

**The Killing of Thurman Blevins, Jr.
On June 23, 2018 by the Minneapolis Police Department**

**An Analysis by
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Communities United Against Police Brutality wishes to thank the numerous volunteers who gave freely of hundreds of hours of their time to investigate this case, analyze the data and write this report.

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This analysis relies on Bureau of Criminal Apprehension (BCA) data as submitted to the Hennepin County Attorney's Office, the Hennepin County Attorney's Office report, as well observational data we collected and consultation with family members.

Introduction

On June 23, 2018, Thurman Blevins, Jr. was shot and killed by Minneapolis police officers Justin Schmidt and Ryan Kelly. In their use of deadly force, fourteen shots were fired; four of them hit Mr. Blevins. The purpose of this analysis is to examine:

- (1) the quality of the investigation by the BCA,
- (2) the actions of the Minneapolis police during this killing and its investigation afterwards, and
- (3) the decision of the Hennepin County Attorney's Office in not charging the involved officers.

In doing so, CUAPB is providing a thorough accounting to the community to show why this police killing should not have occurred, and the need for an official independent review to hold responsible parties accountable. We provide conclusions and recommendations at the end that are intended to prevent other killings of community members by Minneapolis police officers.

The Start of the Incident

At 5:26 pm a man called 911 to report hearing shots into the air and into the ground at 46th and Bryant.¹ The caller reported that the man had been walking back and forth between Lyndale and Bryant. The caller described the man as a light-complexioned Black male wearing a white or grey tank top and carrying a black backpack. The man was further described as being 35-36 years old, 6 feet tall and 180 pounds, with a fade haircut with designs. The significance of this description will become evident.

At 5:28 pm, Ofc. Brake and Anderson, in squad 460 were dispatched.² They reported at 5:31 that they were still looking for a suspect but so far things were quiet. They reported at 5:32 that the area of 46th and Lyndale/Camden/Aldrich/Bryant has been checked. Along the way, they passed Mr. Blevins, who was sitting on the curb. Ofc. Anderson recalled that he may have stopped Mr. Blevins for a traffic stop in the past and recognized him.³ He and Ofc. Brake clearly did not think that Mr. Blevins was the shooter they were looking for as they did not stop to detain him. At 5:33 pm the officers then swung back around Lyndale one more time and spotted a black male at 46th and Lyndale who closely matched the description, with a gray

tank top and black backpack. On questioning, the man revealed to the officers that he had a BB gun in his backpack, which was confiscated without force. In Ofc. Brake's own words⁴,

"At about 46th and Lyndale, right at the original area of the call, walks a man southbound on Lyndale, grey tank top with a backpack, Black male, right where he was supposed to be. So, we jump out on him, secure him, without incident. We made contact with him and due to the call, I told him a man matching his description was shooting rounds off in the area and he said he had a BB gun in his backpack."

Other squads that arrived to assist squad 460 include squads 470 and 472. They ended up letting the man with the BB gun go at 5:35 when they received a higher priority code of shots fired and left to assist with scene security at 48th and Camden.

Ofc. Schmidt and Kelly in squad 420 were on their way to back up squad 460.⁵ Instead, they drove up on Mr. Blevins, who was calmly sitting on the curb holding a conversation with a woman who had a child in a stroller. There were a number of other witnesses on the scene. Although squad 460 had a suspect who matched the description and Mr. Blevins' clothing did not match the description, Ofc. Schmidt and Kelly jumped out of their vehicle and aggressively approached Mr. Blevins, screaming and swearing, guns pointed at him. Ofc. Schmidt screamed "put your f*cking hands up now!" while Ofc. Kelly said, "stop or I'll shoot."

Prior to any interaction with police, Mr. Blevins had met up with a friend, Lil, when she arrived in a blue pickup truck at 2:48 pm.⁶ They left and returned 10 to 15 minutes later. During this time, based on text messages, it is believed that he purchased a gun from Lil. It also appears they went to the liquor store to purchase some liquor. Lil dropped Mr. Blevins off at his apartment building.

From: Lil	U wanted the heat right?
To: Lil from Thurman	Yeah which one and\$
From: Lil	How u purchasing. What's easiest?
To: Lil from Thurman	Sft
From: Lil	150? 9
From: Lil	Where U at so I can just slide? Communication will b smoother
To: Lil from Thurman	I'm at the crib but I have something in the oven almost done in 15 minutes come
From: Lil	In back?
To: Lil from Thurman	Yeah in 15
From: Lil	I'm leaving

A short time later, Mr. Blevins and a group of people were together in the yard behind his apartment building. According to witness Sheena Azure⁷, Mr. Blevins said to the group, "who drank my Four Loko?" A man, W, said "I did" and Mr. Blevins punched him lightly the face. Ms. Azure went with Mr. Blevins to a picnic table nearby to avoid being around the scene. Ms. Azure said that Mr. Blevins had wanted to get intoxicated but that W had taken his liquor. She said he was intoxicated "a little bit but not that bad," but that W was more intoxicated. Ms.

Azure was with the group for 10-15 minutes and never saw Mr. Blevins with a gun. Just after the incident with W, Olya Weseman walked by, and Mr. Blevins said, “that’s my baby mama.” He left with her, and they ended up together at the corner of 48th and Camden. Mr. Blevins continued to drink as he sat on the curb before officers arrived. At the time of his death, his blood alcohol level was 0.162.⁸

Incident Chronology

A detailed chronology is provided of the events leading up to the killing of Mr. Blevins. The information up until time marker 16:18 was taken from BCA Special Agent Kaneko's transcript of video surveillance footage⁹ outside of Mr. Blevins' apartment complex; a multi-family unit managed by Project for Pride in Living (PPL).

The information after time marker 16:18 was gathered by CUAPB from witness statements and a detailed transcript of Officer Schmidt and Kelly’s body-worn camera footage.

Time	Action
12:16 – 12:21:54	<ul style="list-style-type: none"> • SA Kaneko observed a male believed to be Blevins exit his apartment and wait at the front door. • Blevins knocked on a door to another apartment on the ground floor and went outside through the front door and stood on the sidewalk in front of the building to the north of 4635 Lyndale Avenue North. • Blevins returned to the apartment at approximately 12:21:54 hours
12:37 – 12:44	<ul style="list-style-type: none"> • Blevins exited from his apartment and entered the rear stairwell and stood near the common window as if waiting for someone. • Blevins went out the rear common door and walked toward the dumpster located on the northwestern portion of the yard and entered the treeline to the north which was adjacent to the PPL building moments later. • Blevins could be seen in the front area yard, he continued to the front of the PPL Building and out of view. Minutes later, Blevins was observed in the rear yard and entered the building and returned to his apartment at approximately 12:44 hours.
13:24	<ul style="list-style-type: none"> • A red colored vehicle arrived in the rear of the building and appeared to be occupied by at least two parties. The driver approaches the rear common door of the building and shortly after, Blevins exits his apartment and enters the rear stairwell and continues to the ground floor. • It appears that Blevins-meets with the driver of the vehicle at the backdoor and the driver leaves and returns to the red colored vehicle. • Blevins returns to his apartment as the red vehicle leaves several minutes after.
13:42	<ul style="list-style-type: none"> • A red colored vehicle believed to be the same as from 13:24 hours returns and leaves after several minutes. No one gets out or approaches the vehicle.
14:03	<ul style="list-style-type: none"> • A red colored vehicle believed to be the previous vehicle returns and an occupant exits the vehicle and leaves area on foot toward the north treeline to the north (PPL Building). The red vehicle immediately leaves the area.

14:07	<ul style="list-style-type: none"> • A light blue colored truck or SUV arrives and parks in the rear of the apartment building.
14:21	<ul style="list-style-type: none"> • Driver of the vehicle (wearing dark clothing) exits, walks northbound toward dumpster and tree line and returns to the vehicle.
14:23	<ul style="list-style-type: none"> • Blevins is observed walking out of his apartment wearing a tank top shirt and having a dark or black colored backpack on. • Blevins walks out to the front common door and talks to a group of people outside the front entry. He then walks out of view as he goes between the buildings on the north side of the building.
14:25 – 14:26	<ul style="list-style-type: none"> • Blevins is observed walking toward the truck or SUV and removes his backpack and places it in the vehicle on the passenger side of the vehicle. • Blevins is observed walking into the rear of the apartment building without the backpack. • Blevins re-enters his apartment one minute later.
14:28 – 14:29	<ul style="list-style-type: none"> • Blevins exits his apartment and uses the rear stairwell to the rear common door and enters the backyard. • Blevins throws an object out of view to the south and continues towards the vehicle. • Blevins enters the vehicle on the passenger side and the vehicle leaves with Blevins at 14:29 hours.
14:48	<ul style="list-style-type: none"> • A person believed to be Blevins is observed to be walking into the front camera view from the street and enters the yard of the address and sits down near the boulevard. • This person is carrying a dark or black colored backpack. Other people join and sit near this person.
15:36	<ul style="list-style-type: none"> • The person leaves the group from the boulevard and enters the apartment building. It is confirmed that the party is Blevins as he is without the backpack and enters his apartment.
15:37	<ul style="list-style-type: none"> • Mr. Blevins exits his apartment and returns to the boulevard area to re-join the people there.
16:18	<ul style="list-style-type: none"> • The group walked north on Lyndale.
17:26	<ul style="list-style-type: none"> • A male called 911 to report that a person wearing a white or grey “wifebeater” (sleeveless tank top), who was light-skinned, had a “bald-headed taper with designs” haircut and black backpack had shot a gun 5 minutes earlier and 20 minutes prior to that.¹⁰ • The caller also stated that the male was intoxicated and had a large bottle of Amsterdam. <p><i>The caller was interviewed later at 22:30 by the BCA and stated that the shooter had first shot into the air at 46th and Lyndale in the alley and the second shot was into the ground on the corner of 46th and Bryant.¹¹</i></p>
17:30:32	<ul style="list-style-type: none"> • Minneapolis Police squads were dispatched to the area shortly after the 911 call. • Squad 460 drove past Mr. Blevins, Olya, her child in a stroller, and dog sitting on the southwest corner of 48th and Camden.¹² Squad 460 continued to 46th and Lyndale and radioed that they were pursuing a suspect who matched the description given by the 911 caller. They

	<p>approached a young man who was carrying a BB gun in his backpack and were in the process of identifying him when they received a call to leave the scene and assist squad 420.</p>
<p>17:33:24</p> <p>(Times in parentheses are on times Schmidt BWC recording)</p> <p>[Times in brackets are times on Kelly BWC recording]</p>	<ul style="list-style-type: none"> Officers Kelly and Schmidt were driving squad 420 northbound at the corner of 48th and Camden Avenue. Ofc. Kelly was driving and Ofc. Schmidt was the passenger. (6:13) As they approached the corner, Schmidt stated, "What about this guy? Kelly responds with, "Eh. Where we going?" (6:16) Schmidt says, "He's got a bottle of gin," as he takes off his seatbelt. Kelly responds, "Okay. Is he-?" Kelly veered the squad car into the southbound lane of Camden. (6:22) Schmidt says, "Black tank top, tapered hair. Yeah." (6:25) Schmidt exited aggressively, stating, "he's got a gun." Kelly put the squad in park and followed. Both officers rapidly approached the people on the corner with their guns drawn. They did not take cover or act in a way that indicated they considered Mr. Blevins a threat. (6:26) Schmidt shouted, "Put your f*cking hands up now! Stop." (6:28) The child crouched down into the stroller. [6:30] Kelly pointed his gun at Blevins and yelled, "stop, stop, stop." [6:35] Kelly put gun away. Everyone appeared startled. (6:29) Schmidt said, "Put your f*cking hands up." Mr. Blevins stood and turned to face the officers. Mr. Blevins had a large bottle of liquor in his right hand. (6:33) Schmidt said, "Put your hands up!"
[6:34]	<ul style="list-style-type: none"> Mr. Blevins turned back around, jumped to the sidewalk, and began to run. (6:34) Mr. Blevins said "Why? He appeared confused. He started jogging westbound on the northern sidewalk along 48th Ave N. He was being followed by Schmidt, with Kelly behind. (6:35) Schmidt raised his gun, and said, "I will f*cking shoot you." As he jogged, Mr. Blevins turned his head and upper body to the left and spoke over his shoulder. He asked Ofc. Schmidt, "why?" He was still holding his liquor bottle in his right hand, towards his left side. (6:36) He asked "why?" two more times. Schmidt yelled, "stop." [6:37] Kelly said, "Stop or I'll shoot! Stop or I'll shoot! Stop or I'll shoot!" (6:39) Mr. Blevins said, "My liquor, come on man. Come on man." (6:42) Kelly radios, "420 chasing one party. 48th & Aldrich, westbound. Man has a gun." (6:42) Schmidt said, "Put your hands up." (6:43) Mr. Blevins said, "I didn't do nothing, bro." (6:45) Schmidt said, "You've got a gun, mother*cker." Mr. Blevins said, "No. I don't." Schmidt called back, "Yes, you do."
	<ul style="list-style-type: none"> (6:45) Mr. Blevins began to cross the intersection of 48th Ave N and Aldrich Ave N. (6:46) Mr. Blevins said, "It's right there, it's right there." (6:49) Schmidt said, "Put it down." Mr. Blevins said, "It's back there." He dropped the liquor bottle in the intersection and said, "It's back there."

	<ul style="list-style-type: none"> • (6:52) Schmidt says again, "Put it down!" Mr. Blevins responds, "It's back there."
	<ul style="list-style-type: none"> • Mr. Blevins moved back onto the sidewalk on the south side of 48th between Aldrich and Bryant along a white fence. At that point, he had nothing in either hand. • [6:55] Kelly radioed, "Black tank top, brown shorts. (person on radio repeats back.)" • (6:53) Schmidt said, "I will f*cking shoot you." • (6:55) Mr. Blevins pleaded, "Don't shoot me, please." • (6:56) Schmidt said, "Put your hands up." • [7:02] Kelly radios, "Southbound in the alley, Aldrich to Bryant." • (6:57) Mr. Blevins turned southbound into the alley between Aldrich Ave N and Bryant Ave N. Mr. Blevins pleaded "Please don't shoot me." Schmidt yelled "Put your hands up." Mr. Blevins replied, "Leave me alone." Schmidt said, "Put your hands up." Mr. Blevins again pleaded, "Leave me alone" or possibly "I'm unarmed." • (7:03) Schmidt begins to yell, "Put your hands..." then opened fire. • [7:06] As Schmidt started shooting, Kelly's gun was not out. Schmidt fired 3 shots before Kelly had his gun out. Kelly started shooting at Schmidt's 5th shot. Both officers then began shooting simultaneously. • Mr. Blevins fell during the 6th shot and was on the ground by the 7th shot. Kelly continued shooting after Mr. Blevins was down, shooting 5 shots while Mr. Blevins was on the ground. The pattern of shooting was 11 shots then a pause then 3 shots fired by Kelly. • There were 14 shots in total, 8 by Schmidt and 6 by Kelly. • [7:10] Shooting stopped. • [7:11] Kelly radioed "Shots fired, shots fired. One down." • [7:19] Kelly yelled, "Schmidt back up! Hold it," then, "420 give me the air." • [7:32] Kelly radioed, "Okay. One down. EMS, Fire, our location." • Ofc. William Gregory can be heard saying, "Cover me, I'm going to kick the gun." Kelly said, "He's still moving." Schmidt said, "I got ya." Gregory said, "cover me." Gregory kicked the gun away. Kelly lowered his gun. • Kelly said "Get the squads, I'll direct EMS. Schmidt, you good? I'll direct the ambulance." Kelly radioed, "Again, 48th Bryant to Aldrich." Dispatch repeated back. Kelly walked out of the alley as he was radioing and then walked back in. • Schmidt said, "Get me squads on 47th, Aldrich and Bryant, block it off. Probably block off Aldrich and Bryant as well."

What Officers Knew Before the Encounter with Thurman Blevins

In evaluating this killing it is important to examine the information that was available to officers via radio transmissions as documented on their body camera footage as well as through the Minneapolis Computer-Aided Dispatch (MCAD) system. Police squads are equipped with MCAD computers that document in writing all radio transmissions, making both auditory and visual information available to officers.

Officers knew that a man matching the description had already been detained.

Squads 460 and 470¹³ were at 47th and Lyndale with a man who exactly matched the description given by the 911 caller. A call was put out for support. Squad 420 driven by Ofc. Kelly with passenger Ofc. Schmidt responded, and was supposed to back up squad 460. Instead, they needlessly stopped to confront Thurman Blevins who was previously spotted but not stopped by Squad 460.

Documented via body-worn cameras:

Minute Marker on BWC Footage	Squad	Content
1:26	460	In area. Do you have a description?
2:50	460	arriving 46/Bryant
3:31	460	all quiet here- still checking
5:40	460	out with one 47/Lyndale
6:17	420	"What about this guy? He's got a bottle of gin"
6:25	420	"He's got a gun!"

Documented via MCAD (p. 585):

Source of Data	Data
PO 460	we're all quiet here. We're still checking.
D1	Copy that. Still checking.
PO 460	we out with one 47th, Lyndale.
D1	Copy. 460 out with one 47th and Lyndale.
PO 470	I'm out with 460 this is gonna be our party. We're code four.
D1	Copy 470. Out with 460 and this is the party, code 4, 47th and Lyndale. Squads that haven't arrived can slow.
PO 420	chasing one 48th Aldrich westbound, man has a gun.

**PO is police officer, D1 is dispatch*

Key Witness Statements

The BCA interviewed 33 civilian witnesses and 51 police officers. One civilian witnessed the shooting. Others witnessed various parts of the killing or the events that led up to it. Here are observations regarding the statements from four key witnesses.

Chris Case¹⁴ - Confirms That Thurman Blevins fired NO Shots

Mr. Case was the only civilian eyewitness to the shooting itself. He was the driver of a red 2002 Chevy Malibu that started coming up the alley between Bryant and Aldrich from 47th. He stopped briefly to pick up a suitcase left in the garbage near a garage and placed it in his car trunk. He was about to proceed when he heard some yelling. He looked down the alley and "there was a guy running around, a guy ran around the corner, and two cops behind saying 'stop, stop, stop.' And he stopped and like, pulled a gun out, and they opened fire on him. They kept shootin' and shootin' and shootin' 'em. After he was laying there, still they came and shot him at least four or five more times, if not more." Despite leading questions by the

BCA investigator, Mr. Case said, **“The suspect, I never seen him shoot once”** and insisted that Mr. Blevins never fired his gun. When asked to repeat his story, Mr. Case told the investigator what Mr. Blevins was doing: “He finally stopped and pulled a gun out, and started to turn around and they opened fire on him.” In response to additional questioning, Mr. Case stated that he and Mr. Blevins were “face to face” and that when Mr. Blevins began to turn to the left, the officers opened fire. Mr. Case’s vehicle ended up with a bullet through the windshield, through the visor, and into the driver’s side headrest. Testing showed the bullet came from Ofc. Schmidt’s gun.¹⁵

Andrew Reed¹⁶: - No Casings From Mr. Blevins Gun Found During Initial Investigations

Ofc. Reed claimed in his police report¹⁷ that he found a brass-colored gun casing next to Mr. Blevins’ gun on the scene. The BCA claimed this bullet casing came from Blevins’ gun. However, this is entirely inconsistent with other evidence. There was no mention whatsoever of this by Ofc. Reed in his witness interview with the BCA conducted 5 days after the killing on June 28, 2018. There was no indication of this in the BCA account of Reed’s body-worn camera footage. As noted above, Mr. Case was adamant that Mr. Blevins never fired his gun. And, there is no forensic evidence of Mr. Blevins firing a gun, including gunshot residue on his hands, or DNA or fingerprints on the trigger of the gun (see below).

There Was No Basis for Officers to Fear for Their Lives

Justin Schmidt¹⁸: Ofc. Schmidt is the officer who most closely chased Mr. Blevins, and fired first at Mr. Blevins. Ofc. Schmidt is entrenched in the very fear-based training that Mayor Jacob Frey recently banned as making “officers overly aggressive, and which Police Chief Medaria Arradondo explicitly stated, “raises the significant potential that the encounter with the community member could end very badly.”¹⁹ Ofc. Schmidt was trained in the MPD cadet program in March 2014, having previously served in the military as a Security Forces Instructor with the US Air Force.²⁰ He is not only trained in what Mayor Frey described as “fear-based or warrior training,” but he is an instructor with Archway Defense, an organization that provides fear-based training to police.²¹ (See below, “The Role Of Fear-Based Training”) It comes as no surprise that Ofc. Schmidt has had six (6) complaints against him since he was hired in 2014. Two of these are internal complaints (filed by a supervisor or other officer) and four are complaints from community members. One internal complaint is still open and Schmidt is one of eight officers involved in that complaint.²² He is also the defendant in an active lawsuit.

In his BCA interview, Ofc. Schmidt makes a number of statements that contradict the body-worn camera footage, that in turn contradict other parts of the interview, and undermine his claims that he was in fear for his life. Keep in mind that Schmidt was allowed by BCA to view the video one hour before his interview.

- Ofc. Schmidt stated he and his partner Kelly were driving to where another squad was holding a person who matched the description of the 911 dispatch but stopped when he saw Thurman Blevins. Ofc. Schmidt’s own statement shows how Mr. Blevins only partially matched that description.

- Ofc. Schmidt was asked to describe the scene, but failed to mention the baby in the carriage, the dog, or the other man on the scene—who was holding a machete. Situational awareness, which is key to good policing, was clearly deficient here.
- Ofc. Schmidt stated, “At some point, I can’t recall where, he drops the bottle. He voluntarily drops that bottle. As soon as he dropped that bottle, he reached into his pocket.” In fact, Mr. Blevins dropped the bottle at the intersection of 48th Ave N and Aldrich Ave N after being told by Schmidt to “put it down.” He continued to run but did not put his hand anywhere near his pocket at that point. He can be seen in the body-worn camera footage with his elbows bent, arms pumping as he continued to run. He only put his hand near his pocket after running down the street and then down about a third of the alley - quite a distance from where he dropped the liquor bottle.
- This exchange was noted by Ofc. Schmidt in his interview, **“Question: At any point does the subject point the gun at you? Schmidt, “Not that, no I not that I could see. By the time I made the decision to use deadly force um I had focused on my front site (sic).”** (p. 226, BCA case #2018-457)

Ryan Kelly²³ - Statement Fraught With Serious Inconsistencies And Exaggerations.

Ofc. Kelly was the partner of Ofc. Schmidt. He chased Mr. Blevins and shot him but was a significant distance behind Ofc. Schmidt throughout the chase. Ofc. Kelly has been with the MPD since October 21, 2013. He has been an Emergency Medical Services (EMS) instructor with Hennepin County Medical Center since 2011. He has also received 140 hours of SWAT training.²⁴ Like Ofc Schmidt, during his short tenure with the MPD, he has been the subject of multiple complaints. There have been eight 8 complaints filed against him. All were closed without discipline.²⁵

Ofc. Kelly makes a number of statements in his BCA interview that contradict the body camera footage and that are inconsistent with other witness statements. He is given to gross exaggerations with some of his statements appearing to be outright fabrications.

- He claimed that even though squads 460 and 470 were with a suspect who matched the description of the 911 call in the same area the caller gave, he and Schmidt continued to drive around the area randomly looking when they happened to come up on Mr. Blevins.
- Throughout his interview, Ofc. Kelly grossly underestimated the distance between himself, Ofc. Schmidt, and Mr. Blevins. For example, on p. 285 of his interview, he states:
“We are going down the alleyway southbound from 48th from Aldrich to Bryant and at this point, I’m starting to lose, lose these guys just a little bit because now I’m sitting here trying to, get on the radio and scream on the radio and not, and actually make sense on the radio. So they gain a couple more feet on me. Now they are probably about 20 feet I’m still running and then he goes down the

alleyway. Now he's going down the alleyway. Schmidt's right behind him. I lose sight of him for maybe a second."

The body camera footage shows Ofc. Kelly jogging and then only starting to run when he reached the beginning of a high fence that is 66 feet long (as measured independently) and that Ofc. Schmidt and Mr. Blevins were at the other end of that fence at that time. In other words, Ofc. Kelly was at least 65 feet behind them. Thus, he lost sight of them for at least 3 to 4 seconds.

"As I came around the corner of the alley, I entered the alleyway partner is uh in front of me by about 15 feet or so and then he's [Mr. Blevins] about 4 feet or so in front of him. I remember seeing, the only thing I remember seeing right as soon as I came around the alleyway was, his right elbow coming up and he's got the gun in his hand."

- Ofc. Kelly also claims to have seen the barrel of Mr. Blevins' gun pointed at him. However, irrefutable body camera footage shows that Ofc. Kelly was three houses (120-150 feet) back from Ofc. Schmidt. It is highly improbable that he could have seen the gun he claims to have seen, let alone be able to see the barrel of the gun pointing at him from that distance.
- Ofc. Kelly claimed in his BCA interview that Mr. Blevins had his right hand on "the butt of a gun" right from the beginning of the encounter even though indisputable body camera footage shows clearly that Mr. Blevins was holding the neck of a large bottle of liquor in his right hand. Moreover, this was confirmed in Ofc. Schmidt's own BCA interview. *In fact, a significant part of the investigation centered on the liquor bottle, which Mr. Blevins dropped in the second intersection at 48th and Aldrich as he ran and which was run over by the squad car driven by Sgt. Vanessa Anderson as she drove Ofc. Kelly downtown. Upon running over the bottle, Sgt. Anderson asked "What did I just run over?" Ofc. Kelly replied, "I don't know. Ah, it's just a bottle." Sgt. Anderson asked, "What was it?" Ofc. Kelly replied, "It's the bottle he had in his hand." Sgt. Anderson sighs and says, "Why wasn't someone just standing here?" Ofc. Kelly says, "Ooh yeah, it's gone. That's, err, I mean whatever." Sgt. Anderson says, "So where else there—?" Kelly interrupts, "Uh, I don't know, I just, that was the only thing that I saw him throw. You know, whatever, it's a bottle... I don't know why there wasn't anyone watching that."*
- Throughout Ofc. Kelly's statement, his version of events involves gross exaggeration, which calls to question his capacity and veracity. For example, Ofc. Kelly claimed that Mr. Blevins was running slowly. In fact, he was running fast enough to maintain his distance in front of Ofc. Schmidt and Kelly throughout. Ofc. Kelly makes much of the fact that Mr. Blevins periodically looked over his shoulder, claiming Mr. Blevins was *"trying to find a spot to stop and he's trying to find spot where he can just roll around and start shooting and, he, I'm thinking in my head every time he slows down that he's going to do it."* Once again, this is contradicted by independent evidence. As shown on the body camera footage, Mr. Blevins never slowed down. When he turned his head

over his shoulder, he was attempting to communicate with the officers. Ofc. Kelly also claims that he thought Mr. Blevins was leading him to some kind of pre-planned ambush, but this would have required Mr. Blevins knowing - in advance - as he was relaxing on the curb, intoxicated, that officers would abruptly stop patrol cars to pursue him.

- Ofc. Kelly claimed that Mr. Blevins raised his arm and, *"I'm pretty sure he got a shot off and I don't know where it went. If it went in my direction. If I'm shot, if my partner's shot, I don't know."* Body camera footage refutes this contention. It shows no flash or other evidence that Mr. Blevins shot his gun. It bears repeating that the only eyewitness, Chris Case, who Mr. Blevins was facing, stated, *"The suspect, I never seen him [Mr. Blevins] shoot once."* Ofc. Kelly then incredulously claims to have been "staring down the barrel of a gun," which is impossible. He was 130-150 feet away, and the gun is a Smith and Wesson SD9 VE with a barrel 4 inches in length, and a total length of 7.2 Inches. The barrel is 9 mm in caliber.²⁶
- Ofc. Kelly claimed that he shot at Mr. Blevins twice and that he stopped shooting once Mr. Blevins fell to the ground. Both of these claims are provably false. In fact, a total of 14 shots occurred with Ofc. Schmidt shooting 8 times, and Ofc. Kelly shooting 6 times. The officers continued shooting 8 to 9 times after Mr. Blevins was on the ground. In addition, Ofc. Kelly discharged his weapon in an irresponsible manner, shooting into a parked Benjamin Franklin Plumbing van, into various garbage cans and garages, and even shooting in the direction of his partner, who had to jump out of the line of fire.
- Like Ofc. Schmidt, Ofc. Kelly failed in displaying situational awareness. He never mentioned in his BCA interview that there was a stroller with a child inside. In the body camera footage, the child is clearly visible standing up inside a large jogger's stroller with her mom's arms around her. This lack of situational awareness is significant as it suggests both officers had predisposed—but wholly unsubstantiated—distrust coming into their encounter with Blevins. Clear headed thinking was compromised by irrational stress and suspicions, precisely that caused by fear-based training that Mayor Frey stated emphatically: "serves no purpose in our police department."
- Ofc. Kelly stated in his interview, *"So what I could see from the driver's seat was um female, him sitting down on the curb and then two pit bulls which obviously could be a dangerous animal."* The reality is there was one pit bull, a rather chunky, fawn and white pit bull that body camera clearly shows was harmless and never chased Ofc. Kelly. Indeed, the pit bull ambled, looking confused as everyone started running. This differs from Kelly's embellished and unsupported statement, *"um the pit bulls. I forgot about those. I mean I don't, I don't know how I didn't get bit, I'll tell you that much. Um that's all I really remember though because on my, on my body cam you can see the pit bull comes right into view chasing me. I didn't even know the dog was coming after me."*
- Ofc. Kelly never mentions the witness in the alley, Chris Case, even though Mr. Case and his car were in his line of fire and Ofc. Schmidt shot through Mr. Case's windshield

and into the headrest of the driver's seat. Luckily, Mr. Case had stepped out of the vehicle just seconds earlier.

Failure to Render Aid

Minneapolis Police Department policy requires officers to take all steps necessary to preserve life, including rendering aid to people who have been injured by them.²⁷ Further, Minnesota state statute 609.662 requires “a person who discharges a firearm and knows or has reason to know that the discharge caused bodily harm to another person shall immediately investigate the extent of the person’s injuries and render immediate, reasonable assistance to the injured person.” Failure to do so can result in imprisonment and/or a fine up to \$4,000. The exception is if a person is *obviously* deceased, for example, a person found by police who had been dead for several days. Otherwise, only a physician can declare death under Minnesota law.²⁸

Although Mr. Blevins had just been shot, not one of the 48 officers on the scene rendered any aid, nor did any even check for signs of life (breathing, pulse).²⁹ When Ofc. William Gregory approached Mr. Blevins, he kicked the gun away from him. He said he “*did see him move, and kicked the gun away, just in case he does regain the ability to get the gun.*” However, instead of rendering aid to someone shot, suffering, and still moving, and thus still alive, Ofc. Gregory turned his attention to securing the scene.³⁰

Police officers have specific training on the requirement to render given their greater responsibility to the public. Minneapolis police officers are required by the Peace Officers Standards and Training Board, the state licensing agency for law enforcement officers, to be certified as Emergency Medical Responders.³¹ After initial first responder training, renewal is required every two years. Ofc. Andrew Reed stated in his BCA interview that in his four years with the Minneapolis Police Department he had not renewed his first responder certification.³² He stated he had previously renewed this certification yearly when he was with the Savage Police Department.

Ofc. Ryan Kelly had an even greater understanding and responsibility. He is a long-time tactical EMS instructor, providing training to emergency medical personnel at Hennepin County Medical Center since 2011. At the time of his shooting of Mr. Blevins, he noted in his BCA interview that he had a trauma kit in the back of his squad car. Yet he failed to use the kit or his training to assist Mr. Blevins in any way. He stated that he did not render aid because, “*the gun was still in his hand,*” which proves to be another fabrication, given that all images of the scene showed the gun at least a foot away from Mr. Blevins, and that it was almost immediately kicked away by Ofc. Gregory. Ofc. Kelly then offers another excuse for not rendering immediate aid, stating “*It’s their job [referring to EMTs that were not yet on the scene] to take care of an injured person.*”

911 Caller Report Of Gunshots Never Substantiated

CUAPB obtained Thurman Blevins’ cell phone records through a data practices request from the BCA. This evidence conflicts with the 911 caller’s original statements about Mr. Blevins’ whereabouts. Of all the witness statements included in the BCA’s case file, only the 911 caller

gave a statement that someone shot into the air with a gun at 46th and Lyndale Avenue and into the ground on the corner of 46th and Bryant Avenue.³³ Shot spotters are devices installed on utility poles by the Minneapolis Police Department to document gunshots fired in their vicinity. There was no shot spotter evidence that anyone shot a gun in either of those locations.³⁴ See appendix G. Further, 25 witnesses (see Appendix B) never saw or heard anyone shooting a gun in the area. For example, Jennie Cauwels was interviewed by Fox 9 news.³⁵ She was sitting on her deck outside that afternoon and said she never heard gunshots prior to Minneapolis policing arriving. She stated, *“I wholeheartedly believe that there were not gunshots fired in my neighborhood on that day.”* Despite this public media account, Ms. Cauwels was never interviewed by the BCA.

Cell phone text messages suggest that the 911 caller is the same individual who owed Mr. Blevins a significant amount of money, and thus had a motive to embellish or even lie when making the 911 call.

To: Probable 911 Caller	Yeah but I am not able to pay bills when people say a certain time and I reach
To: Probable 911 Caller	I'm not rich or a bank

Evidence—Blevins’ Gun

In his report³⁶ produced to explain his reasoning for not charging Ofc. Schmidt and Kelly, Hennepin County Attorney Mike Freeman provided the following items of evidence. However, it is clear that statements and evidence were not properly scrutinized, and conveniently led to conclusions that exonerated the officers involved.

- 1) In Ofc. Kelly’s interview, he stated that Mr. Blevins shot his gun prior to being killed. Police Federation President Bob Kroll made the same claim shortly after.³⁷

Problems:

- The body worn camera footage from both officers does not show any smoke or flash from the muzzle of Mr. Blevins’ gun, there was no recoil, and the slide on his gun did not move.
- **Further, the BCA never tested Mr. Blevins’ hands for gunshot residue despite his hands being covered in preparation for this testing.**

- 2) The BCA claimed that a casing (BCA lab #21) was found at 46th and Bryant the day after Mr. Blevins’ death, at the location where the 911 caller reported a person had fired a gun into the ground. County Attorney Freeman claims that this casing was determined to have been fired by Mr. Blevins’ gun.

Problems:

- A photo of the street sign indicating the location shows that the casing was actually found at North 48th Avenue.
- The BCA said the casing came from Blevins’ gun in their summary report (pg. 1593), but there are no detailed ballistics testing to be found in this report. Thus, the claim that this casing matched Mr. Blevins’ gun cannot be substantiated.

- 3) A casing was found in the alley between Aldrich and Bryant next to Mr. Blevins' body (BCA lab #15). Freeman claims that this casing was determined to have been fired by Mr. Blevins' gun.

Problems:

- Although the BCA said the casing came from Mr. Blevins' gun in their summary report (pg. 1593)—again—no detailed ballistics testing can be found in this report, which was submitted to Prosecutor Freeman. This claim also cannot be substantiated.
- Of note, multiple witness officers on the scene never documented in their reports or interviews that a casing was found near Mr. Blevins' body. From the BCA investigatory report:
 - a) Pg. 512 Andrew Reed. There is no documentation of him actually finding the brass casing except in his police report that was written the *day after* the incident.
 - b) Pg. 526 Benjamin Caput, Andrew Reed's partner in squad 430 noted many casings and labeled them with blue cards. He noted the silver handgun on the scene but *not* a brass casing. The officer's casings were all silver.
 - c) Pg. 521 Ofc. R. Moua does not mention the casing near Mr. Blevins. He does note the gun, describing the silver slide and black frame.
 - d) Pg. 531 Ofc. Ryan Miller *never* mentioned a brass casing on the scene, though he described the black and silver handgun in his report.
 - e) Pg. 539 Ofc. William Gregory was the officer who kicked the handgun away from Mr. Blevins. In his police report he *never* mentioned seeing a brass casing though he described the black and silver handgun.
 - f) Pg. 537 Ofc. Nathan Sundberg *does not* mention the casing in his police report, though he described a dark semi-automatic handgun.
 - g) Pg. 545 Ofc. Scott Sutherland *never* mentioned the brass casing in his police report. He described the gun on the scene as a black and silver semi-automatic.
 - h) Pg. 557 Ofc. Steven Fogarty described the black and silver handgun in his police report but *never* mentioned any brass casing.

- 4) The BCA conducted fingerprint examination of the gun recovered by Mr. Blevins' body. Mr. Blevins' palm print was found on the grip of the Smith and Wesson handgun recovered near his body.

Problems:

His fingerprint was **not** present on the trigger of the gun. The trigger pull weight for a Smith and Wesson SD9 VE handgun possessed by Mr. Blevins is 8 pounds. If his gun had been fired, especially on a hot day, it would be expected that a partial print would be found on the trigger.

- 5) Mr. Blevins' handgun was tested for DNA.

Problems:

- A mixture of DNA from three or more individuals including Mr. Blevins was found on the grip, slide and bottom of the magazine.

- 6) Much was made in the BCA report of the history of the gun Mr. Blevins had, including attempts to tie it to various crimes with the implication that Mr. Blevins was possibly involved in those crimes.

Problems:

- Mr. Blevins only purchased the gun at approximately 2:48 pm on the day he was killed. The person who sold the gun to Mr. Blevins was never interviewed by the BCA.

Evidence—Police Gunshots—The Only Shots Fired

Appendix C, attached, shows a graphic of the sound waves of the gunshots fired. It indicates, Ofc. Schmidt and Kelly fired 14 gunshots in total. Eight were fired by Ofc. Schmidt and six were fired by Ofc. Kelly. This is further evidenced by the number of casings from the officers' guns found on the scene, 14 in total.³⁸

Had Mr. Blevins shot a round from his weapon, there would have been a 15th sound wave on the graphic. This once again supports the conclusion that Mr. Blevins never fired a shot.

Enhanced Video—Manipulation To Fit An Unsupported Conclusion

The BCA sent Ofc. Schmidt's body-worn camera (BWC) footage to the National Center for Audio and Video Forensics (NCAVF) in Beverly Hills, CA.³⁹ The resulting "stabilized and analyzed" video included a circle around what the NCAVF claimed was a gun.

During our examination, CUAPB broke the video down frame by frame. What the individual frames show is that a Benjamin Franklin Plumbing panel truck, license plate YBM-92756, was backed into the driveway of a home on the west side of the alleyway (on the right side of the video). The truck had a chrome bumper, hubcap and frame around the headlight. They can clearly be seen in the frames as Mr. Blevins ran south in the alley. At 34:35:50, Mr. Blevins appears to have pulled his gun out of his pocket but his arm was downward. As Mr. Blevins continued to run, he got closer and closer to the chrome bumper, headlight frame and hubcap. These merged in the video at time stamp 34:36:09 into a kind of gun shape that appears to be at his left side near his ribs. This is the item that was circled and was claimed to be a gun.

At the point where the merged bumper, headlight frame and hubcap image was circled, Mr. Blevins' right elbow is seen jutting far to the right and back of his body, in the natural position of a person running. His body and head were turned partially toward the left as he attempted to communicate with the officers. The position of his right elbow and the canting of his torso leaves no viable angle at which Mr. Blevins could have pointed a gun at the officers. (See photos in Appendix E).

CUAPB tested the position of Mr. Blevins' body with a male model of Mr. Blevins' height and weight. At the angle at which Mr. Blevins was turned, if a gun had been in Mr. Blevins' right hand and pointed toward the back, it would have been impossible for his elbow to have been jutting out to the side. With Mr. Blevins' right elbow at the angle shown in the video, a gun in his right hand would have reached at most his mid-torso. Even if he had arms that were exceptionally long (3" to 4" longer) the gun would never have been able to clear his left side. For a gun to have reached Mr. Blevins' left side and be pointed behind him, his right elbow would no longer have been visible and he would have had to torsion his body further left toward police.

It is significant to note that in the photos publicized by the Minneapolis Police Department Mr. Blevins' elbow was erased, possibly in recognition that a gun could not be visible on Mr. Blevins' left side while his elbow was jutting far to the right. This is highly suspect. So is work of

The National Center for Audio and Video Forensics that claims to perform neutral work, but whose work has been shown to be highly manipulated to reach a false conclusion. Despite their flawed analysis, they have sensationalized their work on the Blevins case on their website, (see Appendix I) bragging that “a few pixels determine whether men will lose their family, freedom, and life savings.”⁴⁰ The CUAPB analysis shows the “few pixels in question” were, in fact, the hubcap, headlight frame and bumper of a service vehicle. (See Appendix D).

On-Scene Body-Worn Cameras Contradict Police Statements

The Minneapolis Police Department’s policy on body worn cameras was updated on April 4, 2018. Under that policy, MPD officers are mandated to leave their body-worn cameras activated throughout an encounter.⁴¹ In addition, all officers on the scene of a critical incident such as a police-involved shooting “**shall** leave their body-worn cameras activated while on the scene until directed by the Incident Commander.”

Not all MPD officers kept their body-worn cameras operational the day Thurman Blevins was killed by them. One of the reasons given by Incident Commander, Sgt. Kevin Angerhofer, for turning off the cameras was to conserve battery power.⁴² Yet, deactivation to “conserve battery power” was not necessary. Body-worn cameras are designed to last 12 hour shifts and the entire incident lasted only 9 hours. Minneapolis Park Police Ofc. John Archer’s use of his body-worn camera is illustrative. He was instructed by a Sergeant that he could deactivate his body worn camera to conserve battery power, but because Minneapolis Park Police policy requires their officers to keep cameras activated through the duration of the incident, he kept his camera on the entire time he was on the scene. Ofc. Archer stated that his body worn camera did not die but only that his battery was running low by the end of his shift.⁴³

In this critical incident, officers were on the scene for roughly 9 hours. Despite this, Sgt. Angerhofer told officers repeatedly to turn off their cameras but directed that the cameras be turned on again for any contact with another officer or community member. Sgt. Angerhofer himself turned his own camera on and off repeatedly. In particular, he turned it off whenever he spoke to other supervisors.

One purpose of the MPD Body-Worn Camera policy is to ensure that digital/audio evidence is captured for the purposes of civil or criminal cases.⁴⁴ Turning the cameras on and off at seemingly random times ensures that there is no one continuous timeline documenting the incident from start to finish and violates the purpose of the policy, which is to protect the integrity of independent evidence.

The Role of Alcohol

Prior to his killing, Mr. Blevins spent much of the day with friends. It was a sunny Saturday and he and his friends consumed alcohol as part of their time together. At one point, Mr. Blevins had a conflict with a friend over the friend’s theft of his alcohol. By the time Ofc. Schmidt and Kelly confronted Mr. Blevins, he was intoxicated, with a blood alcohol level of 0.162. As they began to chase him, and were screaming commands of “put it down” it is clear that Mr. Blevins believed that they wanted him to put down his liquor. Mr. Blevins stated early in the encounter, “*My liquor. Come on man.*” At 6:48 on Ofc. Schmidt’s body camera footage, he told Mr.

Blevins to “put it down!” and Mr. Blevins threw his liquor bottle into the intersection of 48th Ave N and Aldrich Ave N and said “*it’s right there, it’s right there.*” As the chase continued and Ofc. Schmidt commanded, “put it down” Mr. Blevins said, “*it’s back there.*”



The Role of Fear-Based Training

Fear-based training played a very significant role in the chain of events that led to the death of Mr. Blevins.

Outside of the MPD, Ofc. Justin Schmidt works for Archway Defense. Archway Defense states that their goal is "creating paradigm shifts in the way law enforcement training is conducted. We apply the same training standards used by the world's leading military and counter terrorism units."⁴⁵ The training provided to law enforcement is synonymous with their military training, despite the fact that these two groups work with very different populations and have very different purposes. Military units are trained to face national threats and initiate attacks on enemy combatants. Police forces are trained to protect their community from threats, and respond to possible danger against community members. Hence, the term “first responders.” The approach to defense and tactics taught to the military and the police should look starkly different. Yet the training is the same.

Archway Defense is frequently used by SWAT team members, a police enforcement unit that responds to higher level threats than local beat officers. The Archway Defense website shows exceedingly positive reviews from SWAT team members, but does not show any reviews from other law enforcement agents. Based on the representation of reviewers, this training could be determined to be effective for the tactical needs of SWAT team members.⁴⁶ However, it is alarming that street cops receive the same training as SWAT team members. The effect is beat officers who are responding to low-level threats with the SWAT-level assumptions that they or others are facing life-threatening danger. This mindset is pervasive with Ofc. Schmidt

and Kelly, both of whom have undergone fear-based training, and Ofc. Schmidt who also serves as an Archway Defense trainer.

“With training comes peace of mind” is a quote from Archway Defense website. Yet, peace of mind was far from what Ofc. Schmidt and Kelly demonstrated even from the first moments of their encounter with Mr. Blevins. At no point did Ofc. Schmidt and Kelly show the “situational awareness training” that MPD spokesperson John Elder explained is, “taught to be mindful of potential threats, and not [make officers] scared that everyone who approaches them will harm them.”⁴⁷ Situational awareness should have made Ofcs. Schmidt and Kelly respond appropriately to Mr. Blevins, including calmly exiting their vehicle, and giving some warning, so as not to unnecessarily cause alarm.

Despite Mr. Blevins sitting peacefully on the curb, the officers exited their squad car, guns drawn, screaming profanities, aggressively issuing conflicting and confusing commands. It is this aggressive conduct and escalation by the officers that caused Mr. Blevins to flee, and not any illegal or nefarious actions on his part. The paranoia and escalation by the officers only increased. In their interviews about the incident, both officers framed it as a life or death struggle—a characterization not evident on the body-worn camera footage. Ofc. Kelly stated during his BCA interview, *“And now he’s leading us somewhere and I don’t know where he’s going...I don’t know if he is going to where this ambush is now set.”* Given that the officers approached Mr. Blevins without advance notice, it is extremely unlikely that Mr. Blevins had planned for or set up any kind of ambush prior to his encounter with the officers. Yet, this is the kind of mindset that is formed after attending fear-based training such as that provided by Archway Defense and other vendors.

Freeman Report—A Failure Of Accountability

In the aftermath of the Blevins killing, County Attorney Mike Freeman released a report explaining his decision not to prosecute the officers involved in killing Mr. Blevins. However, this report is riddled with errors, false statements, and unsupported conclusions. In addition to the multiple issues concerning Mr. Blevins’ gun discussed above, there were a number of other additional problems in Freeman’s report.

- 1) Mr. Freeman stated that the officers activated the emergency equipment (meaning lights and sirens) on their squad car. This statement is important because lights and siren would have alerted Mr. Blevins that this was a serious incident.

Problems:

- Body camera footage from both officers shows that lights and siren were not activated at the time they encountered Mr. Blevins. Further, witness Olya Weseman stated specifically, *“They didn’t turn on their lights, nothing, they just jumped up.”*
- 2) In his report, Mr. Freeman stated that Mr. Blevins matched the description given by the 911 caller. This description was of a “Black man, 6 feet tall, 180 pounds, 35-36 years old, light-skinned, bald headed taper with designs, no facial hair, wearing a white or grey tank top, carrying a black backpack and a big bottle of Amsterdam vodka and a cup of green Four Loko alcohol.”

Problems:

- Mr. Blevins was actually wearing a black tank top and brown shorts. While his hair was short, it was not a fade and he had no designs in his hair. He was sitting on the curb when the officers approached, thus his height and weight would have been difficult to determine.
 - A suspect much more closely matching the description was being detained by squad 460. Squad 420, driven by Ofc. Kelly, was on its way to assist at that scene when they drove up on Mr. Blevins.
 - By his own admission, Mr. Freeman never explored the squad videos related to that other scene.
- 3) Mr. Freeman claims that the officers commanded Mr. Blevins to “drop the gun.” Further, he states that *“audio of the officers’ body worn camera footage documents their repeated orders to Mr. Blevins to...drop his gun and that Mr. Blevins refused to comply with their commands.”*

Problems:

- ***This is false.*** At no point during their barrage of confusing and contradictory orders did either officer tell Mr. Blevins to drop his gun.
- 4) Much was made by Mr. Freeman about Mr. Blevins’ body position at the time he was shot. He claims that Mr. Blevins was turned to the left, implying that he was pointing a gun at Ofc. Schmidt, when the officer opened fire.

Problems:

- Witness Chris Case was in the best position to determine which way Mr. Blevins was facing from his position at the end of the alleyway. He states that Mr. Blevins STARTED TO TURN toward his left when officers opened fire. Mr. Freeman changed his statement to *“Mr. Case saw Mr. Blevins turn around to his left.”* This is a false characterization of Mr. Case’s statement. Mr. Case was asked by the BCA investigator, *“His front and your front are facing each other?”* and he responded, *“Um-hm. Face to face.”*
 - Even when Ofc. Schmidt was asked by the BCA investigator, *“Was he facing you or was he facing away from you?”* he responded, *“He would have been facing away.”*⁴⁸
 - Both officers’ body-worn camera footage confirms that Mr. Blevins was only slightly canted to the left, which he had done throughout the encounter as he attempted to talk to the officers over his left shoulder.
 - Mr. Blevins’ t-shirt had a hole in the left back area and one of the bullets traveled from that area to his right chest wall, further indicating that Mr. Blevins was facing away from the officers when they opened fire.⁴⁹
- 5) In his report, Mr. Freeman claims that once Mr. Blevins dropped his bottle of alcohol from his right hand, he immediately reached into his pocket as if to retrieve his gun.

Problems:

- Again, this is false. Mr. Blevins DID NOT put his hand in or even near his right pocket until a half block later, after he dropped the bottle in the intersection of 48th and Aldrich. Body-worn camera footage shows that Mr. Blevins was pumping his arms, elbows bent, as he continued to run. Only after he was in the alleyway, did he begin to remove his gun from his pocket, in a probable attempt to comply with the order “put it down” even as he begged for his life, “please don’t shoot me.” At that point, Mr. Blevins had no good choices—attempting to comply with the officers orders triggered them to shoot him.

- 6) Mr. Freeman featured a thoroughly specious claim by Ofc. Kelly that he “heard the man shoot then saw the silver handgun pointing directly at him” and that he was “pretty sure Mr. Blevins” fired his gun.

Problems:

- None of the body-worn camera footage shows anything of the sort. Ofc. Kelly was at least 120 feet away when Ofc. Schmidt opened fire. It is seriously doubtful that he could have even seen Mr. Blevins’ gun.
- 7) Finally, Mr. Freeman made much of the BCA’s report of Mr. Blevins’ DNA and fingerprints on his gun. Since he owned the gun—albeit for only about 2-3 hours—it is not surprising that his DNA and fingerprints were on the gun.

Problems:

- The BCA found no fingerprints or DNA on the trigger. As stated previously, given that the trigger had an 8-pound trigger pull weight, his DNA and a partial fingerprint would be expected to be on the trigger, particularly if he fired the gun three times as Freeman’s report claimed.⁵⁰

CONCLUSIONS AND RECOMMENDATIONS

Any critique of the handling of Thurman Blevins’ death must include all the responsible actors: the Minneapolis Police Department, the Minnesota Bureau of Criminal Apprehension, and the Hennepin County Attorney’s Office.

The Minneapolis Police Department

It is clear from this analysis that there are systemic problems in the MPD. Minneapolis has adopted a militarized policing model in both hiring practices and training. The two officers in squad 420 were a medic with 140 hours of Special Weapons and Tactics (SWAT) training, and an ex-military man who moonlights as a trainer for a company that instructs police in cutting-edge military tactics. MPD put the two of them in one car and sent them to North Minneapolis to treat the neighborhood like a war zone.

When squad 420 arrived, Mr. Blevins was sitting on the curb, calmly talking with a woman with a child in a stroller. Ofcs. Schmidt and Kelly exited Squad 420, charging at the Blevins group with weapons drawn and addressing them with a string of obscenities. If Ofc. Schmidt and Kelly saw Mr. Blevins as a threat, they did not create distance or take cover as training and protocol would have required. It is clear they saw Mr. Blevins as someone to harass and be suspicious of – with absolutely no evidence to support these views. Their initial responses violated Minneapolis Police Department policy on Use of Force and De-escalation (section 304). The policy outlines how officers should act to gain voluntary compliance while minimizing the use of force, including containing a threat, using verbal techniques to calm a suspect, communicating from a distance, using cover to reduce exposure to a potential threat, and using additional officers. These policy violations led to what followed, resulting in Mr. Blevins' death.

These officers have faced no accountability or consequences for their policy violations that resulted in Mr. Blevins' death. Minneapolis Police officers are rarely disciplined even for serious violations. This is in large measure because the mechanism for adjudicating complaints is toothless; disciplining only 0.4% of the complaints they receive. Further, officers are shielded from the consequences of their conduct by the Minneapolis Police Federation, an unusual union in that it includes officers and the sergeants and lieutenants responsible for managing them.

Police Federation President Bob Kroll further exacerbates the issues within the Minneapolis Police Department. He frequently speaks to the public about police critical incidents like shootings even before they have been investigated. He spreads derogatory and false information about the victims of police shootings. He often wears his police uniform while doing so, giving the impression that he is an official spokesperson for the Department. This is a violation of MPD policy of 6-200 (Relations with the Media) as well as MPD policy 5-100 (Code of Conduct).

Recommendations:

- Ensure what Mayor Frey has stated, which is that fear-based training will be prohibited for all officers on duty as well as off duty.
- Require all officers to undergo annual situational awareness, use of force, de-escalation and other trainings and practicums to make clear the expectation for policing is not about viewing residents as enemy combatants, but about responding to the needs of community members.
- Mayor Frey and the City Council must commit to a thorough, independent, and comprehensive review of its disciplinary system for police officers. With its abysmal “sustain and discipline” rate of 0.4%--far below the national average of 7%-8%--the Office of Police Conduct Review is an embarrassment to the City and a danger in that it returns unqualified and unremorseful officers to inflict more harm.
- Discipline any union officers who blur the line between permissible union activities and impermissible actions or who create the appearance of acting on behalf of the department and City.

Minnesota Bureau of Criminal Apprehension

The Minnesota Bureau of Criminal Apprehension (BCA) is the top law enforcement agency in the state. They oversee the work of all Minnesota law enforcement departments, providing laboratory and investigative services that allow these departments to solve crimes. Consequently, they work closely with every agency in the state. BCA agents themselves have been involved in shootings of community members. Thus, they are inherently NOT neutral in their investigations of police critical incidents. This is evidenced in the bias shown in their investigations into these incidents.

In the Blevins case, there are multiple examples of bias designed to exonerate police officers.

- Mr. Blevins' hands were never tested for gunshot residue despite claims by police that he shot his gun. His hands were prepared for such analysis at the scene.⁵¹
- There were no measurements made public of the scene in the alley or of the recovery of the spent casing at 46th and Bryant Avenue.
- The BCA report states that the single casing found in the alley near the location of the shooting as well as one found near a vacant lot were matched to Mr. Blevins' gun. However, there are no ballistics reports detailing the testing of the gun or specifying the degree of accuracy of the match.
- Although Mr. Blevins purchased the gun only a couple of hours before he was killed, the BCA never interviewed the seller of the gun. The BCA later went on to claim that the gun matched one used in a number of crimes, implying that Mr. Blevins was involved in those crimes, and thus, attempting to impugn his character. Some of the "matches" they claimed were of a completely different caliber than Blevins' gun.
- BCA witness interviews show that police officers were asked "softball" questions and guided to the answers the interviewer wanted. When non-officer witnesses cast doubt on officers' actions, the interviewer quickly redirected them, sometimes even interrupting them.
- Special Agent in Charge (SAIC) Scott Mueller, himself a shooter of a community member, commissioned the enhancement of Ofc. Schmidt's and Kelly's body worn camera footage. The company, NCAVF, enhanced the footage and added a red circle around what they claimed was Mr. Blevins' gun. The image is, in fact, the bumper, hubcap and headlight frame of a parked Benjamin Franklin Plumbing truck. This is corruption of a police critical incident investigation at its worst.

Recommendation:

- These serious failures and biases make it clear that the BCA is incapable of conducting objective, high quality investigations into police critical incidents. The state must establish an independent agency whose sole responsibility is to investigate and potentially prosecute police officers who kill members of the community.

Hennepin County Attorney Mike Freeman

This analysis documents the myriad of disturbing factual inaccuracies that led Mr. Freeman's decision not to charge, indict or hold responsible Ofc. Schmidt or Kelly in the shooting and killing of Mr. Blevins. The comprehensive and impartial investigation required was hijacked by a seeming desire to ensure all responsible officers were exonerated. This abrogation of duty is appalling given the facts and the multiple violations of policy and procedure.

Minnesota Law permits a law enforcement officer to use deadly force when necessary "to protect the peace officer or another from apparent death or great bodily harm." (Minn. Stat. § 609.066, quoted in Freeman's report.) Freeman quotes from several court cases that hold apparent death or great bodily harm is judged by the standard of a reasonable police officer in that place and moment in time. He then applies this standard to a very limited set of alleged facts that simply are not supported: Blevins failed to obey police commands, Blevins had a gun and turned toward the officers, the officer's feared for their safety. All of this—and more—has been refuted by this CUAPB analysis.

Police shootings are judged on the "totality of the circumstances." In this case, that begins by not limiting the analysis to the final seconds in the alley when a fleeing Blevins removed the gun from his pocket and police opened fire. Up until a couple of years ago, the Federal Courts in the 9th Circuit had a Provocation Rule: if a police officer did something unconstitutional, and this resulted in a police shooting, the shooting was not justified as the actions of a reasonable police officer. The U.S. Supreme Court overturned the Provocation Rule, but reaffirmed that the officer's actions could still be found unreasonable under the totality of the circumstances.

Freeman asserted that officers commanded Mr. Blevins to "drop the gun!" He used this phrasing numerous times, as if to suggest the more it is repeated the greater truth it has. However, this is completely inaccurate. According to the irrefutable and independent body-worn camera footage, the command "drop the gun" was never stated once. This is a disturbingly large oversight for Mr. Freeman to make. Officers used the command, "put it down!" while chasing Mr. Blevins who was carrying a liquor bottle in his right hand. Mr. Blevins promptly dropped the bottle, and told officers, *"It's right there, it's right there! It's back there, it's back there!"*

Shortly after, the intoxicated Mr. Blevins likely realized that the altercation was not about his liquor, but the gun in his pocket. From this moment on, Mr. Blevins had no good choices left: either keep the gun and continue to be recklessly and aggressively pursued, or remove the gun from his pocket in an attempt to put it down. The latter likely resulted in his death.

It was Freeman's legal opinion that Mr. Blevins was an immediate danger to the officers and the community. Yet, Ofcs. Schmidt and Kelly had no reasonable belief that Mr. Blevins would cause death or great bodily harm if he escaped. Certainly not when balanced against the danger of two officers wildly discharging their firearms all over a neighborhood of families and children. By far, Ofcs. Schmidt and Kelly were more of a danger to the witness innocently standing by his car in the alley than Mr. Blevins was. As witness Mr. Case described, *"The*

suspect, I never seen him shoot once.” Yet, he did notice the bullet hole embedded in his windshield and headrest, courtesy of Officer Schmidt.

In conclusion, Freeman’s analysis ignored inconvenient evidence of officers shooting a drunken man in the back as he fled while begging for his life. In so doing, Freeman preserved his relationship with the police, and undermined the justice he was sworn to uphold.

Recommendation:

- Justice will not be served until there is an independent and comprehensive review of the killing of Mr. Blevins, which clearly was not done by County Attorney Mike Freeman. This could be effectuated by asking for the State Attorney General to step in, or calling for a federal investigation to review whether Mr. Blevins’ civil rights were violated.

REFERENCES

- ¹ 911 Call Transcript, BCA report, pages 59 - 62
- ² Visinet Incident Detail Report, BCA report, page 67
- ³ BCA Interview of Ofc. KeHeung Anderson, BCA report, page 2013
- ⁴ BCA Interview of Ofc. Matthew Brake, BCA report, page 1249
- ⁵ Raw Body Worn Camera Footage of Officers [Schmidt](#) and [Kelly](#)
- ⁶ SMS Messages of Thurman Blevins, pages 1 – 3
- ⁷ BCA Interview of Sheena Azure, BCA report, page 1859
- ⁸ Autopsy of Thurman Blevins.
- ⁹ Report of SA Kaneko, 2018-457/256, BCA report, pages 1951 - 1961
- ¹⁰ 911 Call Transcript, BCA report, pages 59 - 62
- ¹¹ BCA Phone Interview of Anonymous 911 Caller, BCA report, pages 102 - 109
- ¹² BCA Interview of Olya Weseman, BCA report, page 128
- ¹³ BCA Interview of Nathan Sundberg, BCA report, page 1114
- ¹⁴ BCA interview of Chris Case, BCA report, page 572
- ¹⁵ Lab item #45, Report No. 12, *Report on the Examination of Physical Evidence: Firearms*, BCA report, page 1592
- ¹⁶ BCA Interview of Ofc. Andrew Reed, BCA report, page 1089
- ¹⁷ MPD Follow-up Report of Andrew Reed, BCA report, page 512
- ¹⁸ BCA interview of Officer Justin Schmidt, BCA report, page 221
- ¹⁹ MPR News, April 18, 2019 <https://www.mprnews.org/story/2019/04/18/minneapolis-mayor-says-no-more-warrior-training-for-cops>
- ²⁰ [Public Personnel File](#) of Officer Schmidt, City of Minneapolis – Frequently Requested Data
- ²¹ <https://archwaydefense.com/team>
- ²² [MPD Employee](#) and [OPCR Complaint Summary](#) for Ofc. Justin Schmidt, City of Minneapolis – Frequently Requested Data
- ²³ BCA interview of Ofc. Ryan Kelly, BCA report, page 274
- ²⁴ [Public Personnel File](#) for Ofc. Ryan Kelly, City of Minneapolis – Frequently Requested Data
- ²⁵ [OPCR Complaint Summary](#) for Ofc. Ryan Kelly, City of Minneapolis – Frequently Requested Data
- ²⁶ <https://www.academy.com/shop/pdp/smith-wesson-sd9-ve-9mm-full-sized-16-round-pistol>
- ²⁷ Minneapolis Police Department Policy and Procedure Manual, 10-108 Death Determination
- ²⁸ Minnesota Statute 609.662 Shooting Victim; Duty to Render Aid
- ²⁹ Body-Worn Camera Footage of Ofc. Justin Schmidt
- ³⁰ BCA interview of Ofc. William Gregory, BCA report, page 993
- ³¹ MN POST Board's Peace Officer Education Learning Objectives, Section 10, 3. 10. 1. Administering Emergency Medical Care
- ³² BCA interview of Ofc. Andrew Reed, BCA report, page 1099
- ³³ Phone Interview with 911 Caller, BCA page 102
- ³⁴ Follow-up Report, MPD Sergeant Molly Fischer, BCA page 503
- ³⁵ <http://www.fox9.com/news/911-transcripts-released-in-thurman-blevins-shooting>
- ³⁶ <https://www.hennepinattorney.org/news/news/2018/July/blevins-no-charge>
- ³⁷ <http://www.fox9.com/news/kroll-thurman-blevins-shot-at-police>
- ³⁸ BCA Laboratory No. S18-08754, Report No. 12, BCA pages 1591 - 1594
- ³⁹ BCA Investigative Supplement 2018-457/259, BCA pages 1993 - 1998
- ⁴⁰ <https://ncavf.com/press/high-profile-ois-officers-offer-contradictory-statements/?fbclid=IwAR3EnJ00esQcCMH0m5JG3SGre39tCWaEQ5f9JHbA9qS3kNBekTDSwa2Uveg>
- ⁴¹ Minneapolis Policies and Procedures Manual, 4-223 Body Worn Cameras, IV. 6.
- ⁴² Follow-Up Report, MPD Sergeant Kevin Angerhofer, BCA page 416
- ⁴³ BCA Interview of Minneapolis Park Police Ofc. John Archer, page 1990
- ⁴⁴ Minneapolis Policies and Procedures Manual, 4-223 Body Worn Cameras, I. Purpose
- ⁴⁵ <https://archwaydefense.com/>
- ⁴⁶ <https://archwaydefense.com/law-enforcement-military-training>
- ⁴⁷ MPR News, April 18, 2019 <https://www.mprnews.org/story/2019/04/18/minneapolis-mayor-says-no-more-warrior-training-for-cops>
- ⁴⁸ BCA Interview of Chris Case, BCA page 572
- ⁴⁹ BCA Laboratory No. S18-08754, Report No. 12, BCA pages 1591 - 1594
- ⁵⁰ BCA Laboratory No. S18-08754, Report No. 10, page 1398
- ⁵¹ BCA Laboratory No. S18-08754, Report No. 12, Items #51 & 54, BCA pages 1591 - 1594

Appendix A: Officers on the Scene

BCA Report Page #	Date Interviewed	Name of Witness	Assigned Squad #
221	6/25/2018	Officer Justin Schmidt	420
273	6/25/2018	Officer Ryan Kelly	420
993	6/28/2018	Officer William Gregory	
1006	6/28/2018	Inspector Aaron Biard	
1013	6/28/2018	Sergeant Kevin Angerhofer	
1028	6/28/2018	Sergeant Robert Greer	
1048	6/28/2018	Sergeant Joel Pucely	
1080	6/28/2018	Officer Joseph Foxley	360
1089	6/28/2018	Officer. Andrew Reed	
1103	6/28/2018	Officer Brian Collins	
1114	6/28/2018	Officer. Nathen Sundberg	470
1132	6/28/2018	Officer Jonathen Stalboerger	
1167	6/29/2018	Sergeant Scott Sutherland	
1178	6/29/2018	Sergeant Robert Mooney	
1193	6/29/2018	Officer Andrew Allen	
1209	6/29/2018	Officer Mohamed Jama	
1228	6/29/2018	Sergeant John Biederman	
1249	6/29/2018	Officer Matthew Brake	460
1261	6/29/2018	Officer Nicolas Englund	220
1275	6/29/2018	Sergeant Vanessa Anderson	
1338	7/1/2018	Officer Tony Partyka	
1400	7/2/2018	Officer Paul O Hanlon	
1409	7/2/2018	Officer Logan Johansson	
1418	7/2/2018	Officer Lucas Nightengale	
1437	7/2/2018	Officer Abubaker Muridi	
1444	7/2/2018	Officer Chelsey Permenter	
455	7/2/2018	Officer Russell Cragin	
1481	7/3/2018	Officer Michael Griffin	
1492	7/3/2018	Officer Joseph Stetson	
1500	7/3/2018	Officer John Bunnell	
1510	7/3/2018	Officer Zachery Randell	
1620	7/5/2018	Officer Ryan Miller	
1670	7/5/2018	Officer. Conan Hickey	
1679	7/5/2018	Officer Roger Moua	
1694	7/5/2018	Officer Mark Durand	
1702	7/5/2018	Officer Benjamin Chaput	
1867	7/6/2018	HCSD Sheri Bukkila	
1881	7/6/2018	MPP Officer James Cannon	
1892	7/6/2018	HSCD Terry Bean	
1898	7/6/2018	HCSD Ryan Damm	
1904	7/6/2018	Sergeant Steve Forgarty	

1910	7/5/2018	Officer David Robins	
1962	7/9/2018	Officer Michael Mays	
1973	7/9/2018	Officer John Archer	
2003	7/10/2018	Officer KeHung Anderson	
2044	7/11/2018	Officer Jon Schliesing	
2061	7/17/2018	Officer Benjamin Johnson	
2090	7/18/2018	Officer Graham Plys	

Appendix B: List of Civilian Witnesses

Page #s	Witness Name	BCA Exhibit #
6-14	James Lark	2018-457/1.1
51-56	Barry McReynolds	
110-114	Jesse Jenson	2018-457/15.1
115-121 1642-1649	Robert Lang	2018-457/16.1 2018-457/209.1
122-145	Olya Weseman	2018-457/17.1
153-158	Richard Davidson	2018-457/20.1
159-165	John Krattenmaker	2018-457/21.1
166-172	Unnamed person	2018-457/22.1
173-181	Eve Townsend	2018-457/23.1
182-183	Aaron Cooney	
200-220	Ebony Walker	2018-457/29.1 2018-457/29.2
298-314	Latrice Young and Unknown Male	2018-457/36.1
346-370	Leon Jackson	2018-457/43
572-581	Chris Case	2018-457/47.1
616-625	Peggin Ryan	2018-457/51.1
626-630	Dennis Johnson	2018-457/52.1
638-651	Taquinia Douglas	2018-457/55
661-672	Heather Olson	2018-457/58.1
1258-1260	Unnamed Witness	2018-457/160.1
1595-1600	Marcala Boney	2018-457/205.1
1601-1619	Anthony Ruffin	2018-457/206.1
1663-1669	Joseph Martin-Musha and Adam Musha	2018-457/213.1
1717-1726	Sharon Chamberlain	2018-457/221.1
1737-1755	Katya Kelly	2018-457/223.1
1756-1768	Eugene Edwards	2018-457/224.1
1769-1778	Tarsha Porter	2018-457/225.1
1779-1784	James Nelson	2018-457/226.1
1785-1798	Dionne King	2018-457/227.1
1799-1810	Simona Rush	2018-457/228.1
2143-2145	Victoria Williams	2018-457/282.1

Appendix D: Frame by Frame Photos of Fake Gun

Frame 1: Bumper, hubcap and headlight frame of plumbing truck clearly seen in yellow square.



NCAVF Analyzed & Stabilized MPD Ofc. Schmidt & Kelly BWC

Frame 2: As Mr. Blevins approaches the truck, photo captures the pixels merging inside the yellow box. NCAVF circled the pixels, claiming falsely this is a gun.



Frame 3: Inside the red circle, NCAVF added pixels to make the merged truck pixels appear more like a gun.



Illustration of additional pixels placed by NCAVF to make the merged pixels of the front of the trunk appear more like a gun. These are the same frames from Schmidt's original body-worn camera footage and from the NCAVF enhanced footage.

Original footage



Enhanced footag



Appendix E: Photos of Model in Mr. Blevins' Body Position

A photography session was held with a model who matches the height and weight of Mr. Blevins. This model was posed in the same position as Mr. Blevins at the point at which Hennepin County Attorney Mike Freeman claimed Mr. Blevins was turned to the left, implying that Mr. Blevins was pointing a gun at Ofc. Schmidt, when the officer opened fire.

The photographs below are from multiple angles around the model. They indicate that with the position of his right elbow, it would have been impossible for his arm to reach far enough across his body for a gun to be visible on his left side.

The model was posed with a replica gun of the same size and type that Mr. Blevins had. However, Mr. Blevins was not actually holding a gun at the point in the video cited by Hennepin County Attorney Freeman.





Appendix F: Map of Relevant Locations



Appendix G: Shotspotter Data

Incident	Units	Priority	Problem	Agency	Address	City	Response Date
18-207381	425, 433, 461	P1	ShotSpotter Activation (P)	POLICE	2659 Russell Av N	MINNEAPOLIS	6/23/2018 2:02:08 AM
18-207408	421, 431	P1	Sound of Shots Fired (P)	POLICE	2652 Russell Av N	MINNEAPOLIS	6/23/2018 2:38:32 AM
18-207758	410, 424, 426, 460, 962	P1	Sound of Shots Fired (P)	POLICE	1710 Plymouth Av N	MINNEAPOLIS	6/23/2018 12:46:19 PM
18-207960	430	P1	Sound of Shots Fired (P)	POLICE	5244 Bryant Av N	MINNEAPOLIS	6/23/2018 4:32:47 PM
18-208015	01, 06, 09, 110, 112, 161, 210, 220, 221, 222, 263, 310, 330, 340, 360, 361, 401, 402, 410, 411, 420, 424, 430, 4402, 4403, 448, 460, 461, 470, 472, 511, 521, 562, 611, 6305, 6381, 6382, 6412, 6438, 6449, 6511, 715, 716, 807, 8312, 840, 964, DTX1	P0	Officer Needs Help (P)	POLICE	4746 BRYANT AV N	MINNEAPOLIS	6/23/2018 5:27:32 PM
18-208226	421, 462	P1	Sound of Shots Fired (P)	POLICE	2231 3 St N	MINNEAPOLIS	6/23/2018 8:49:46 PM
18-208319	413	P1	ShotSpotter Activation (P)	POLICE	1947 Oliver Av N	MINNEAPOLIS	6/23/2018 10:04:51 PM
18-208324	413, 463	P1	Sound of Shots Fired (P)	POLICE	3319 Knox Av N	MINNEAPOLIS	6/23/2018 10:08:54 PM
18-208369	413, 421	P1	Sound of Shots Fired (P)	POLICE	1810 5 Av N	MINNEAPOLIS	6/23/2018 10:47:59 PM
18-208405		P1	Sound of Shots Fired (P)	POLICE	30 Av N / Queen Av N	MINNEAPOLIS	6/23/2018 11:19:42 PM
18-208406	413, 421, 425	P1	ShotSpotter Activation (P)	POLICE	2958 Queen Av N	MINNEAPOLIS	6/23/2018 11:19:52 PM
18-208454	421	P1	Sound of Shots Fired (P)	POLICE	3301 Knox Av N	MINNEAPOLIS	6/23/2018 11:55:47 PM

Appendix H: BALLISTICS EVIDENCE

46th and Bryant Casing

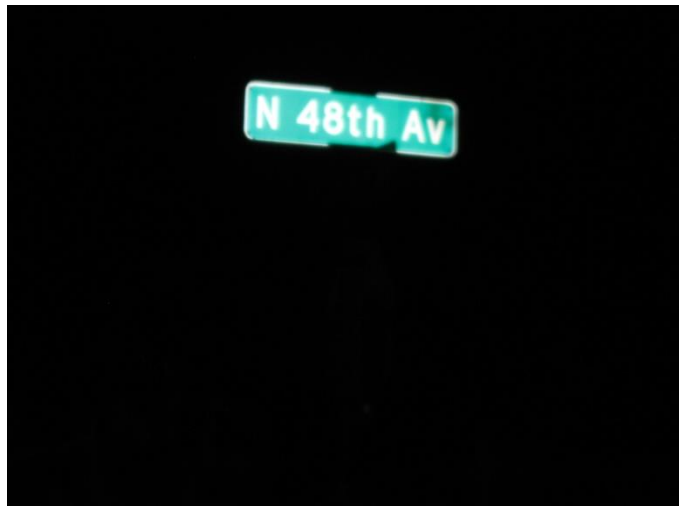
Evidence Receipt of Gold 9mm Casing

Date: 06/24/2018 SA Van Der Hagen Pg. 95 & 934

Item #53.1 described as 1 gold 9mm casing located NW Corner of 46/Bryant N collected by Dustin Van Der Hagen on June 24th, 2018.

Photographs were taken and transferred to a DVD which was labelled item 53.2.

In Van Der Hagen's report (p. 633 of BCA report): SA Van Der Hagen photographed the casing and area where it was located. **Note that the picture he took was of the street sign at N 48th Ave.**



Investigative Supplement: Acquisition and release to lab of Casing (Lab Item #21)

Report Date: 06/25/2018 SA: Van Der Hagen Pg. 91-93

On June 24, 2018, Special Agent (SA) Dustin Van der Hagen located a gold in color 9mm casing on the NW corner of 46th Ave N and Bryant Ave N. The casing was photographed, collected and turned over to SA Michelle Frascone. As a result of this activity, exhibit 2018-457/12.1 was obtained.

The casing was submitted to the BCA lab in St. Paul for "comparison testing."

Laboratory Analysis Request for Lab Item #21

Date: 06/25/2018 SA: Michelle Frascone Pg. 93-95

The casing was submitted to the Forensic Science Laboratory in St. Paul for analysis on June 25th, 2018 at 10:07:41 by SA Michelle Frascone to Carolle David. The item was described as "item 12.1" and a brown paper bag containing cartridge cases. The estimated completion date was 10/23/2018.

Investigative Supplement: Location spent casing on the corner of 46th and Bryant

Report Date: 06/27/2018 pg. 631 - 634

At 12:40am on June 24th, BCA Special Agents Van Der Hagen located a 9mm cartridge casing in the grass on the NW corner of 46th and Bryant Ave N. The casing was given item number 53.1 and photos of the casing and the area were labeled item 53.2. SA Van Der Hagen collected the casing and signed it over to SA Frascone.

Evidence Release Form, BCA St. Paul

Date: 06/28/2018 Pg. 1522

Carolle David released evidence to Chad Museus on 06/28/2018, including item #21, described as item 12.1.

Laboratory Analysis Request - Forensic Science Laboratory - Bemidji

Submission Date and Time 06/28/2018 17:41:26 Submitted by SSA Chad Museus to Nathaniel J. Pearlson, Pg. 1526 - 1528

Included item 21* described as item 12.1, One brown paper bag containing evidence classified as cartridge case(s). Firearms estimated completion date was 10/26/2018. * denotes a resubmitted item.

Report on the Examination of Physical Evidence: Nuclear DNA

Date: 07/02/2018 Forensic Scientist McKenzie Anderson Pg. 1397-1399

Item 21: One brown paper bag containing evidence classified as cartridge case(s); Description: item 12.1

Results of Laboratory Examination:

One sample each was collected from Items 15, 17, 18, 21, 27, 28, 29, and 45 as Items 15-1, 17-1, 18-1, 21-1, 27-1, 28-1, 29-1, and 45-1.

Insufficient DNA was obtained from Items 16C-1, 17-1, 21-1, 27-1, 28-1, 29-1, and 45-1 to perform DNA profiling.

Report on the Examination of Physical Evidence - Firearms

Date: 07/03/2018, Forensic Science Laboratory - Bemidji, Forensic Scientist 3 Nathaniel J. Pearlson pg. 1591-1594

Lab Report Number 12. Included item 21* described as item 12.1, One brown paper bag containing evidence classified as cartridge case(s).

Results of Laboratory Examination:

Item 16 (one Smith and Wesson Model SD9VE 9mm Luger caliber pistol bearing serial number HEZ7956, a magazine and eleven cartridges) fired Items 15 and 21 (two 9mm Luger caliber cartridge cases). One of the cartridges of Item 16 was disassembled during examination.

Casing next to Blevins

Minneapolis Police Report - Andrew Reed

Date: 06/24/2018 01:09 Andrew Reed, Badge #5915, pg. 512

"As I approached, I saw a pistol on the ground next to SI. The pistol had a black in color frame with a silver in color slide. There was also a brass colored discharged cartridge casing (DCC) next to the gun on the ground."

Investigative Supplement: Interview of Minneapolis Police Officer Reed

Date: 06/28/2018, 10:39am, pg.

No mention of the gold casing. Does mention seeing the gun.

Lab Report 9 - Crime Scene Team Report

Date 06/29/2018 Page 1242 - 1248 Crime Scene Team: Team Leader - FS McKenzie Anderson, Team Member - FS Adam Bazama and FS Vanessa Perez, Photographer/Videographer - SSA Mike Katzovitz

Item #15 described as "One manila envelope containing evidence classified as cartridge case(s); R-P Luger 9mm near deceased." Collected by FS Vanessa Perez

Scene Synopsis:

The BCA Crime Scene Team (CST) was requested to process an officer involved shooting incident involving Thurman Junior Blevins. The scene was primarily limited to an alley running north-south between Bryant Avenue and Aldrich Avenue. Several items of evidence were previously marked with blue cards by Minneapolis Police Department. A cluster of silver cartridge cases marked FC 9mm Luger (Items 1 through 6) were located in the middle of the alley on the north end near 48th Avenue. A second cluster of silver cartridge cases marked FC 9mm Luger (Items 7 through 14) were located further south and on the west side of the alley. The deceased was located in the middle of the alley to the south of both clusters of cartridge cases. Two screens and three garbage cans had been placed in the vicinity of the deceased to provide some privacy. A brass cartridge case marked R-P 9mm Luger (Item 15) and a Smith & Wesson pistol (Item 16) were observed in the alley just to the south of the deceased.

Weapon Documentation:

- Item #16
- Pistol
- Smith & Wesson SD9VE 9mm
- Serial Number: HEZ7956
- Location: in alley, south of deceased
- Round in chamber (R-P 9mm Luger), 11 cartridges in a 16 round capacity magazine (9 R-P 9mm Luger and 2 Hornady 9mm Luger)

Laboratory Analysis Request - Crime Scene Team, including Item 15

06/28/2018, Submitted by SSA Chad Museus to Nathaniel J. Pearlson, Forensic Science Laboratory - Bemidji, MN, Page 1526 -1528

Item 15 described at one manila envelope containing evidence classified as cartridge cases; R & P Luger 9mm near deceased.

Report on the Examination of Physical Evidence: *Nuclear DNA*

Date: 07/02/2018 Forensic Scientist McKenzie Anderson Pg. 1397-1399

Item 15 described at one manila envelope containing evidence classified as cartridge cases; R-P Luger 9mm near deceased.

One sample each was collected from Items 15, 17, 18, 21, 27, 28, 29, and 45 as Items 15-1, 17-1, 18-1, 21-1, 27-1, 28-1, 29-1, and 45-1. Presumptive testing indicated the presence of blood on Item 15-1, 16A-2, and 16A-4.

DNA profiling was performed on Items 16A-1, 16A-2, 16A-3, 16B-1, 16B-2, 15-1 and 18-1 as well as on the known DNA sample from Thurman Junior Blevins (Item 36). The DNA results are as follows:

Item 15-1 (Cartridge case with blood near deceased) and Item 16B-2 (Cartridges unloaded from magazine)

- Single source male DNA profile
- Matches Thurman Junior Blevins
- Would not be expected to occur more than once among unrelated individuals in the world population

Report on the Examination of Physical Evidence - Firearms

Date: 07/03/2018, Forensic Science Laboratory - Bemidji, Forensic Scientist 3 Nathaniel J. Pearlson pg. 1590-1594

Item 15 described at one manila envelope containing evidence classified as cartridge cases; R-P Luger 9mm near deceased.

Results of Laboratory Examination:

Item 16 (one Smith and Wesson Model SD9VE 9mm Luger caliber pistol bearing serial number HEZ7956, a magazine and eleven cartridges) fired Items 15 and 21 (two 9mm Luger caliber cartridge cases). One of the cartridges of Item 16 was disassembled during examination.

Appendix I: NCAVF Web Page Image

<https://ncavf.com/press/high-profile-ois-officers-offer-contradictory-statements/>



In the days immediately following protests and blocked streets and subways, leaders scrambled to investigate and communicate the results to the public as soon as possible. NCAVF was asked to help.

Some neighbors said the fleeing man wasn't carrying a gun.

The city was in upheaval — protesters claimed police brutality, closed streets, blocked subways.

Time was of the essence.

One officer said the suspect was pulling out a gun and he had no choice but to shoot him in the back.

Another officer said the suspect was turning to shoot and that is why the officer fired his weapon.

Evidence showed the suspect was shot in the back.

YOU WANT A RECIPE FOR PROTESTS? THIS WAS IT.

A dead man shot in the back. The two pursuing officers were white; the suspect black.



The suspect was shooting his weapon into the air and into the ground. And as officers arrived he ran away. Officers yelled to drop his weapon, and he yelled back that it was "back there."

Local and state law enforcement agencies became involved in the investigation. The mayor of Minneapolis, the county attorney, and the governor of Minnesota closely monitored the situation.

EVIDENCE FROM TWO BODY WORN CAMERAS

Two body worn cameras recorded the incident, but the video was difficult to analyze because it was very shaky as officers and suspect were running at full speed.

NCAVF was contacted by the state of Minnesota's police oversight bureau to analyze and enhance video and audio from the officers' cameras. They wanted an objective 3rd party to be involved in the investigation. Would details recorded by the body cameras help investigators understand the incident better?

What was the suspect yelling as he ran away?

Was he pulling out a gun in the moments prior to being shot, as the officers claimed?

Could NCAVF analyze and clarify the evidence to help determine what led the suspect to be shot in the back?

The mayor of Minneapolis wanted to release the raw body camera video as soon as possible in order to show full transparency to the citizens, to contain rumors and speculation and help quell protests and violence. Other officials from law enforcement agencies wanted more time to interview witnesses and conduct an investigation before outside information contaminated witness memories.

FORENSIC INVESTIGATION BY NCAVF

NCAVF went through the evidence frame by frame to stabilize the two shaky officer worn videos, synchronize them to play side by side in a timeline, and clarify the audio. After that, NCAVF analyzed key moments and sequences in slow motion, exploring whether the suspect was carrying a gun and if he threatened the officers or bystanders with his actions.

In addition, NCAVF analyzed audio to understand when shots were fired, how many shots were fired, and who fired them.

In the end, NCAVF's forensic work was released to the press, the mayor of Minneapolis held a heart felt press conference, and the County Attorney announced that no charges would be brought on the officers.

THIS COMPLICATED AND TIME SENSITIVE INVESTIGATION WAS COMPLETED IN ONE WEEK, ONE OF THE QUICKEST TURNAROUND TIMES WE HAVE EVER FACED.