: Did Officer Mathes say anything to the individual before removing it from his

mouth?

ANS: I don't know if he did or not. I believe he did.

QUES: And did this individual appear to be cooperative with officers?

ANS: I don't believe he was.

QUES: And what did he—What was his response?

ANS: Just based on his demeanor and attitude, he was not going to cooperate with the no

smoking ordinance.

QUES: And can you be a little bit more specific? Did he do anything or say anything that

would lead you to believe that he was not going-

ANS: Just his initial attitude with Officer Mathes I believe.

QUES: Did he respond to Officer Mathes at all verbally?

ANS: I don't recall if he did or not.

QUES: And so you stated that Maria began to question you and Officer Mathes?

ANS: Yes ma'am.

QUES: What kinds of questions was she asking?

ANS: She began asking why we were doing this, why we were there, what purpose we had

for speaking with somebody that was smoking.

QUES: Did you or Officer Mathes respond to those questions?

ANS: Yes, I told her to please stay back and I would talk to her when we were done

dealing with the smoking violation.

QUES: Then did she-

ANS: No, she continued to pester us and move towards the contact scene there. Just

became incredibly persistent and wanting to know what we were doing and why we

were there.

OUES:

And then what happened?

ANS:

Eventually her questioning and interference became so great we could not deal with the person smoking anymore who was becoming compliant and we had to deal with who was continuing to question and interfere and yell and create a scene there out on the bus stop.

QUES:

What did you do?

ANS:

We arrested her for obstruction of legal process, brought her to the squad car and issued her a citation.

QUES:

What happened with the gentleman that was-you first encountered?

ANS:

Because of her actions, we could not continue to deal with him. We had to focus our

attention on her.

QUES:

So, once the cigarette was removed form this individual's mouth was that then a

done deal with him?

ANS:

No, we were going to run him for warrants and continue the no smoking ordinance

infraction but she became so irate that we had to let him go to deal with her.

QUES:

And when you say irate, you stated earlier she raised her voice, began yelling-

ANS:

She began yelling and demanding to know what we were doing and by what

authority and questioning our actions and so forth.

QUES:

Now was she cited there on the site of contact?

ANS:

She was brought to the intersection of Seventh and Hennepin where we had parked

our squad car and we brought her there and wrote her a citation.

QUES:

Was she handcuffed at all?

ANS:

Yes she was. She was handcuffed after she was arrested for the obstruction.

QUES:

And when you stated that you advised her that she was under arrest?

ANS:

Yes ma'am.

OUES:

Did she become resistant at all?

ANS:

No. Not really.

QUES:

And then you— Who handcuffed her?

ANS: I believe Officer Mathes did.

QUES: Did she appear to be resistant when she was being handcuffed?

ANS: She offered no combative physical resistance I'd say. She continued to be verbally

abusive, questioning.

QUES: What about during the escort to—And where was she escorted did you say?

ANS: She was escorted to the squad car.

QUES: And that was located where?

ANS: A half a block away at Seventh and Hennepin.

QUES: And was she resistant during the escort?

ANS: I don't believe she was very resistant. She was not completely cooperative but she

was not kicking and screaming. She was still questioning and I believe we did have to escort her to the squad car. She refused to go completely voluntarily but we didn't

have to pick her up and drag her.

QUES: Now when you were- Who was- Was Officer Mathes the main communicator with

this gentleman that was attempting to smoke at the bus stop?

ANS: Yes ma'am.

QUES: So was-was he able to deal with the gentleman even though Maria was being

verbal?

ANS: No. No. She continued to be invasive in our procedure and not allow us to deal with

him and then to ask her questions.

QUES: Was it possible- Could she have been ignored by you and Officer Mathes?

ANS: Not because of her proximity. She- I believe at one time I told her to please step

back and leave the area and she refused to do so.

QUES: And then what happened once you escorted her over to the squad?

ANS: We retrieved her- I believe it was a driver's license or Minnesota state ID card,

wrote her a ticket for obstruct with force or pardon me, obstruction without force or obstruction of legal process, one of the two charges, and released her at the scene

there.

QUES:

Who wrote the citation?

ANS:

I believe I did.

QUES:

Did anything—Were there any incidents as you were escorting her to the squad car? Yes, I believe we did come across—I can't remember here but I know—I believe in that night we were escorting somebody to the squad car and we wound up running

that night we were escorting somebody to the squad car and we wound up running into somebody else with the bike on the sidewalk. I don't know if it was that exact

arrest incident or if it was another one.

QUES:

So you're saying that you may have been an incident when you were escorting Maria

to the squad car?

ANS:

Yes ma'am.

QUES:

But you just can't recall?

ANS:

I can't recall at what point in the evening. We make a lot of arrests out there when we work the foot beat and I don't know at what point—We take a lot of people off of that bus stop and arrest them and I don't know at what point during the night—If we were involved in her if we came in contact with this group of people or if we came in contact with this group of people as we were bringing somebody else over.

QUES:

So what was the incident on the bike with the group of people?

ANS

I don't recall if it was a couple of kids on bikes or young adults on bikes blocking the sidewalk or riding their bikes on the sidewalk. I believe there was a bicycle issue on the sidewalk blocking freedom of movement there.

QUES:

Was there— Do you recall if there was a smoking incident? A no smoking order violation at that location during your escorting of to the squad car?

ANS:

No. No I don't recall.

QUES:

Did you remain with after she was escorted to your squad car until she was

given the citation?

ANS:

Yes ma'am.

QUES:

Did Officer Mathes remain with you and

ANS:

I don't – Again, I don't know if he went off to deal with these other people for a short time or if he came back. There were numerous officers there at that time and I don't

recall exactly where.

QUES:

Were there any other officers on the scene at your point of contact with I

besides you and Officer Mathes?

ANS:

I believe there—Again, I want to say there was but I don't—Officer Mathes and I were assigned as partners and I don't know if there was another officer there when we made contact or if they came during the contact or during our escort to the corner because of the amount of officers on foot beat there. I know we ran into different officers. As—When we were back at the car, I recall there was another officer there.

At what point that other officer joined us, I don't recall.

QUES:

Because you're solely assigned to walk the beat with Officer Mathes.

ANS:

Yes ma'am.

QUES:

And do you usually walk in groups of twos or I mean as fours or-

ANS:

We usually walk in groups of two but because it's a densely packed area, we do run into other officers on— We were working a district squad. I don't recall at that time if there was officers working buy back or safe zone.

When Officer Mathes removed the cigarette from this gentleman's mouth, did make any comments stating that she felt that it was—the action taken was rude and unnecessary?

ANS:

OUES:

I believe she did.

QUES:

And did you or Officer Mathes respond to that?

ANS:

I believe I told her to please stay back and we'll answer her questions when this incident is over with.

QUES:

Did Officer Mathes ever tell her to mind her own business?

ANS:

At some point as she persisted he did.

QUES:

Did he make—Did he tell her to mind her own business when she first made the statement about it being rude and unnecessary to snatch the cigarette out of the gentleman's mouth?

ANS:

I don't recall at what point in the conversation as she continued to intrude into our citation exercise—Sorry—citation issuing event there—at what point she became so invasive Officer Mathes told her to mind her own business and I tried to tell her I'll deal with this—I'll deal with her when we're done with this individual.

QUES: Did- When speaking-Dealing with the first point of contact, did Officer

Mathes make the statement to her, "You're just a liberal piece of shit."

ANS: I don't believe he made that statement at the bus stop. No, I don't.

QUES: Did he make that statement while you were in contact with and, during your

contact with

ANS: He made the statement—I can't speak to the exact quotation of that but a statement

similar to that was made.

QUES: Using the word shit, "a piece of shit"?

ANS: I don't-

QUES: How do you recall it?

ANS: I don't— I— It was a heated exchange there and I don't recall. I've used harsh language in the past and I believe Officer Mathes has too. I don't recall at what point or what exact phrase was used whether it was "liberal piece of shit" or "piece of shit "or "shithead" or whatever he would have said. I can't speak— There was harsh language used to try to get her to— I don't know how I want to say this. Just stay

away from the arrest procedure and we'll deal with the arrest procedure and you stay

out of it.

QUES: Do you recall any other harsh language that was used?

ANS: There's- She continued to question and continued to not question but continued to

state what we were doing was wrong and improper and it escalated from there

language wise.

QUES: Did you use any harsh language or profanity when speaking to her?

ANS: I can't state what words I used but I may have.

QUES: Do you—

ANS: I don't recall what statements exactly I would have made but we did try to get her to—The point in the conversation there when she was failing to remove herself from the contact with the smoker, it was obvious she wasn't going to wait and listen to reason so we told her to, you know, "Get the hell out of here," or "Go over there and

shut your mouth," something to that effect would have been said.

QUES: Did you or Officer Mathes ever tell that she should-she needed to get out of

downtown and go back to North Minneapolis?

ANS: I believe we both did.

QUES: And why would you make that remark?

ANS: Because her actions downtown were disruptive to the point where it prevented us

from doing our job.

QUES: And was that statement- Did you make that statement prior to escorting her to the

squad car?

ANS I want to believe it was made during the escort. I can't recall exactly when it was

made but I believe it was made as we were walking her to the squad car.

QUES: So what gave you the impression or what—What information led you to believe that

she was from North Minneapolis?

ANS: We asked her where she was from and then she said she lived in North Minneapolis.

QUES: And when you were escorting her to the squad car was it your intent to issue her a

citation?

ANS: To check her for warrants barring any warrants or her failure to be- If she

cooperated and agreed to take the citation and leave downtown, we would do that. If she failed to cooperate, had a warrant or continued to be combative and would

continue to be disruptive at that location we would transport her to jail.

QUES: So was it your initial intent to issue a citation after checking for warrants?

ANS: Yes ma'am.

QUES: Did you or Officer Mathes ever tell Maria that you were instructed by your

commanders to use force downtown?

ANS: We were never- force as in- I don't- Using force is part of our job if somebody

doesn't comply. I don't think I've ever been—I know I've never been told to go out and use force without using the least amount of force; first presence, then verbal,

then soft hand and other elements of force.

QUES: And do you know what ordinance the no smoking in the bus stop area-what

ordinance that is under?

ANS: I do not know the exact ordinance. I believe it's a crime against transit or smoking

where- It's a crime against transit I believe or smoking where posted no smoking. There's two different statutes as I recall. Smoking at a bus stop is a misdemeanor.

QUES:

And the area where and this individual that you approached with the cigarette

is a designated no smoking area, is that correct?

ANS:

I don't recall if it's posted no smoking but it is a bus stop.

QUES:

Because of it being a bus stop?

ANS:

That's my understanding of the smoking ordinance that you're not allowed to smoke

at a bus stop.

QUES:

Whether- Is it your understanding you're not allowed to smoke at a bus stop whether

it's open air or a sheltered area?

ANS:

If it's a sheltered area and I'm not too sure if it's like fifty feet or twenty five feet from a regular bus stop. The open air sidewalk type bus stop I'm not sure what the

limitations are on that.

QUES:

And were you stopping and advising others that evening in regards to smoking in

that bus stop area?

ANS:

Yes ma'am.

OUES:

Is that a part of your enforcement in that downtown area?

ANS:

Yes ma'am.

QUES:

Is there anything else that you recall about this incident Officer Goset that I haven't

asked you?

ANS:

No. The incident occurred on April 21st, was it?

QUES:

Yes, April 21.

ANS:

And it's now- It's what, five months, four- April, May, June, July and August so it's

three and a half, four months ago, no. Nothing else I can recall.

QUES:

Did you or Officer Mathes get into a debate with about her first amendment

rights?

ANS:

I believe we did. Not a debate but-Well, you could call it a debate I guess.

QUES:

What was the content of that?

She believed that her freedom of speech and I forget what other constitutional right ANS: that she stated gave her the right to interfere with our job in enforcing the no smoking ordinance. I don't recall if it was the freedom of transit or the freedom of movement but she believed she had the right to-constitutionally, she believed she had the right to interfere with our arrest procedure at the time of the arrest. **QUES:** Did Officer Mathes ever tell her the reason why you were arresting her was because you were low on quotas? Did Officer Mathes ever tell her that? ANS: **OUES:** Yes sir. ANS: Not that I believe, no. **QUES:** Anything you wish to add to your statement sir? No. Let me just say, I do- It was an unfortunate incident that she had to be arrested. ANS: It was just one of those incidents where if she would have just walked away it wouldn't have happened and that's my regret here is that she didn't just walk away and leave it alone. And I wish if she would have had a cooler head at the time, looking back at it, I just wished that she would walk away and in the future just leave it alone. The only message I wish that this process conveys to her is that we have a job to do out there and while we're doing it, there's reasons for- We never pat searched that other individual. He could have had a gun and she continued to put our lives in danger by her actions. And that's it. Has anyone from the Minneapolis Civilian Police Review Authority made any **QUES:** threats or promises to you for giving this statement here today. ANS: No ma'am. After you've read your statement and if necessary made any corrections to it are you QUES: then willing to sign it? ANS: Yes ma'am.

slm

QUES:

Signature:

Date:

That concludes this interview. The time is 8:36 a.m.

COMPLAINT

REC'D MAY 2 3 2007

CITY OF MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY 301 4TH AVENUE SOUTH, ROOM 670 MINNEAPOLIS, MN 55415-1019 (612)673-5500 CASE NUMBER

07-2463

DATE REPORTED 4/24/07

TIME REPORTED 1435

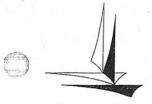
| Type of Incident Harassment, Inappropriate Conduct/Lar | nguage | | , | | | Code 3D,7, | 2DE | Primary 3D |
|---|-----------|-----------|------|-----------------------|----------------|--------------------------|---------------------|---------------|
| Location Where Occurred 7th Street & Hennepin Avenue | | ct. | Ward | Date Occurred 4/21/07 | Day of We | eek | Time Occ | curred 200 |
| Code Name CV | | | - | Age 25 | DOB 7/10/81 | Gender F | | W |
| Address | City/S | tate/Zip | N | | Home Phone | Bu | isiness Pho | ne |
| Charged Officer 1 – Name and Badge No. David Mathes 4439 | Race W | Gend M | | Rank/Ass Officer/P | | | | |
| Charged Officer 2 – Name and Badge No. Clark Goset 2354 | Race W | Gend M | | Rank/Ass Officer/P | • | The second of the second | Off-Duty | |
| Allegations | | | | | | ed) - Lessen | ACCOUNTS ASSESSMENT | |

The Complaint alleges that while she stood on the 7th Street side of Block E waiting for her bus, without saying a word Officer Mathes snatched a cigarette out of the mouth of a man standing next to Complainant and then told the individual there is no smoking at the bus stop. Complainant commented that the officer's action was rude and that it was not necessary for the officer to snatch it out of the man's mouth. It is alleged that Officer Mathes told Complainant to mind her own business.

It is alleged that after speaking with the man, Officer Mathes and Officer Goset turned their attention toward the complainant in a harassing manner. It is alleged that Officer Mathes said to Complainant, "You're just a liberal piece of shit." It is alleged that Officer Mathes and Officer Goset then bombarded Complainant with a series of questions and told Complainant she needed to get out of downtown and go back to North Minneapolis. It is alleged that Officer Mathes and Officer Goset made several inappropriate and insulting comments to Complainant and furthered their harassment when they handcuffed Complainant, escorted her to a squad car, and then gave her a citation for obstructing legal process.

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

| Charles and the second of the second | 5/21/07 | |
|--------------------------------------|---------|---|
| Complainant's Signature | Date | |
| | 5/18/07 | |
| Investigator's Signature | Date | , |



Civilian Police Review Authority

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

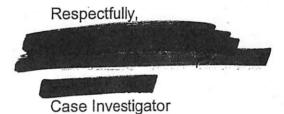
> Office 612 673-5500 Fax 612 673-5510 TTY 612 673-2157

May 18, 2007



Dear Ms.

Please read over the enclosed Complaint Form, correct any errors, and sign it. Return the first copy to us in the self-addressed, stamped envelope, and retain the second copy for your records.



enc



NOTICE OF COMPLAINT

Civilian Police Review Authority 301 Fourth Avenue South, Suite 670 Minneapolis, Minnesota 55415-1019 612-673-5500

> File: 07-2463 Date: May 24, 2007

Officer David Mathes (Badge #4439) and Officer Clark Goset (Badge #2354):

Notice is hereby given that our office has received a signed complaint alleging the following acts, which may constitute misconduct under Minneapolis Code of Ordinances Title 9, Chapter 172.20:

HARASSMENT, INAPPROPRIATE CONDUCT/LANGUAGE

The Complaint alleges that while she stood on the 7th Street side of Block E waiting for her bus, without saying a word, Officer Mathes snatched a cigarette out of the mouth of a man standing next to Complainant and then told the individual there is no smoking at the bus stop. Complainant commented that the officer's action was rude and that it was not necessary for the officer to snatch it out of the man's mouth. It is alleged that Officer Mathes told Complainant to mind her own business.

It is alleged that after speaking with the man, Officer Mathes and Officer Goset turned their attention toward Complainant in a harassing manner. It is alleged that Officer Mathes said to Complainant, "You're just a liberal piece of shit." It is alleged that Officer Mathes and Officer Goset then bombarded Complainant with a series of questions and told Complainant she needed to get out of downtown and go back to North Minneapolis. It is alleged that Officer Mathes and Officer Goset made several inappropriate and insulting comments to Complainant and furthered their harassment when they handcuffed Complainant, escorted her to a squad car, and then gave her a citation for obstructing legal process.

This incident occurred on April 21, 2007 at approximately 22:00 at the location of 7th Street and Hennepin Avenue.

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

Respectfully,

Samuel L. Reid II

Manager

cc: Deputy Chief I.A.D.
Complainant

noc 07-2463

MINNEAPOLIS CIVILIAN POLICE REVIEW AUTHORITY 301 4TH AVENUE SOUTH 670 GRAIN EXCHANGE BUILDING - NORTH MINNEAPOLIS, MN 55415 (612) 673-5500

NOTICE OF HEARING

Complaint No.

07-2463

Complainant:

Officer(s):

Clark Goset (Badge #2354)

David Mathes (Badge #4439)

To The Above Officer(s), 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 109 Grain Exchange Building, 400 South 4th Street, Minneapolis, Minnesota at 7:00 p.m. on June 24, 2009.

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:

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.

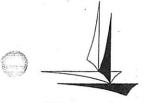
On Behalf of the Minneapolis Civilian Police Review Authority,

Donald Bellfield, Board Chair

Donald Bellich

Date: June 5, 2009

(Chair)



Civilian Police Review Authority

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

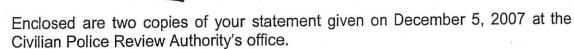
> Office 612 673-5500 Fax 612 673-5510 TTY 612 673-2157

December 6, 2007

Officer
Minneapolis Police Dept.
First Precinct
19 N. 4th St.
Minneapolis MN 55401

RE: CRA 07-2463

Dear Officer



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,



Case Investigator

encl:slm



www.ci.minneapolis.mn.us Affirmative Action Employer



Civilian Police Review Authority

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

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

> > November 29, 2007

Sergeant David Mathes Minneapolis Police Dept. City Hall-Juvenile Unit Room 108 Minneapolis MN 55415

RE: CRA 07-2463

Dear Sergeant Mathes,

Enclosed are two copies of your statement given on November 20, 2007 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,

Case Investigator

encl:slm



www.ci.minneapolis.mn.us Affirmative Action Employer

MINNEAPOLIS POLICE DEPARTMENT INTERNAL AFFAIRS UNIT

GARRITY WARNING

TO: Off. Q

witness

DATE: November 26, 2007

FROM: Chief Timothy J. Dolan

RE: CRA Case 07-2463
Investigator:

Direct phone 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

date

TJD:caa

taxed 12-3-07 cm

MINNEAPOLIS POLICE DEPARTMENT INTERNAL AFFAIRS UNIT

GARRITY WARNING

TO: Officer Clark Goset

DATE: 7/24/07

CCN#

FROM: Chief Timothy J. Dolan

RE: CRA Case 07-2463
Investigator
Direct phone

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

date

TJD:ca

MINNEAPOLIS POLICE DEPARTMENT INTERNAL AFFAIRS UNIT

GARRITY WARNING

TO: Officer David Mathes

DATE: 7/24/07

FROM: Chief Timothy J: Dolan

RE: CRA Case 07-2463 Investigator:

Direct phone

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.

D. J. Matho 27993

8-1-07

Signature

date

TJD:ca

F. 816107

REQUEST FOR GARRITY NOTICE

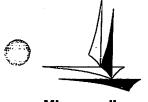
TO: Professional Standards Division

FROM:

DATE: July 24, 2007

REPORT NUMBER: 07-124927

| OFFICER | BADGE NO. | FILE NO. | WITNESS |
|-----------------------------|--------------|----------|---------|
| David Mathes Clark Goset | 4439 2354 | 07-2463 | |



Civilian Police Review Authority

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

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

May 24, 2007

OFFICER CLARK GOSET
MINNEAPOLIS POLICE DEPARTMENT
FIRST PRECINCT
19 N 4th ST
MINNEAPOLIS MN 55401

Dear Officer Goset:

RE: File No. 07-2463

Enclosed please find a Notice of Complaint in connection with a complaint filed with the Civilian Police Review Authority. When you have received your **Garrity Warning** requiring you to provide a statement to our office, please contact **Investigator** at **612-**

Thank you for your attention to this matter.

Yours truly,

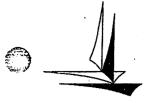
Samuel L. Reid II

Manager

SLR:sp

Enc





Civilian **Police Review Authority**

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

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

May 24, 2007

OFFICER DAVID MATHES MINNEAPOLIS POLICE DEPARTMENT FIRST PRECINCT 19 N 4th ST **MINNEAPOLIS MN 55401**

Dear Officer Mathes:

RE: File No. 07-2463

Enclosed please find a Notice of Complaint in connection with a complaint filed with the Civilian Police Review Authority. When you have received your Garrity Warning requiring you to provide a statement to our office, please contact Investigator I

Thank you for your attention to this matter.

Samuel L. Reid II

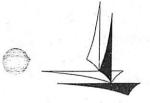
Manager

SLR:sp

Enc



and Services



Civilian Police Review Authority

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

May 24, 2007

Office 612 673-5500 Fax 612 673-5510



Dear Ms. Athanasselis:

Thank you for returning to us your signed complaint. A copy of our Notice of Complaint is enclosed. This is also sent to the officers involved and to the Police Department. We will now begin our process of reviewing the allegations in your complaint, and we will inform you of the status of our review in accordance with our rules.

The investigator assigned to your complaint is

Her direct telephone number is

If you have a change of address or telephone number, please notify Investigator Lolar.

Yours truly,

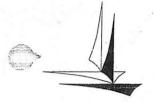
Samuer L. Reid II

Manager

SLR:sp

enc





Civilian Police Review Authority

301 4th Avenue South - Room 670 Minneapolis MN 55415-1019

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

> > May 23, 2007



RE: CRA #07-2463

Dear Ms. Athanasselis,

Enclosed is a copy of your statement given on April 26, 2007. Please review and initial any corrections you wish to make on your statement. Sign the statement 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,



Case Investigator

enc



www.ci.minneapolis.mn.us Affirmative Action Employer