

NEWS

Jury acquits ex-Minneapolis cop Jason Andersen in assault on teen

By **DAVID HANNERS** | Pioneer Press

PUBLISHED: November 16, 2010 at 11:01 p.m. | UPDATED: November 12, 2015 at 5:22 a.m.

A jury today acquitted former Minneapolis police officer Jason Andersen of depriving a 15-year-old youth of his civil rights by kicking him during a carnival in Crystal on the night of July 25, 2008.

After hearing an hour's worth of closing arguments from federal prosecutors and the defense — and getting the judge's instructions in the law — the panel of eight men and four women filed out of the courtroom in Minneapolis and into the jury room at 11:21 a.m. It returned its verdict at about 2:10 p.m.

In her instructions to the jury, U.S. District Judge Ann Montgomery said that to find Andersen guilty, the government had to have proven beyond a reasonable doubt that the officer had willfully violated Johnson's constitutional protection against excessive force. She defined "willfully" as "with a bad purpose" and with "intent to violated a protected right."

She said that to convict, they would have to find that Andersen intended to use unreasonable force.

The judge gave the jury a two-part verdict form. The first dealt with his guilt or innocence on the deprivation-of-rights charge. If jurors find that he willfully violated Johnson's rights, then the panel must decide whether that violation resulted in "bodily injury."

Montgomery told the jury that "bodily injury" could include "physical pain."



In her closing argument, Betsy Biffel of the Justice Department's Civil Rights Division said Andersen, who was assigned to the now-defunct Metro Gang Strike Force at the time, "was revved up and ready to go when he went to the Crystal Frolics."

"He was ready to keep the peace his own way," she told jurors. Andersen was "amped up" and "full of energy drinks and looking for a fight" before he kicked Jevontay K.D. Johnson twice in the head while another officer struggled with the teen on the ground, trying to handcuff him.

But defense attorney Mark Larsen said the police officers called by the government were inconsistent in their descriptions of what happened.

"Almost none of them told the same story," he said.

Casting Andersen as "one of the good guys," Larsen said the officer reacted quickly and reasonably to what could have been a dangerous situation.

"It had everything to do ... with doing the right thing, which makes him better than not guilty, it makes him innocent of the charge," the defense lawyer said.

"This is not a case that should result in the conviction of a cop. Cops don't have the luxury of standing back and looking at two days' worth of evidence," he said. "This case is full of mistakes, it's full of holes, it's full of errors and it is replete with ample reasonable doubt.

Andersen, 33, was indicted in August on a single felony charge of depriving Johnson of his civil rights. In a day and a half of testimony, the government called 10 witnesses, all of them cops or former cops and one FBI agent.

Biffel and colleague Nicole Lee Ndumele did not, however, call Johnson, the alleged victim, as a witness. They did not explain why. He and his mother have filed a civil suit against Andersen, the cities of Minneapolis and Crystal and other police officers.

Albert Goins Sr., the attorney representing Johnson and his mother, watched the final arguments Wednesday. He declined comment afterward.

The incident at the heart of the charge occurred at the Crystal Frolics, an annual event held in Crystal's Becker Park. Andersen was part of a gang strike force contingent who had been invited by Crystal police to help patrol the carnival because there had been gang activity there in the past.

Crystal officer Justin Tourville testified that when he told a youth to hide his jeweled-crown belt buckle because he thought it was a gang symbol, the youth's friend, Johnson, began yelling obscenities at the officer.



The officer said that as he grabbed Johnson to escort him from the park, the teen began flailing his arms and pulled away. In an attempt to get control, Tourville tried a “leg sweep” to bring the teen to the ground, but he testified that he did it wrong and wound up falling backwards, with Johnson landing atop him.

Andersen, testifying in his own defense, said he saw the incident unfold and got involved when he saw the officer fall. He called it “a bad scene.”

Tourville and Johnson rolled over, with Johnson winding up on the ground with his hands clasped beneath him. Tourville tried to get his hands out to handcuff him, and Andersen said that when he saw Johnson wasn’t complying, he ran up with the aim of kicking his shoulder with his tennis shoe.

“It’s a very common technique that not only do we teach, but it happens daily,” he told jurors.

Johnson eventually complied and was later given a misdemeanor citation. Although he refused medical treatment at the carnival, his mother took him to the hospital that night and he was treated for “facial and scalp contusions,” claimed to have a pain of eight on a scale of zero to 10 and was given ibuprofen, according to a medical record the government entered as evidence.

In her final argument, Biffel said it was clear Andersen used excessive force.

“Officers are trained to use the least amount of force necessary to get the job done, and that’s what the defendant didn’t do,” she said.

But Larsen disputed that notion, saying Andersen did what a reasonable officer would have done.

“This is really a case about an innocent man,” he said. “The government in this case, from the beginning, has just gotten it wrong time after time after time.”

Andersen is a second-generation cop who joined the Minneapolis Police Department in 2005. Eleven months later, he shot and killed a Minneapolis teen during a foot chase; he claimed the teen had raised a gun as if to shoot him.

He was cleared of wrongdoing by an internal affairs investigation and a state grand jury probe. The dead man’s family filed a wrongful-death suit, and last year, a jury found that Andersen did not use excessive force in the case.

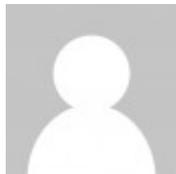
Andersen has been both lauded and fired by Minneapolis Chief of Police Tim Dolan. He was fired last year after his involvement in a dispute with his ex-girlfriend. Dolan claimed Andersen violated the department’s ethics policy, but an arbitrator overturned the firing and ordered the chief to put him back on the beat.



Dolan didn't. Andersen spent several more months on "home assignment" until September, when the chief fired him again, this time allegedly violating the department's policy on "truthfulness" in a statement he gave to the Minneapolis Civilian Police Review Authority about the Crustal incident.

The union representing Minneapolis police officers has filed a grievance over the firing.

David Hanners can be reached at 612-338-6516.



David

Hanners

As you comment, please be respectful of other commenters and other viewpoints. Our goal with article comments is to provide a space for civil, informative and constructive conversations. We reserve the right to remove any comment we deem to be defamatory, rude, insulting to others, hateful, off-topic or reckless to the community. See our full terms of use [here](#).

VIEW COMMENTS

