



## NEWS

# Minneapolis police at center of George Floyd's death had a history of complaints

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Published 6:29 p.m. ET May 28, 2020 | Updated 11:08 a.m. ET Jun. 1, 2020

When Kristofer Bergh saw the footage of George Floyd's death, he started to wonder what might have happened if his skin weren't white.

He thought back to when he was 17 when two Minneapolis police officers held him at gunpoint over a Nerf gun.

What he didn't realize until USA TODAY contacted him was that one of those officers was Derek Chauvin, the officer fired for kneeling on Floyd's neck.

Chauvin and another of the Minneapolis police officers fired after Floyd's death this week have histories of complaints from the public they are sworn to protect.

USA TODAY spoke with Bergh and others who filed official complaints against Chauvin or officer Tou Thao, who is seen on the video of Floyd's arrest standing by.

Since December 2012, the officers drew a combined 13 complaints. Minneapolis settled at least one lawsuit against Thao. Since 2006, Chauvin has been reviewed for three shootings.

They were repeatedly accused of treating victims of crimes with callousness or indifference, failing to file a report when a crime was alleged and, in at least one case, using an unnecessary amount of force in making an arrest.

Attempts to contact leaders of the police union and lawyers for Chauvin and Thao were unsuccessful Thursday afternoon.

## **'A negative interaction with our officers'**

Bergh's encounter with Chauvin happened in May 2013 as he and some friends participated in an annual end-of-school-year ritual called "Assassins." It's a game that involves teams

shooting each other with toy Nerf guns.

As his teammates dropped him off at his home, one of them shot a Nerf dart – made of brightly colored foam – out the window of the car.

Minutes later, as Bergh exited the vehicle, two police officers confronted him with their guns drawn.

“They hadn’t used their siren at all, so none of us realized that they were even behind us,” Bergh said in an email Thursday. The officers shouted commands, including obscenities, Bergh said.

“I immediately dropped my backpack and trumpet on the ground and complied with their orders,” he said.

The officers confiscated all the Nerf guns and took the boy who had shot the dart to the squad car. He told his friends later that he was verbally berated, Bergh said.

When Bergh’s mother came out of the house to question the officers about their aggressive tactics, they told her the teens had been “trying to elude” them.

“How could we be trying to elude them if we didn’t know they were following us, since they didn’t use their siren?” Bergh said.

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He filed a complaint online with the city because he said the officers had been unprofessional. They knew the dart was a toy, he said, because they were carrying it when they approached the vehicle.

“I was upset that they drew guns on us and verbally berated us all when they knew we were not a threat,” he said.

An investigator called him about the complaint, and a few months later, he got a letter saying, “Though the discipline of Officers is not public information, I apologize that you had a negative interaction with our Officers.”

“I am white, as was everybody in the vehicle,” Bergh, 24, said. “I had been thinking about this incident in relation to George Floyd’s death before even realizing that it was the same officer.

My initial conclusion was that our white privilege likely saved our lives that day.”

“If I were black, I would probably be dead,” he wrote on Facebook Thursday morning.

According to The Associated Press, Chauvin was one of six officers who fired their weapons in the 2006 death of Wayne Reyes, who police said pointed a sawed-off shotgun at officers after stabbing two people. Chauvin shot and wounded a man in 2008 in a struggle after Chauvin and his partner responded to a reported domestic assault.

In 2011, Chauvin was one of several officers put on temporary leave after a police shooting in a residential community, according to news reports.

## **Tracking the complaints**

From 2013 to 2019, citizens filed roughly 3,000 complaints against police officers with the city's Office of Police Conduct Review. Of the complaints the office investigated, more than 98% were closed without any discipline, according to a USA TODAY analysis.

An additional 17% of complaints resulted in "coaching" of officers, said Andrew Hawkins, chief of staff of the city's Department of Civil Rights. MPD does not consider "coaching" as discipline.

Chauvin and Thao each have an above-average number of complaints compared with their peers. Since 2013, about 900 officers have been named in complaints, and the average number per officer was three.

USA TODAY obtained a database of citizen complaints filed against the Minneapolis Police Department from Communities Against Police Brutality, an advocacy group based in the Twin Cities. The group's president, Michelle Gross, said it obtained the data through open records requests filed with the Office of Police Conduct Review.

Of Chauvin's seven complaints since 2012, records indicate he was not disciplined. Five of Thao's six complaints were dismissed and one remains open, a case from 2017 involving Jenna Nelson.

## **‘He didn’t take me seriously’**

When Nelson saw the video of Floyd's death, she recognized one of the officers. She turned to her boyfriend. “I swear, that’s the guy who came to my house.”

Officer Thao responded when Nelson called police after an assault. Her injuries weren't serious, but she wanted to file a report.

"I'm going to have bruising," she recalled telling Thao. "My face hurts. My elbow hurts."

Thao dismissed her concerns, she said Thursday, and tried to convince her to drop the whole thing.

"He didn't take me seriously," said Nelson, 33. "He was super nonchalant about it. I was really upset. I said, 'I was physically assaulted, and you don't care.' I still said I wanted to report it."

Later, she followed up and even went to the precinct. She said she learned Thao never filed the report.

She filed a complaint online with Minneapolis police, and eight months later, she said, an investigator reached out. The investigator apologized for the delay and confirmed that Thao had never filed a report.

"I continue to ask myself, was I too professional and too calm?" she said. "Is that why he didn't take me seriously? Is it because they don't want to do the paperwork? Is it because it's not a big enough deal? It is weird that he would not care. Or not seem to act even if he did care."

The area where Floyd died, where the riots occurred, is blocks from her house. She shops at the Aldi and the Cup Foods. She's an ER nurse, so it was hard to watch Floyd struggle to breathe. She knew it was bad.

She watched the video again and again. She saw Thao display a passivity that felt familiar.

"This is not the response people should get from their police department," she said. "It's a department that needs to change, and it's going to take a long time to change the culture there. That passive nonaction is very, very scary."

## **'He didn't investigate'**

Nelson's complaint echoes that of Luisa Fernandez in 2017, who said Wednesday that many people in the Hispanic community have felt mistreated by Thao.

Fernandez was with her brother and husband at a concert when a guy in the bathroom of the club started messing with her brother and a dust-up ensued. A security guard threw her

brother down a flight of stairs.

Thao arrived along with a female officer who stayed in the vehicle, Fernandez said. She wanted to report the security guard for assaulting her brother but said Thao simply walked over to the club owner, spoke briefly, then told her there would be no report. Her party needed to leave the club immediately.

“He didn’t investigate,” she said.

Her complaint to the department was closed with no disciplinary action.

## **‘My life was on the line’**

Kenneth Bergemann watched on the video as the officer put his knee into George Floyd’s neck. It made him angry.

Nobody deserves to die like that, he thought. He couldn’t stop thinking about the bystanders – the person filming, the people watching. “Why don’t they step in and stop it?”

But he knew why. You’d have to be crazy to attack a cop in the middle of an arrest. Still, Bergemann said, he would have intervened. He’s that kind of crazy.

He had no idea that he’d met one of the officers in that video.

On Jan. 22, 2013, his only child was 2 weeks old, and he’d left her with her grandparents, so he could take her mother to McDonald’s.

When he pulled into the parking lot on the south side of Minneapolis in his big, black Chevy Silverado, he saw about seven men beating another guy. The way he tells it, the guy was on the ground in the fetal position. One of the men was kneeling on him and punching him.

Bergemann, a 6-foot-2, 240-pound former reserve police officer, flew out of the car while his baby’s mother yelled, “Don’t you do it!”

Too late. He was already committed. He started grabbing guys and hurling them while his baby’s mother called police.

He knew the police station was nearby. He figured he didn’t need to hold the guys off for long. But the minutes stretched longer and longer as the men shouted that they were going to put him in the hospital.

The victim of the beating got up and ran off. Bergemann yelled, “I’m not leaving.”

He hoped they'd think he was psycho and stay back. He tried to think about what was in his truck that he could use as a weapon if they swarmed him. The truck door was hanging open, and his baby's mother was yelling.

Where were the cops?

A police car rolled up after about 35 minutes, he said. The attackers were still visible down the street. He pointed. "Those are the guys."

Thanks, the cop said, and he drove away slowly in the other direction.

Bergemann stewed about it for a month or two. He was mad the police had left him there, waiting. What if someone had pulled a knife?

"They were so lazy when they got there," he said Wednesday night. "My life was on the line. I could have been cold and dead by then."

He filed a complaint. An investigator called and said he'd look into it. Nothing ever came of it. "A brushoff, in my opinion," Bergemann said.

He's 44 now, and he rarely thinks about that day anymore. He owns a company that stripes roads and parking lots. His daughter is 7, and he raises her alone. Her mother died in 2016 of a potassium deficiency. He remembers what she always told him: that he's a father, and he needs to drop the hero complex.

But when he watched the video this week, he said, he knew what he would have done.

"I would've tackled the cop," he said. "I wish I was there. It would have been worth going to jail to stop him. I don't want a record, but it would have been worth it."

It bothered him so much he Googled the name of one of the officers. He wondered what kind of person would do that?

He had no idea that Thao was the same cop who had pulled into that parking lot that day seven years ago, in the aftermath of another one-sided attack, and who, as far as he knew, had done not one thing about it.

## **'Screamed for help'**

Another complaint against Thao involves a black man who was held face down in an alley but who lived to sue.

That use-of-force complaint centered on an incident in October 2014 in which Thao and his then-partner were accused of punching and kicking Lamar Ferguson, 24, who they said was resisting arrest.

The police closed the complaint without disciplinary action in 2017, but a related lawsuit resulted in a \$25,000 settlement with the city of Minneapolis in 2018.

Ferguson suffered broken teeth and bruising during the incident. His lawyer Patrick Burns said Ferguson is afraid of the police. Ferguson could not be reached for comment.

According to the complaint, Ferguson was walking his pregnant girlfriend home through an alley when a police car pulled up and Thao, along with officer Robert Thunder, approached him. After running his ID through the computer system, Thunder said there was a warrant for Ferguson's arrest, which the complaint says was a lie.

Ferguson said the officers pulled him in two different directions as Thao attempted to handcuff him, which they perceived as him resisting. Thao said Ferguson resisted, pulled his arm loose from the handcuffs, attempted to run and grabbed for Thao's gun belt.

During depositions, the officers confirmed that they took Ferguson to the ground with force and that Thao punched him in the face and struck him in the face and chest with his knee.

Once on the ground, Thunder testified, Ferguson "screamed for help frantically" and was trying to resist being handcuffed, so Thunder lay on top of him and administered a "hammer punch" to the back of his head.

The officers maintained they did not use unnecessary force.

Ferguson alleged additional mistreatment by the officers after he was arrested and transported to a hospital. He claimed they threw his discharge paperwork in the trash when it was supposed to be given to the jail so authorities would know he was prescribed painkillers for his injuries.

He claimed the hospital staff tried to convince the officers to let him put clothes on for transport to jail, but they took him in a hospital gown and underwear.

**‘Demeaning and dismissive’**

Adrienne Kleinman was on her way home from work on a cold evening in December 2012 when her van broke down in the middle of traffic on a busy stretch of East Lake Street in Minneapolis.

She called Minneapolis police to report the breakdown and to get help while she called a tow truck. Officer Chauvin responded.

"Every time he interacted with me, he was rude," Kleinman, 33, said.

Kleinman, who uses a wheelchair, had a hard time getting around the snow in the street but was able to sit inside a nearby nail salon to stay warm while she waited for a tow truck to arrive.

During the process, Chauvin was demeaning and dismissive, Kleinman said. She filed a complaint against him, and a person who identified themselves as the police chief contacted her soon after. She told the chief she thought Chauvin could use sensitivity training to better deal with the public.

Her complaint was closed with no public record that Chauvin received coaching or any other kind of training.

"These things add up over time," Kleinman said. "If people don't take accountability for their behavior, they never learn."