

**STATEMENT OF
OFFICER SAMUEL PATRICK
HEFFERNAN**

Statement of Officer Samuel Heffernan

This statement is being provided regarding the critical incident which occurred while I was on duty as a patrol officer for the St. Louis Park Police Department on January 19, 2019.

I have been an officer for the St. Louis Park Police Department for approximately three years. Prior to that time, I was a reserve police officer for the Maplewood Police Department for a period of approximately 3 ½ years. Prior to working for Maplewood, I had been an Explorer for the Ramsey County Sheriff for approximately six years.

My badge number is 286. On the day in question, I was driving squad number 1805 and my call out number was 3923. My shift on that day was 4pm to 3am. I was driving a fully marked squad car, and was in full uniform. I was partnered with CSO Kennedy Gorder. At approximately 17:15, I took a call concerning a verbal domestic at 2760 Louisiana Court, Apt #7 in St. Louis Park. The information aired was that the suspect in the verbal dispute was on parole, had multiple warrants, possible suicide alert, and that the suspect had violent tendencies. No information was aired at that time as to what the warrants were for. My thought process at this time was that the factors aired would not bode well for the suspect's cooperation.

Two cars were dispatched to the incident, including my squad and that of Officer Maurice Smith. On route to the incident, I was able to find out what one of the warrants was for, but not the other ones, and that there was only information that one of the warrants was either for theft or trespassing, as I can recall.

As I pulled into Louisiana Court, I saw that there was a squad car already there, occupied by Officer Jake Erickson. Officer Erickson had not been dispatched to the call, which is rather unusual for him to be there, indicating to me that this could be a situation on heightened alert regarding the suspect. In fact, Officer Erickson told me that he was going to stay with officers on the scene in case something happens. This further indicated to me that the situation could become difficult. In fact, Officer Erickson was stopping the call he had been dispatched to in order to attend to this one.

As I was pulling in, his Sergeant tells Officer Erickson to put his other call on hold and attend to this one. Now, we have three squads dispatched to this single incident based upon the information aired in the dispatch concerning the suspect's violent tendencies, the warrants out for him, and his status as a parolee, in addition to the possible suicidal situation. In my experience and training, parolees will often take desperate measures to avoid going back to prison. At this point, both I and Officer Erickson call out our arrival. We receive further information that the suspect may be trying to flee the scene.

It was decided that I would go around the back of the building and Officer Erickson would go to the front. Prior to doing so, I had pulled up a picture of the suspect on my BCA, indicating a white male, shorter dark hair. As I exited my squad, I unholstered my service weapon, out of concern for the suspect's violent tendencies and other aired information, and my weapon was held at chest level. My service weapon is a Glock 17, with an extended grip, holding 19 rounds in the magazine, and one in the chamber. It is a 9mm weapon. On the day in question, there was round in the chamber plus 19 in the magazine, for a total of 20 rounds. This is an approved weapon, and I have been qualified with it.

As I approached the rear door, Officer Erickson aired that the suspect was coming out the back door. I did, in fact, see the suspect, Matt, coming out the back door, and I immediately yelled to him "Police. Stop." At this point, the suspect immediately went back into the apartment building and the door closed. I ran up quickly on the door to try and get it open prior to it latching, but was unsuccessful. As I looked in through the glass door, I could see and hear the suspect pounding on the door to unit #7 with his fist. This was an urgent pounding, and the noise was clearly audible through the glass back door.

At this point, I began yelling to the suspect "Matthew, come to the door. You are under arrest." The suspect looked directly at me, and could obviously see that I was a police officer in full uniform, but he did not give any indication of complying with my command. At this point I aired that the suspect was back in the building and was noncompliant. I also learned that other squads were beginning to respond to the incident.

From outside the glass door, I could see the suspect go up the stairs to the third floor. This is a split-level type of entry, with one stair case going down to the first or garden level, and a second and a third floor above that level. Before doing anything further, I told my CSO Gorder that she should remain away from the building, and to not under any circumstances attempt to stop the suspect or otherwise engage him, for fear of a violent incident.

Officer Erickson located the firebox key for the apartment building, and we were able to gain entry. At this split entry, we looked up and down the two staircases and could not locate the suspect. We decided to each take a staircase to look for the suspect. My weapon was still at the low ready. I mounted the stairs to the third level, but could not see the suspect. On the third level, there is a square landing, with doors to four separate apartment units. I and Officer Erickson began knocking on doors, without any responses. At this point, we are approached by Yolanda Ferris, who asked what was going on. Yolanda Ferris is an advisor or peer counselor to the women who live in this apartment building. It should be noted that this apartment building is restricted to women in recovery, and males are not supposed to be living with the female residents. At this point, I asked Yolanda whether she thought anybody would let the suspect into their apartment in an attempt to elude police, and she responded in the affirmative.

At this point, there are a number of officers at the scene. While they are knocking on various doors attempting to locate the suspect, I decided to go to apartment #7 to speak with the victim of the incident whom I know as "Miley." Miley lives in apartment #7. I knocked at the door, and she let me in. Also present was her four-year-old son, [REDACTED]. I asked Miley why she called the police, and she stated that she and the suspect had been arguing because she did not want him to be there, given his inability to control his drinking and his behavior. She felt that she could not leave her son with him because it was unsafe, and she was working hard enough on her own issues, and could not also deal with his difficulties as well. I asked if she had received any threats or altercations on this date, resulting in the call, and she said no. All the while I noted that the four-year-old [REDACTED] was extremely agitated, very emotional, and could not be calmed down. Because I

thought I would be leaving the incident, I made sure that the suspect did not have the key to her apartment, and Miley stated that he did not.

As I could not determine that a physical assault had occurred, I decided to clear the apartment. Miley at this time did offer information that the suspect had done time in prison.

I advised Sgt. Aaron Balvin that I did not think I had probable cause for a physical domestic assault, just fleeing on foot, and that it was unlikely that we would be able to apprehend him for that as other residents were not answering when police were knocking. Yolanda Ferris was still in the area, and when she found out we were clearing the scene, she stated her concern that "I'm afraid that if he comes back, he's going to kill her."

After we left the building, I learned from other officers that one resident of the building had answered the door and told the officer "We don't talk to cops." At this point, I exited the building and went back outside.

I decided to stay in the area to see if the suspect would come back, as often is the case in my experience. Therefore, I parked behind a nearby building, moved once to get a better sight line, and decided to wait to see if he came back. In the meantime, I thought that I would start to write my report. I had not yet had time to get the system up and running before I was dispatched to another call. That call turned out to be a non-arrest event, a disturbance between a mother and a son. I went there with Officer Maurice Smith, and it turned out to not be a domestic, only loud behavior. While at that call, it is aired that officers are going back to Louisiana Court, because they heard that the suspect returned. Once I cleared the call, I decided to return to Louisiana Court. Officers Troy Peek and Tony Pacholke were already at the scene when I arrived. At this point, my mindset is that the suspect probably didn't know a new call came in, so we can probably arrest him before he is able to flee for a second time. I was quite concerned for the safety of Miley, because I am surmising that he is angry about her calling the police, and that she was otherwise cooperating with us, and that this arrest could likely result in his return to prison, since he was a parolee. These are all factors in my mind putting this situation into heightened alert.

When I arrived, I see Officer Peek knocking on the door to Apartment #7, but there is no response. I then went to the door, and addressed Miley, saying it's Officer Heffernan, and that we needed more information and to please come to the door.

At approximately the third knock sequence, the door abruptly flings wide open, and Miley and [REDACTED] are standing by the door. Miley is visibly shaking and upset, and looks very frightened. She is frantically pointing in to the interior of the building by waving her arm in wide arcs indicating that the suspect is inside, but not wanting to articulate that. I thought that this was a dangerous situation, because she did not want to say anything to alert him that the police were coming in. At around this point, the young child [REDACTED] stated, "my daddy's not here."

At this point, Officer Peek enters first, I am second, and Officer Pacholke is third. Officer Peek has his Taser drawn and I have my service weapon drawn. In this way, we had the options of both lethal and less than lethal force available to officers, so that in the event of any escalation, both options would be available. This is the way we are trained and practice in these high-risk entry situations.

Before I entered, however, I assisted in making sure that [REDACTED] was outside of the apartment. We then started moving through the apartment to clear it. Officer Peek cleared the living room and I cleared the kitchen. Looking down the hallway, we noticed that there were three additional rooms, two of which had the door ajar, and one, in the left rear, with the door tightly shut. At this point, Officer Maurice Smith entered the apartment, announcing "Blue coming in." I stood by the room with the shut door, while officers cleared the rooms with the open doors. In doing so, they would announce their presence and the clearing of each room as those events occurred. I stood by the rear bedroom door, which was closed, to cover any event at that location.

Once other officers were available, I opened the door, and Officer Peek announced to the effect of "Come out Matthew, with your hands up." Officer Peek also announced that it was the police. Officer Peek also yelled that he was under arrest and that he had to come out, and these commands were made multiple times, with no response.

While in the doorway, I first looked under the bed and did not see anything. I noted a closet to the left, which I did not have the chance to clear. I panned the room visually. I advised Officer Peek about the closet, but at that point Officer Peek looked under the bed and was down on his stomach to check for hidden people or weapons. I then hear Officer Peek abruptly yell "Matthew come out now". This was a loud and serious command, indicating that he had spotted the suspect.

Once Officer Peek stands up, I looked to the corner and could see the suspect's head and part of his shoulders crunched into a corner behind a dresser that was waist high and about two or three feet wide at the point where the suspect was hiding. I recognized him from my prior contact with him, as well as by his photo from My BCA. As the suspect crouched there, I could see a small dark object in his hand, and I yelled at him to drop what is in his hand. The suspect responded that he had nothing in his hand. At this point Officer Peek told him to drop the lighter, which the suspect complied with by setting a dark lighter on the top of the dresser and then he slowly stood up. I thought that it was unusual that he would deny he had anything in his hand when he clearly did, indicating deception. When the suspect stood up, he was as described before, a white male, with shorter dark hair, and he was wearing a dark hooded sweatshirt with a front pouch pocket. I noted an expression of disgust, and that he was avoiding all eye contact with myself and other Officers and instead he was scanning the room. He would occasionally throw his head back and look at the ceiling. He would not raise his hands.

I ordered him to put his hands up and that he was under arrest. Although he remained standing for a little while, he would not put his hands up. Instead, in direct defiance of Officer Peek's command moments before, he picked the lighter up which he had been commanded to set down and actually lit up a cigarette. I thought this was highly unusual, because suspects in my experience do not typically do something like this, especially when confronted by four officers. Three of which have Tasers, and one a service weapon. It appeared to be either an act of defiance, or to indicate a last wish before something happened, perhaps arrest, or another event.

The suspect put police in a difficult spot. Because we did not know what was behind the dresser, under the dresser, or in the closet in back

of us, it was not possible to prone him out. First, there was not enough space. Second, it would give him access to uncleared areas where weapons could be concealed, so the only option was to have him stand there with his hands above his head. At no time, however, would he place his hands in the air, merely smoking his cigarette with one hand, and not raising the second hand. It should be noted that when he stood up, he did not square his body to officers, but rather kept his shoulders square to the line of the dresser. By doing so, it was not possible to see the left flank of his clothing. I also remarked at that time that it was unusual because the suspect did not in any way appear frightened, instead lighting and casually smoking a cigarette. He is given continual commands to put his hands up, which he did not obey.

The suspect then stated to the effect that "if you are going to shoot me, just use live rounds." This was another alarming statement to me, as it seemed to recall the information aired earlier that he was suicidal. As he stood up there behind the dresser, I can only see his upper torso, a baggy sweatshirt with a pouch pocket in front. It was not possible to see anything below the waistband, including his pant pockets. He was continually told to keep his hands up, that he is under arrest, and to step out from behind the dresser. The suspect stated that he was not under arrest, and wanted to know what he was under arrest for. I advised that him there were warrants for his arrest and for fleeing on foot. At that point, the suspect dropped his left hand to reach his left pant pocket. I yelled "don't reach for anything" and jutted my gun out in his direction, at which point the suspect raised his left hand back up where I could see it. It should be noted that his left hand was completely visible to me the whole time, including when it was going toward his left pocket. However, the suspect was still not complying with the command to raise his hands up, but rather continued to smoke his cigarette. The suspect is also not complying with orders to come out from behind the dresser. At this point, I am thinking that he is hovering that area, not obeying orders, and his marked attachment to the corner area behind the dresser led me to believe that he may be concealing a weapon behind there. It was also unusual that he thought he could hide behind an area that could not completely conceal his body. It also occurred to me that by crouching that way in a corner, and obscuring the area behind the dresser, it was possibly situation where he was luring police officers to possible harm.

At this point, it should be noted that there were various laser dots on the defendant's chest. He had three red laser dots from the three Tasers, and he also had the green laser dot from my service weapon. In an unusual move that I have never seen before, the suspect now begins playing with the green laser dot by directing it onto his hands, and holding it and moving it around as if it were some sort of an object. This made me think there was something not quite right, and my sense of alarm continued to rise. In an attempt to reverse the direction of this encounter and to deescalate tensions I turned off the laser on my service weapon, and began to talk to him about complying. My intention was to also throw off his thought process, and deter him from any violent behavior, which continued to grow in my mind as a possible outcome, based upon the information in the dispatches, and his bizarre and noncompliant conduct, in addition to his refusal to budge from his spot behind the dresser. I then turned the laser back on, for possible use. At this point the suspect began arguing that police did not have a right to be there. Officer Peek or Officer Pacholke told him that Miley had allowed us in. The suspect said he didn't believe us, and they should go get her and then he would cooperate. I saw this as an additional red flag, as if he is considering a suicidal situation and wanted to see her one last time. Officer Pacholke told him Miley is not here and she is cannot come in, but you can see her when you comply. He was attempting to deescalate the situation by saying he could see his girlfriend when he worked with the officers.

Immediately after he was told that officers would not make Miley available, he made a quick motion to the front waist area with his left hand. I again punched out my gun and commanded him that he show his hands and not reach for anything. I or another officer told him that he would get shot if he reached for anything. My gun had been at the low ready, but I extended it out when he made this quick movement with his left hand toward his waist. This was now the second abrupt movement toward his pants that the suspect had made in a short period of time, and it was almost as if he was testing officers to see what officers would do when he made a defiant and threatening movement with his hands and toward areas where weapons could traditionally be concealed such as pockets or waistbands. It should be noted that I had full view of his hands the second time, as well, and when he reached toward his waistband. He is still smoking a cigarette

at this point. I continue to think that this person is having one last cigarette before something happens.

At this point, the suspect does something bizarre and alarming: his cigarette, was not nearly finished, yet he snuffs out the cigarette in the palm of his hand. I found this to be alarming and escalating behavior. First, for a suspect to endure the pain of a burning cigarette in his hand seems highly unusual. It was also unusual for a second reason: most people when given a chance for one last cigarette, for example, before being taken into custody, they will smoke it down to the very end. To me, this was a signal that something was going to happen. Then, after quickly looking around and scanning the room, the suspect abruptly, lowers his head, looks to the floor area behind the dresser, reaches down with both arms and begins crouching down towards the floor. My immediate thought was that he was going to grab a gun and shoot at us, and his whole body was quickly lowering as he reached down. Thinking that this was going to be a situation where I or my partners were going to be shot, and with all the above-mentioned bizarre behavior, and called out information regarding violent tendencies, that Yolanda Smith felt he was going to kill Miley, his non-compliance, his defiance, and his obsession with remaining in that particular corner, I shot the suspect three times center mass. There was no time for a verbal command, as the movement was extremely abrupt and different than the other two times he had reached with his hand. He appeared to be very deliberately reaching for something in an area he had been protecting, and which had not yet been cleared by officers. I was afraid for my life and that of my fellow officers.

After the rounds were fired, the suspect crumpled down, still behind the dresser. Officers continued to give commands to come out from behind that area. I kept my service weapon out, while I asked Officer Pacholke to pull the dresser out. All the officers were still concerned about what was behind the dresser. At this point Office Peek climbed up on the bed to get a better vantage point as to what was behind the dresser, and "now I can see both his hands."

At this point Officers Peek and Pacholke glove up and go to the area behind the dresser, each take a hand of the suspect and pull him toward the middle of the room. Only at this point did I reholster my service weapon. Medical care is provided by Officers Peek, Smith and

Erickson who had now entered. I believe Office Pacholke started compressions, and an oxygen mask was employed. I had called in shots fired.

Officer Erickson then removes me from the scene, as is his obligation as a "care officer" under our critical incident policies. Later, I believe when we were out by the squad, I stated to Officer Erickson to the effect of "I thought he was going to shoot me." Officer Erickson then simply said "you're okay" and there was no further discussion about the incident as is required by our critical incident policy. As of the date of this statement, I still do not know what officers recovered from behind and beneath the dresser, of from the closet of the rear bedroom. While we were there, Yolanda Ferris came up to the squad to talk, but we said we couldn't discuss the situation. We were there for about 15 minutes, and then I gave a public safety statement to Sergeant Belvin in his squad, after which I was transported by care officer Erickson to the St. Louis Park Police Department.

At the station, I turned in my weapon, service belt, duty belt items, and my uniform to the Hennepin County crime lab assistant.

Dated: _____

1/29/2019



Officer Samuel Heffernan

Supplemental Report

ICR: 19000783

Last Modified:

02-25-2019 1136

Title: Email with Fred Bruno for follow-up with Off. Heffernan rpt - McKloskey 417

Created By: Erik

McKloskey

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT
Case #19-000783**

This report is typed by Sergeant Erik McKloskey on 2/14/19.

SYNOPSIS

This report pertains to email correspondence from Sgt. McKloskey to Fred Bruno.

DETAILS

On Feb 5th, I sent an email to Fred Bruno, attorney representing Officer Heffernan in his case. This email was a request to conduct a follow-up interview with Officer Heffernan after receiving a written statement from Fred Bruno in which appeared to be a signed statement by Officer Heffernan.

On Feb 5th, Fred Bruno responded to my request for an interview. Bruno stated, "Per my office policy, we require all follow-up questions to be submitted in writing...."

On Feb 6th, I submitted an email to Fred Bruno with an attachment memo containing follow-up questions for Officer Heffernan.

On Feb 14th, I received an email from Fred Bruno with an attachment with answers to the questions and appears to be signed by Officer Heffernan.

The emails, the memo of follow-up questions, and the document received with answers to the questions were put into the case file.

Erik B Mckloskey

From: Erik B Mckloskey
Sent: Wednesday, February 06, 2019 12:55 PM
To: 'Fred Bruno'
Subject: RE: [External] Re: Follow-up questions
Attachments: Officer Heffernan follow-up questions memo.pdf

Good Afternoon,

Please see the attached memo with our follow-up questions for Officer Heffernan.

Thanks,

Sergeant Erik McKloskey
Hennepin County Sheriff's Office - Investigations
701 4th Ave S Suite 500
Minneapolis, MN 55415
612-348-8392 (Desk)
612-328-5826 (Cell)

From: Fred Bruno <bruno@brunolaw.com>
Sent: Tuesday, February 05, 2019 1:58 PM
To: Erik B Mckloskey <Erik.Mckloskey@hennepin.us>
Cc: Kari/Pam <frontdesk@brunolaw.com>
Subject: [External] Re: Follow-up questions

Hello Sgt. McKLoskey,

Per my office policy, we require all follow-up questions to be submitted in writing. Thank you.

On Feb 5, 2019, at 12:30 PM, Erik B Mckloskey <Erik.Mckloskey@hennepin.us> wrote:

Dear Mr. Bruno,

Good afternoon, Our investigators have reviewed the provided written statement signed by Officer Heffernan, we have a couple of follow-up questions that we would like to ask.

We would like to set up a time for all of us to meet to conduct this follow-up interview. Please let me know if this would be an option you would be interested in and we can set it up at your earliest convenience.

Thank you,

Sergeant Erik McKloskey
Hennepin County Sheriff's Office - Investigations
701 4th Ave S Suite 500
Minneapolis, MN 55415
612-348-8392 (Desk)
612-328-5826 (Cell)

Disclaimer: If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly delete this message from your computer system.

Frederic Bruno
NBTA Certified-Criminal Trial Specialist
Licensed in MN, WI & CO
BRUNO LAW PLLC
5500 Wayzata Bd, Suite 1000
Minneapolis, MN 55416
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bruno@brunolaw.com

CAUTION: This email was sent from outside of Hennepin County. Unless you recognize the sender and know the content, do not click links or open attachments.

HENNEPIN COUNTY

SHERIFF'S OFFICE

DATE: 2/6/19

TO: Frederic Bruno

FROM: Sgt. Erik McKloskey

CC:

SUBJECT: Follow-up Questions for Officer Heffernan

Pursuant to your request, below are follow-up questions the Hennepin County Sheriff's Office has in regards to the statement provided by Officer Heffernan through your office.

Follow-up questions for Officer Heffernan:

1. As you entered the bedroom where Tuhkanen was found, can you describe the room? Particularly where furniture was located or anything else you can remember?
2. When Tuhkanen stood up from behind the dresser, can you place where you were in the room? Where were the other officers standing in relation to you?
3. How close in proximity were you to Tuhkanen while you and other officers were giving commands?
4. Were you informed prior to making entry to the bedroom of any weapons that may be in the room?
5. How long were you and the other Officers in the back bedroom with Tuhkanen from initial entry to when shots were fired?
6. Were there any verbal plans discussed by Officers about use of force assignments prior to entering and/or while in the bedroom with Tuhkanen?



7. Please explain how and where Yolanda Ferris described her concerns or knowledge of Matthew Tuhkanen to you and who else was present when she told you this information?

You can send any response to my email or by letter to Erik.McKloskey@hennepin.us or Sgt. Erik McKloskey, 701 4th Ave S Suite 500, Minneapolis, MN 55415.

Thank you.



Reply to Follow-up Questions to Officer Heffernan from Sgt. McKloskey

1. As you entered the bedroom where Tuhkanen was found, can you describe the room? Particularly where furniture was located or anything else you can remember?

When entering the room, there was a closet straight ahead on the left side. The closet faced into the room. The closet door appeared to be partially closed. To the right along the bedroom wall, at the right rear corner, there was a black dresser. Directly across from the dresser there was a bed. The covers from the bed draped over and partially covered the view of the space under the bed.

2. When Tuhkanen stood up from behind the dresser, can you place where you were in the room? Where were the other officers standing in relation to you?

I was directly in from the door a few feet and then a couple steps toward the corner where Tuhkanen was located. Officer T. Peek was to my left closer to the bed, Officer T. Pacholke was to my right near the dresser and doorway, and I recall Officer M. Smith being somewhere to my right near the doorway.

3. How close in proximity were you to Tuhkanen while you and other officers were giving commands?

I would estimate I was about six to eight feet from Tuhkanen.

4. Were you informed prior to making entry to the bedroom of any weapons that may be in the room?

No

5. How long were you and the other Officers in the back bedroom with Tuhkanen from initial entry to when shots were fired?

I would estimate about 5 minutes.

6. *Were there any verbal plans discussed by Officers about use of force assignments prior to entering and/or while in the bedroom with Tuhkanen?*

I do not recall any verbal plans about use of force assignments being discussed.

7. *Please explain how and where Yolanda Ferris described her concerns or knowledge of Matthew Tuhkanen to you and who else was present when she told you this information?*

To the best of my recollection, after I spoke with the initial caller the first time, I went up to the third floor to tell my partners we were going to clear. As everyone was leaving, Yolanda had made the comment about her concern of what Tuhkanen may do to the initial caller. I do not recall if other Officers in fact heard it as we were all in the process of leaving the building

Dated: 2/14/2019



Officer Samuel Heffernan

Erik B Mckloskey

From: Fred Bruno <bruno@brunolaw.com>
Sent: Saturday, February 02, 2019 1:09 PM
To: Erik B Mckloskey
Cc: Kari/Pam
Subject: [External] Re: Cell phone passwords

Dear Sgt. McKloskey,

Thank you for your inquiry about the passcodes to the cell phones. This information is protected against disclosure by the Fifth Amendment, and the courts have so ruled. My client is following my legal advice in response to your request, which is respectfully declined.

Very truly yours,

Frederic Bruno
NBTA Certified-Criminal Trial Specialist
Licensed in MN, WI & CO
BRUNO LAW PLLC
5500 Wayzata Bd, Suite 1000
Minneapolis, MN 55416
Voice: 763-545-7900
Fax: 763-545-0834
bruno@brunolaw.com

On Feb 1, 2019, at 3:34 PM, Erik B Mckloskey <Erik.Mckloskey@hennepin.us> wrote:

Good afternoon,

My name is Erik McKloskey, Sgt. assigned to the Hennepin County Sheriff's Office Investigations. I am supervising the investigation involving the shooting death of Matthew Tuhkanen. As you are aware, during the course of this investigation, we obtained search warrants to seize and subsequently search the contents of Officer Heffernan's cell phones to include his assigned work cell phone and personal cell phone. We do have these cell phones in our possession however the provided passcodes to gain access to the phones no longer work.

At this time, I am formally requesting to see if your client, Officer Heffernan, would be willing to provide the passcodes to the two cell phones we have in our custody that were seized from him on the night of the incident in order to complete our forensic examination of these phones.

Please let me know what the answer is either way.

Thank you and have a good weekend,

Sergeant Erik McKloskey
Hennepin County Sheriff's Office - Investigations

Supplemental Report

ICR: 19000783

Last Modified: 01-24-2019 1524

Title: Interview with Officer Anthony Pacholke, Det. Di Nelson

Created By: Diane Nelson

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This incident pertains to a death investigation in the city of St. Louis Park.

NARRATIVE:

On January 19, 2019, at approximately 9:45 p.m., I, Det. Diane Nelson along with my partner, Det. Cory McClouden, interviewed St. Louis Park Police Officer Anthony Pacholke at the Saint Louis Park Police Department. Officer Pacholke was present on-scene and witnessed an officer involved shooting. I advised Officer Pacholke that he was not required to speak with us, and that neither we nor his department were forcing him to do so. I asked if he was willing to speak with us, and he said that he would. The interview was digitally recorded and a copy of the interview was uploaded into the media section of this report.

Officer Pacholke said that he was working in another area of the city on the night of the incident. He responded to back up his fellow officers to an initial call of a verbal domestic. When the suspect was not located, he cleared and returned to his regular duty area. A second call came out, and he returned to the apartment.

When he arrived, officers staged outside of the apartment, until such a time that they could safely enter. When enough officers had arrived, an officer knocked on the door. The door was opened by a female (Mylee Workman). Officer Pacholke did not talk to Ms. Workman, but he thought that she said something to at least one of the first officers at the door.

Officers entered the apartment to search for Matthew Tuhkanen. Officer Pacholke described the areas of the apartment that he had cleared. He said that there was one door that was closed. When the door was opened, officers entered. He said that Matthew Tuhkanen was in a corner behind a long dresser.

At this point, Officer Pacholke had drawn his Taser. He stated that he and his fellow officers had announced their presence several times. Officer Pacholke said that as the officers were talking to Tuhkanen, and advising that he was under arrest, Tuhkanen was repeatedly yelling that officers had no right to be in the apartment, and that he wanted to see his girlfriend (Workman). He added that at one point, Tuhkanen had a black lighter in his left hand. Officers told him to put the lighter down, and after he lit a cigarette, he did so.

Tuhkanen continued to smoke the cigarette, using his right hand. He appeared to reach down towards his beltline with his left hand. At one point, Officer Pacholke holstered his Taser, because he believed that he was going to be handcuffing Tuhkanen. At that point, he said that two officers had their Tasers out and on (Officer Smith and Officer Peek) and Officer Heffernan had his handgun out.

Officer Pacholke said that Tuhkanen suddenly dropped down to a crouching position behind the dresser. Pacholke could not see anything below Tuhkanen's chest area. At this point, he heard a gunshot. We asked Officer Pacholke if he saw anything in Tuhkanen's hands and he said that he did not.

When the scene was safe, he began chest compressions until the fire department arrived.

For further details related to the interview, please see the transcription of the interview.

DISPOSITION/FOLLOW UP:

Pending.

**STATEMENT OF
OFFICER ANTHONY ALLEN
PACHOLKE**

Supplemental Report

ICR: 19000783

Last Modified:

02-04-2019 1039

Title: Transcription of Interview with Officer Anthony Pacholke, Det Diane Nelson

Created By: Diane
Nelson

Statement of Officer Anthony Pacholke, DOB: [REDACTED], taken at 09:43 P.M. HOURS on January 19th, 2019. Questioned by Detective Diane Nelson and Detective Cory McLouden. Steno Samantha Grates typing. Hennepin County Sheriff's Office Case No.19000783.

DMN Detective Diane Nelson
CTM Detective Cory McLouden
AP Officer Anthony Allen Pacholke

DMN This is Detective Diane Nelson. It is January 19th, 2019 at 09:43 P.M. Um, I am here with my partner Detective Cory McLouden. And we are interviewing, we are at an interview room at the Saint Louis Park Police Department and present with is, is Officer. Can you say first, say your first name please?

AAP Yep, Tony Pacholke.

DMN And is it Tony or Anthony?

AAP It's Anthony.

DMN Okay what's your middle name?

AAP Allen.

DMN And is it A-L-L or A-L-A?

AAP A-L-L-E-N.

DMN Okay can you spell Pacholke please?

AAP P-A-C-H-O-L-K-E.

DMN And you're a, date of birth is?

AAP [REDACTED]

DMN Okay and you are currently employed as a Saint Louis Park Police Officer, is that correct?

AAP Yes.

DMN And how long have you been employed by the, a Saint Louis Park Police?

AAP 17 and half years.

DMN Okay. So were going to talk to you about an incident that took place tonight, um, during the course of your duties and you are under obligation to talk to us. Um, you are part of an investigation that whatever you say to us you know could ultimately um, become criminal investigation. Um, but at this point in time were not telling you, you have to speak with us. That being said, would like to talk to us this evening about what happened?

AAP Sure.

DMN Okay. What time does your shift generally start?

AAP Either 6:30 or 7:00 in the morning.

DMN Okay and what time did you start today?

AAP 7:00 in the morning.

DMN Okay and are you um, assigned a certain call number?

AAP Yep.

DMN What's your call number?

AAP 3912.

DMN Okay and are you assigned a certain squad?

AAP I choose a squad when I get to work here. I usually just chose 1802...

DMN ...okay...

AAP ...which is matched up with my district.

DMN Okay and what district do you work in?

AAP Two district.

DMN Okay and what area does that encompass?

AAP It's basically the middle east part of the city.

DMN Okay and as part of your duties you wear a regular uniform correct?

AAP Yep.

DMN And that uniform consists of gun belt, badge, flashlight, insignia that clearly shows that you're a police officer?

AAP Yes.

DMN And we you attired as such tonight?

AAP Yes.

DMN Okay and. During the course of your day, um, how many, what, how did your day go today at the start of the day? How many calls have you had?

AAP Not many today. I would say, oh I don't know five or so throughout the day today. It wasn't that busy.

DMN Okay at some point in time you were called to an address a, regarding a, a, individual with warrants at, were you the primary officer?

AAP No.

DMN Okay, and do you remember the address?

AAP I believe it was 2760 Louisiana Court a, apartment was number 7 that a, was the call apartment...

DMN ...okay what, what time of day was that?

AAP Uh well there was two different calls there. Um. Somewhere I'd say the first maybe around 5ish.

DMN Okay.

AAP Sometime later afternoon.

DMN Okay and what a, what was the context of that call?

AAP Um, I believe it was a verbal domestic type call where the a, a female called saying I don't know if it's her boyfriend or husband or what she described it as was, was there and they were arguing verbally and that he was outside at the time.

DMN Okay. Was he outside the residence or outside the apartment when she called?

AAP I don't know I wasn't dispatched to that call. I just, that's what I remember hearing over the radio.

DMN Do you remember who was dispatched?

AAP I believe 23 which is Officer Heffernan, and 11 which would have been a Officer Smith.

DMN Okay is that Maurice Smith?

AAP Yes.

DMN Okay and then Sam Heffernan?

AAP Yes.

DMN Okay. So when they were dispatched there um, did you and any of your partners also um, head that way?

AAP Yes. Yes I started that way as well as Officer Peek arrived there and Officer Erickson was there.

DMN Okay.

AAP Um. I believe Sergeant Balvin showed up towards the end of that first call.

DMN And was there a, community service officer riding with somebody today or?

AAP Yes I believe she was riding with a, Sam. Officer Heffernan.

DMN Okay what's her name?

AAP Kennedy Gordor...

DMN ...okay...

AAP ...I think is her last name.

DMN Okay so um, do you know what order people arrived?

AAP I believe Officer Heffernan and Erickson were there first. Then I think uh, Maurice Smith arrived and then uh, myself and Peek arrived probably around the same time I believe.

DMN Okay what happened next?

AAP Um. I started that way just because uh, it was aired that this suspect a had some warrants and uh, that he might be combative with police. So I just started that way. Um, when I got there. As I was on my way there, I heard Officer Heffernan and Smith on the radio or maybe it was Erickson and Heffernan. Saying that they had seen the subject uh, in the building and run up the stairs. I assume trying elude them.

DMN Okay.
AAP And so when I showed up um, they were searching the inside of the apartment complex for him.

DMN Okay. Um, what happened next from your observations?
AAP Uh I went to the back of the building and then I went in the back door of the apartment complex and I was told that they thought he had went up the stairs to the top floor and into one of the apartments. So I went up to the second landing were I could see the top floor and I just stood there and just kept try to look out in case he came out of the any of the apartments or anything.

DMN Did you see him anywhere on that top floor?
AAP I didn't see him at all on that call, no.

DMN Could you hear anything?
AAP No.

DMN Okay. Um how long did long go for?
AAP Man I don't know um. Man I can't I can't. I was in the area for maybe twenty minutes or so, and then I think it was decided that a, they just they couldn't find him at the time and we all cleared.

DMN Okay. Did you leave the building or did you leave the grounds?
AAP Yep I left Louisiana Court completely.

DMN Okay and do you know what the other officers did?
AAP Not particularly, I believe they all cleared out from that call.

DMN Okay.
AAP Left the premises.

DMN Okay. So at some point in time um, did you, do you guys talk right after that about what happened during the first call?
AAP I didn't. No.

DMN Okay at some point in time officers were called back. How did that happen?
AAP Uh I heard on the radio a, that someone called from the apartment complex and said that the original RP had went up to the top floor and got the person we were looking for. Brought him down to her apartment and he was now in Apartment number 7.

DMN Do you know where that call came from?
AAP Uh, I thi-, not for sure. I think the caller was in number 8 from across the hall from number 7...

DMN ...okay...
AAP ...that saw that. I'm not sure.

DMN Okay so when the call came back out saying that he was back. What did you do?
AAP Uh, I responded to the address with Officer Peek and a, we a stood in the hallway

waiting for Officer Heffernan to show up and then tried to make contact with anyone in that apartment.

DMN Okay and that was apartment 8?
AAP 7.

DMN 7, okay.
AAP Yeah.

DMN Did anybody answer the door?
AAP Mm-hmm. A female answered the door um. Who I believe was the original RP from the first call. I didn't have any contact with her on the first call. Um, and I don't know if she, what she said to the, a, to the Officer, Officer Heffernan is the one who spoke to her at the door. Um, at some point during her-his quick brief conversation that was relayed to them or that he was in there. And so I followed Officer Heffernan and Officer Peek into the apartment.

DMN Okay. Did you but he, did you have his name at that time?
AAP It was Matthew something. I didn't know his last name at that point no.

DMN And did you have any kind of description at all?
AAP Uh, white male wearing a dark hoodie and I think the description was grey pants or something like that from the original call.

DMN Was there any discussion um, from the female about any type weapons that there might be or what you might encounter when you went in?
AAP Not that I heard no.

DMN Okay. And what, what did the female look like? Did you see her?
AAP Just briefly as I entered the door. I think it was I don't know. I think she was blonde, white female.

DMN Okay.
AAP I don't recall that much else.

DMN Did you um, as you entered the apartment did anybody have their weapons out?
AAP Um. Upon initial entry I didn't see. Once I got into the apartment um, into the main living area there I saw that Officer Peek had drawn his Taser, and Officer Heffernan had drawn his gun. So I drew my Taser as well.

DMN Okay and your Taser just for the purpose of the recording is on the left hand side of your body. Um and then are you left handed or right handed?
AAP I'm right handed so it's a cross draw.

DMN Okay.
AAP It is on the left side.

DMN Okay and so your Taser was out but your handgun was still in the holster?
AAP Correct.

DMN Okay. Um, some of those apartments when you go in they are not really well lit.
AAP Nope.

DMN Was there any lighting in this apartment?
AAP Minimal lighting I think in the living room area.

DMN Okay.
AAP Um, I think the kitchen light was on which was giving some light to the living room area.

DMN So as the door opened uh, what did the female do?
AAP Uh, I believe she left out the apartment behind me after I came in.

DMN Okay...
AAP ...I can't say for sure.

DMN Okay. Did she say anything to you?
AAP To me, no.

DMN Okay. As you enter the apartment um, can you describe the layout a little bit?
AAP Yep, right inside the door. Behind where the door would open is kind of just a little area, an open faced closet type thing and the bench I believe um, to the left is the main living room. Um, if you go around the main living room to the right is the kitchen and then there is a small hallway that leads down to a bathroom and two bedrooms.

DMN And are the bedrooms on either side of the hall? Or are they on the same side...?
AAP ...nope one's straight ahead down the hallway.

DMN Okay.
AAP The other bedroom is on the left, the bathroom is on my right.

DMN Okay as you proceeded into the apartment what did you see?
AAP Um, nothing initially. I searched the living room a little bit uh, cause like I said there were two officers already in front of me. Um, the kitchen was cleared, the bathroom was cleared ahead of me by one of the other two officers. Um, the bedroom on the left side of the hallway, the door was closed. So, I, I believe the bedroom straight ahead was doors opened so that was searched...

DMN ...mm-hmm...
AAP ...First along with the bathroom. And so the last place to search was the bedroom on the left.

DMN Okay, um when you searched the bedroom to the left. Where were you in relation to your co-workers?

AAP Uh, I didn't enter the bedroom until um, Officer Peek and Heffernan had already um, located the suspect in there, and started addressing him.

DMN Okay. Um...
AAP ...so I was the third person to enter the room.

DMN Okay um, as you all entered the room what did you see and hear?

AAP Uh, I initially heard, I was still kind of searching the main area just to make sure no one came out checking behind couches and stuff and I heard and I couldn't tell ya if it was Officer Peek or Heffernan start uh, giving him commands. I see you, show us your hands, come out from there.

DMN Mm.

AAP Something to that effect.

DMN Mm-hmm.

AAP And so I gravitated towards the bedroom at that point.

DMN Okay; was there any response to their directives?

AAP Not that I heard at that point.

DMN Okay...

AAP ...no...

DMN ...and were they clear loud directives?

AAP Yes.

DMN Okay so, when you arrived um, into the, the, a bedroom and there was a lot of directives that were going on back and forth.

AAP Mm-hmm.

DMN What did you see?

AAP I saw a white male in the corner of the bedroom. So if you walk in the bedroom to the left if you turn into the bedroom and then turn to your right he was in the far right corner.

DMN Mm-hmm.

AAP Behind a dresser.

DMN Mm-hmm.

AAP So the dresser was along that wall, the hallway wall basically. And he was in the corner of about an opening, an opening of about three feet behind the between the dresser and that corner there.

DMN Okay and where were you standing?

AAP I was, when I got in the room I was I don't know five, six feet maybe inside the doorway.

DMN And where were Officer Peek and Officer Heffernan?

AAP Officer Peek was the furthest to my left standing on the bed.

DMN Mm-hmm.

AAP Um Officer Heffernan was to his right. I was to Officer Heffernan's right at this point Officer Smith had shown up, Maurice Smith.

DMN Mm-hmm.

AAP And he was to my right.

DMN Okay. So all four of you were fully in the b-, in the bedroom?

AAP Correct.

DMN And what was um, what was the, a individual in the bedroom doing?

AAP Um, when I had first, initially got in he was just standing up from his I think his squatted trying to hide position he was standing up.

DMN Mm-hmm.

AAP Um, at that point officers were giving him commands to, to have him show his hands. Cause he was kind of hidden behind that corner there. Um, he responded just basically didn't listen to commands he stood where he wanted to stand. Uh, he was advised he was under arrest for the warrants that, a, a, that he had. Um. Uh. What else, do you want me to keep going or?

DMN Yep just keep going. What happened next?

AAP Uh. So us four in the room he's a being told to show us his hands. Um, he's and being told to turn around he's under arrest to be handcuffed for the warrants. Um, he said no he's not going to turn around uh, he wants to talk to his girlfriend. I can't remember what her name is. Um, he wanted to, to confirm with her that she let us in. Cause he was telling us we weren't allowed to be in there to arrest him. Um and that he wasn't gonna comply with what we were telling him. Um, and he had something black in his hand.

DMN Which hand?

AAP I believe it was his left hand.

DMN Mm-hmm.

AAP Um, and either one of the other officers identified that it was a lighter. He was told to drop what's in his left hand. And then once someone identified said drop the lighter. Instead of dropping it he pulled out a cigarette and lit the cigarette and started smoking a cigarette in the corner. Um, I'm not sure what he did with the lighter than if he set it on the dresser or what. I didn't notice it in his hands anymore.

DMN Okay.

AAP Um, and he kept kind of just, you know not complying standing in the corner putting one of his hands down. At one point I believe he put it in his pocket. Um, officers again told him, you know, show us your hands in the other pocket. He took his hand out of his pocket at another time he put his hand kind of down the front of his pants. Again he was told show us your hands. Don't...you know keep your hands out of your pants your pocket.

DMN And you're gesturing with your right hand, do you remember?

AAP I am, but I think, he had he was using his left hand. Cause he had a cigarette in his right hand.

DMN Okay.

AAP So he was doing this with his left hand.

DMN Okay.

AAP Um, again not, not obeying commands saying he wasn't going to go along with being arrested until he spoke to a, his girlfriend. Um. So at this point um. I don't remember exactly when in the room but not long after I got in the room. I holstered up my Taser again. Um, because we already had two officers with Tasers out, one officer with a gun out. I thought it best if I put my Taser away get ready to go hands on if he were to cooperate or turn around, so I could handcuff him. Um, so I , didn't have a weapon out at this time. Um, Officers kept...we talked to him for a few minutes trying to reason with him. You know saying telling him he's not, you know were not called here for domestic of any kind your under arrest for the warrants. You know that's what were here for. You need to go along with the program. Um, he w-, he refused to do that. Kept smoking his cigarette. Uh, kept demanding to speak with a, his girlfriend before he would comply with anything. Um, he kept just kind of dropping his hand below the desk area and every time an officer would tell him you know keep your hands up show us your hands. Um, and then at one point he dropped almost you know down to chest level behind the dresser like he was picking up something from the ground.

DMN Mm-hmm.

AAP Uh, at which time officer Heffernan a fired his weapon.

DMN Okay. Could you see anything? What, what could you see of the party that you had gone to arrest? What, what part of him could you see?

AAP Uh, when he bent down, all I could was like from his chest up.

DMN Okay.

AAP Because in my position and where the dresser was as soon as he went down he was behind the dresser.

DMN Okay.

AAP To me.

DMN Could you see um, any weapons?

AAP No.

DMN Could you see his hands?

AAP No.

DMN Did anyone say anything about a weapon?

AAP I didn't hear anything about the weapon no.

DMN Okay. What happened next?

AAP Uh, Officer Heffernan fired his weapon. I believe I heard three shots. Um, the suspect then just a slouched down into the corner. Um. Officers kind of, then kind of a, grouped around trying to see if we could see his hands or if did anything in his hands or cause he had now slouched down into the corner where I couldn't really see him much at all behind the dresser. So I kind of moved around. Officer Peek was up here um....

DMN ...still on the bed?

AAP Yes.

DMN Okay.
AAP Um, when it was a clear, or noticeable that he didn't have anything in his hands. Officer Peek and I uh, Peek [inaudible 18:30] holstered up his a Taser. Uh we went in there brought him out from the corner. Uh, hand cuffed him turned him over, and I started CPR. And, at that point or shortly thereafter someone else had come in with a medical bag and put a, oxygen on his face.

DMN So after you determined that um, the scene was safe at that point you immediately rendered aid?
AAP Yes.

DMN Okay. And um, after you moved him out and started rendering aid, what happened next?
AAP Uh, I began giving him chest compressions um. Like I said someone was doing air, uh, oxygen on his on his face with a mask. Um, fire was called a, to the scene immediately before we even um, made the scene clear we started fire and ambulance right away. Um, I, I did chest compressions until the fire department showed up and a called that he was deceased. So then I stopped.

DMN Did you see a weapon?
AAP No.

DMN Okay. What was your impression when he crouched down?
AAP That he was going to pick up something.

DMN Okay. Was he saying anything else at this point?
AAP Not that I, remember him saying.

DMN Okay. About how far away were you?
AAP Uh. I'd say about this room's length. So I...
DMN ...maybe...
AAP ...fifteen feet maybe.

DMN Okay and...
AAP ...it was a normal sized bedroom I was kind of parallel with the door he was in the far wall.

DMN And how was the lighting in that back bedroom?
AAP Uh. I don't know how...I mean it was...I could see.

DMN Mm-hmm.
AAP I don't know what lights were on in the bedroom. I think Officer Heffernan's a mounted light on his light was on.

DMN Mm-hmm.
AAP A, the Tasers both have flashlights pointed at him.

DMN Mm-hmm.
AAP Um, I can't say if the light was on in the room was up on the ceiling or a table or something. But there was a light on in the room.

DMN Could you see pretty clearly?

AAP Yeah.

DMN Okay.

CTM Could you describe the dresser for me? Like...

AAP ...yep it's a little skinnier than this. This table so...

DMN ...about two, two feet.

AAP Yeah.

CTM Two and a half feet?

AAP Two and a half, three feet. And it's, it's kind of its rectangle it was long. Maybe yeah like five feet maybe long.

CTM Okay.

DMN So one of those long dresser thing...

AAP ...yeah, yeah dresser yep. Yeah long and skinny.

CTM Was there a, anything stacked on top of the dresser?

AAP Nothing big that I noticed.

CTM Okay.

AAP At a, at one point, actually before we rendered aid. I did pull the dresser backwards towards the door to make more room and more visible of what so we could see what was back there...

DMN ...mm-hmm...

CTM ...okay...

DMN ...mm-hmm.

AAP So I mean you know so I slid it back towards the door. Made some more room in the corner before we rendered aid.

DMN Okay.

CTM Were there any commands given before you said he as in Matthew went down, was he down in like a crouched position almost? Or did he actually go to the ground on his knees or?

AAP I just saw him start to go down kind of like in a crouched position and then everything from there happened so fast. I don't know if there was a command given right before...

CTM ...okay...

AAP ...the shots were fired or what. I don't, I don't recall.

CTM Okay.

DMN Was everybody there um, wearing uniforms such as yourself attired with uh, Saint Louis Park Police insignia and badge?

AAP Yes.

DMN Okay so there were no plain clothes officers?
AAP No.

DMN Um, did you guys identify yourselves as police when you came back into the back bedroom?
AAP I don't know.

DMN Okay.
AAP If that was actual verbatim said that we are the police.

DMN Okay.
AAP I know it was made pretty clear to him that he was under arrest a, for the warrants. Um, several times.

DMN Mm-hmm.
AAP I don't recall if anyone specifically said we are the police.

DMN But you're clearly...
AAP ...but...
DMN ...dressed...
AAP ...were clearly, were dressed just like I am ...
DMN ...okay...
AAP ...all four of us, yes...
DMN ...okay.

CTM How long do you think the encounter was, that you guys were in that back bedroom and, what kind of, if I'm picturing it right you guys were almost in like a L almost?
AAP Uh...
CTM ...cuz you had...
AAP ...it's more like a...
CTM ...like a half-moon...
AAP ...half circle yeah...
CTM ...half-moon almost kind of...
AAP ...yeah, yep.

CTM [Inaudible 23:23].
AAP Yep the four of us.

CTM Yep.

AAP Maurice was by the door, Officer Smith, myself, Sam...
CTM ...okay...
AAP ...Officer Peek was on the bed.

CTM Um, how long do you think that verbal exchange took where you guys were telling him, Hey you're under arrest, no I'm not doing it.
AAP I'd say a couple minutes. I mean I think he smoked half a cigarette while we were trying to convince him to...
CTM ...okay...

AAP ...turn around and go with...

CTM ...you have any doubt that he knew you guys were the police?

AAP No.

CTM Okay.

DMN Did he anything else to you other than wanting to talk to the girlfriend?

AAP Not that I recall.

DMN Okay.

CTM Okay um for the record you don't wear a body camera?

AAP No.

CTM Um and do you have any recording devices for your squad cam or anything like that, that were activated?

AAP No. We don't have squad cams on there.

CTM Okay.

DMN Okay. What are you your regular scheduled hours? 7:30 to what?

AAP Uh, today I was 7:00-7:00.

DMN 7:00-7:00 so twelve hour shift?

AAP Yep.

DMN Okay. And do you usually work with Heffernan, Peek, and Maurice Smith? Or just kind of depends on the schedule...

AAP Uh, yeah it depends on the schedule. Today well I work with since the new year changed I work with Maurice every day on day shift.

DMN Mm-hmm.

AAP Uh, Heffernan is mid shift so he started at 4:00.

DMN Mm-hmm.

AAP And Peek was working overtime today otherwise I don't usually work with Peek.

DMN Okay.

CTM Had you have you ever been, to another call for service involving a, the female?

AAP Not that I recall.

CTM Okay. Um have you been to those particular apartments uh, are you pretty familiar with those apartments?

AAP Mm-hmm.

CTM And have you been in the layouts and kind of understand...

AAP ...yep...

CTM ...them apartments...

AAP ...mm-hmm...

CTM ...a numerous times?

AAP Mm-hmm.

CTM It's safe to say I don't want to pigeon hole a number but if you've worked for Saint Louis Park for 17 and a half years...

AAP ...yeah, I've been there several times, several times.

CTM Okay um, you had mentioned that the first time you guys went there...

AAP ...Mm-hmm.

CTM Um somebody had mentioned that they had saw him. And that would, was that before you...

AAP That was before I arrived.

CTM That was before you arrived?

AAP Yep.

CTM Okay. You know how they gained entrance into the building?

AAP I don't know how they did it, um, that specific time. But we do have a keys to the lock box...

CTM ...okay...

AAP ... the knock box outside...

CTM ...the fire keys...

AAP ...yeah. So we can get in that way. I'm not sure if someone let them in or if they used those keys at that time.

CTM Okay.

AAP Someone let me in when I got there.

CTM Okay. Okay.

DMN Is there anything else you can think that you feel we need to know, that we haven't asked you?

AAP Not right now, no.

DMN Okay. So there may come a time where we need to ask you additional questions...

AAP ...okay...

DMN ...um and we'll contact you on that. Right now there's um, nothing to do that at this point. We'll provide you with a business card and this interview will be concluding at a 22:10 or 10:10 P.M.

Supplemental Report

ICR: 19000783

Last Modified:

02-27-2019 0906

Title: Interview with Officer Tony Pacholke from Feb 15, 2019, Det. Di Nelson

Created By: Diane
Nelson

HENNEPIN COUNTY SHERIFF'S OFFICE INVESTIGATIVE REPORT

SYNOPSIS:

This incident pertains to a death investigation in the city of St. Louis Park.

NARRATIVE:

On February 15, 2019, I, Det. Diane Nelson, along with my partner, Det. Aaron Nestrud, went to the Saint Louis Park Police Department to conduct a digitally recorded voluntary follow-up interview of Officer Pacholke of the St. Louis Park PD. This report is a summary of Officer Pacholke's interview. The complete recording of Officer Pacholke's follow-up interview is attached to this case file, and his statement will be transcribed.

We advised Officer Pacholke that the interview was voluntary and he did not have to speak to us, and that the follow-up interview was routine. He agreed to speak with us. We asked him how long he was outside of the apartment waiting for other officers to arrive when he was called back to the residence for the second time. He said it wasn't very long, and was a couple of minutes. When he entered the apartment, he searched the living room area and within a few minutes, he heard someone giving directions to someone else in a nearby bedroom. He said that it was either Officer Peek or Officer Heffernan.

He went to the bedroom, and he saw Officer Heffernan with his gun out and Officer Peek had his taser out. He chose to take his taser out. I asked him why he selected the taser, and he said it was because Officer Heffernan already had lethal cover. Further, he knew that tasers don't always work, so he wanted a second taser in case of failure.

I asked Officer Pacholke what he perceived the threat level was at this call. He said that he thought officers had been told that the suspect had been violent with officers in the past. He felt that officers needed to take out weapons to search, based on that information. Once the officers had entered the bedroom, Officer Pacholke said that directions were being given to the suspect. He said that all officers were talking, but that no one person appeared to really stand out as primary.

He said that the officers were talking with the suspect with pretty stern directions, for the suspect to keep his hands where officers could see them. He said that the directions were clear and concise, and no one seemed to talk over anyone else. Officer Pacholke mentioned the suspect making evasive movements. I asked him to describe those movements. Officer Pacholke said that the suspect wasn't following directions to keep his hands where officers could see them, and at one point the suspect put his hand in his waistband. The suspect also put his hand in his pocket. I asked if he was listening to what officers were saying, and he said that he didn't know if he was listening but he wasn't following directions.

Officer Pacholke said he noticed the dresser in the corner by Officer Peek and he didn't notice much else about the room. I asked if there were a lot of items on the dresser top. He said that he couldn't

remember "too much". Officer Pacholke said that he could see the suspect in the corner, and that the suspect was shielded by the dresser from about the waistband down, and he could see the suspect from about the waistband up. He could not recall after the passage of time what the suspect was wearing.

I asked if the tasers were on at the point. He said that his was, and he could tell this because he could see the two laser lights on. He said that at least one more taser was turned on, because he saw more than the two dots from his taser. He said he saw at least 4 dots on the suspect's stomach level.

I asked how far he was from the suspect. He said that he thought he was 10 feet or so away from the suspect. Officer Pacholke could not recall if there were any other colored laser dots on the suspect's body. I asked if he remembered anyone using the radio while he was in the room. He could not recall anything coming over his radio, beyond hearing someone saying that there were shots fired. He thought it was either Officer Peek or Officer Heffernan, because the sound came from his left.

I asked him about how far away Officer Heffernan was, and he said he thought it was about the same distance as he was away from the suspect (around 10 feet.) He felt that Officer Peek was a little closer, as the officers were in a half-moon shape. He said that Officer Smith was about two feet to his right, and was around 10-12 feet away from the suspect.

I asked how long the officers were in the room prior to Officer Smith's arrival at the scene. Officer Pacholke thought Officer Smith had followed him in. I asked Officer Pacholke if the suspect made any other statements, other than about his (the suspect's) girlfriend. Officer Pacholke said, "not specifically that he could remember." I asked what the suspect's demeanor was. He said that the suspect's demeanor was pretty calm, and the suspect wasn't yelling. I asked if he maintained that tone of voice throughout the interaction, and he said, "as far as he could remember". He said that the suspect appeared to be kind of defiant. I asked if the suspect ever made eye contact with him. He said he couldn't remember.

I reminded Officer Pacholke that he had his taser out, the suspect was defiant, and the suspect wasn't following directions. I asked why he didn't taser the suspect, and he said he had put his taser away to go hands on if that was needed. I asked if he had considered tasing the suspect before he put his taser away. He said that before he put his Taser away that the call hadn't risen to that level yet.

I asked if anyone had directed him to put his taser away, and if there was any discussion of going "hands on" with the suspect. He said the he couldn't recall talking with anyone about that, but that was what was in his mind if the suspect started to comply. He wanted someone to have their hands free. I asked if the suspect's actions caused him to form an opinion about what was going on, and where this would lead. I asked what his opinion of the situation was, based on the suspects actions. He said that he thought the situation was getting worse, because the suspect wasn't following commands, and he continued hiding his hands. He said that someone who is saying and doing what the suspect was saying and doing wasn't usually what was done when someone is preparing to comply. Officer Pacholke said that the suspect was refusing all directives. Officers told the suspect he was going to jail, and he was under arrest, "several" times. Officer Pacholke directed the suspect to show his hands a couple of times, and he heard the other officers say the same.

We asked if there was anything that would have obstructed the use of the taser. He said that from his angle, he would have had to shoot higher, because of the dresser in his way. He thought the same for Officer Smith. I asked if anyone told the suspect that if he didn't comply he would be tased. He said that he didn't recall that specifically, and he didn't think he had said that. I asked when he put his taser away if he thought he was going to go "hands on" with the suspect. He said that when he put his taser

away, he thought eventually officers would have to go hands on with the suspect.

I asked how long it was from the time the officers entered the bedroom, to the time that the shots were fired. Officer Pacholke said that it was a couple of minutes. He said that the suspect had smoked around 2/3 of a cigarette. I asked if he saw the suspect put the cigarette out, and he said he didn't remember seeing that.

We returned to the time frame of when he had holstered his taser, and about how long after that it was that shots were fired. He said that it all happened so fast. He thought it was about a minute or two. During that minute or two, the other officers continued to give commands and the suspect continued to not follow the commands. I asked what he was doing with his hands, and he said his right hand had the cigarette in it, and his left hand kept going to the front of his waistband and in his pocket. He couldn't remember if his taser was put away at that point.

I asked about when the suspect was reaching down to his left. Officer Pacholke said it looked like he was reaching down to the floor from where he was standing. He could not see what he was reaching for. He said that the suspect went down towards the floor, about to where his upper chest was. Officer Pacholke could not see the suspect's hand. I asked how fast of a motion that was. Officer Pacholke said it was pretty quick in his mind, and that the suspect turned away and down, to his left. He felt that the motion was "sudden". I asked how many times the suspect made the sudden motion to his left and down. He said he only saw it the one time.

As the suspect made the motion down and to the left, Officer Heffernan fired his handgun. Officer Pacholke said he heard three shots. We asked what Officer Pacholke was thinking at that point, when the suspect made the motion down and to his left. He said he didn't really have a lot of time to react, because it happened so fast. I asked what he thought the suspect was doing, and he said that it "looked like he was grabbing for something". I asked if he could see anything behind the suspect or to the suspect's left, anything on the floor, or anything that could have been on the bottom or back of the dresser. He said "no".

I asked if anyone was told about any weapons that might be in the apartment before officers entered. He couldn't recall, specifically. I asked if he had spoken to the suspect's girlfriend, and he said he didn't believe so. I asked if he could remember any statements made by the suspect that he would consider to be suicidal. He said not that he could remember.

Det. Nestrud asked if the suspect ever acknowledged the laser lights from the tasers on his chest. He said not that he could remember.

I asked again how long it was from the time he entered the apartment to the time that the shots were fired, he said that he would guess around 5 minutes, at the most. I asked if the suspect's demeanor changed as the encounter went on. Officer Pacholke said that the suspect's demeanor was defiant throughout, and that he didn't recall the suspect yelling. He just repeatedly demanded to see his girlfriend.

I asked if he was in fear for his safety or the safety of others in the room. He said that there was a risk involved, which is why weapons were out. He then said that he believed that the officers were in danger, which is why they had tools out. He felt that the risk was heightened due to the suspect hiding his hands and refusing to follow directions. Det. Nestrud asked about specifically about when the suspect reached down and to his left. He asked what had crossed Officer Pacholke's mind in that moment. Officer Pacholke said that he was trying to figure out what he would do with the suspect had

something in his hands when he came back up. He said that it happened so fast that he wasn't able to transition to any other tool on his tool belt.

The interview was concluded at 12:09 p.m.

DISPOSITION/FOLLOW UP:

Pending.

Supplemental Report

ICR: 19000783

Last Modified: 02-26-2019 1412

Title: 2nd Q& A Officer Pacholke

Created By: Diane Nelson

Statement of Officer Anthony "Tony" Allen Pacholke, DOB: [REDACTED], taken at 11:39 HOURS on 02/15/2019. Questioned by Detective Diane Nelson and Detective Aaron Nestrud. Steno Nancy McLaughlin typing. Hennepin County Sheriff's Office Case No. 19000783.

DMN Detective Diane Nelson

ADN Detective Aaron Nestrud

AAP Officer Anthony Allen Pacholke

DMN This is Detective Diane Nelson. With me is my partner, Detective Aaron Nestrud. It is February 15, 2019, at 11:39 a.m. We are at the St. Louis Park Police Department with Officer Tony Pacholke. P-A-C-H-O-L-K-E. And we are in a conference room. Prior to turning on the recorder, Officer Pacholke, we talked about this as a completely voluntary statement. You do not have to speak with us. This is to clarify and....um...talk to you about some statements...er...the statement you gave here three weeks ago. And...also...we just want to clarify with some questions. This is completely voluntary. You don't have to talk to us. That being said, would you like to speak to us?

AAP Sure.

DMN Okay. Um....we aren't gonna go over the whole incident from start to finish again.

AAP Okay.

DMN Um...this is a routine follow-up now that we've gathered information from other sources, and....and...we wanted to circle back. Um....when you arrived the depar....ah....at the apartment on the 2nd call, how....approximately how long were you outside of the apartment before you entered?

AAP Um....not very long. A couple minutes I think.

DMN Okay. And once you entered inside of the apartment, approximately how long was it from the time you walked through the door to the time that you got to the bedroom door?

AAP Ah...well, I didn't go directly to the bedroom door. I kinda searched around the living room area a little bit. Um..I mean it's a small apartment. Ah...I would say just....you know...no...no more than a couple minutes before I heard someone start....ah...giving out directions to someone in the bedroom.

DMN Okay. Could...

AAPbefore....

DMN ...you....

AAPI went in there.

DMN Okay. Could you tell who was giving directions?
AAP Ah...it was either Officer Peek or Officer Heffernan - I believe, were the two down there. I was still in the living room when I heard the [inaudible 02:06].

DMN What did you see when you first saw Officer Peek and Officer Heffernan? What were they doing?
AAP When I saw them where?

DMN Ah....when you entered the apartment, where were they?
AAP When I first entered from the hallway?

DMN Yes.
AAP I don't know exactly where each of them split off to. I think I just started searching an area that they didn't. I don't know exactly where they are.

DMN Okay. In the initial statement, you said that Officer Peek had his taser out, and Officer Heffernan had his gun out.
AAP Yep.

DMN Um....you decided to take out your taser.
AAP Yes.

DMN Why did you choose the taser?
AAP Um....because...ah...Officer Heffernan already had lethal cover, and I know that tasers don't always work, so I thought it'd be better to have a second taser in case of a failure, or something like that.

DMN Okay.
AAP So that's why I had my thought processes.

DMN Okay. Based on your training and experience, what did you think the threat level was....at this call?
AAP Um....like you want it described, in like.....I guess I don't know how you want me to.....describe that. I mean there....it was...I believe it was told to us that he had been violent in the past...or...you know..it...some kind of violent history with officers, or someone. So I....it was heightened more so that we needed to take out....weapons to search the building....er...the apartment....in case we came across him.

DMN Okay. When you made your way down the hallway to were Officer Peek and Officer Heffernan were...
AAP ...mmm hum.

DMN Um....could you....wha....what position did you take up at that point?
AAP I think I...I mean, it's a pretty short hallway. I think I just stepped into the hallway where it starts past the living room, until those two entered the room, and then I followed in third.

DMN Okay...

AAP ...so I...just kinda...s...bogged up there in the hallway.

DMN Okay. At that point, once you and the officers – the other two officers had entered the bedroom, was there one person that was talking directly with..n....the suspect?

AAP I think once in there, we all were given somewhat direction in trying to convince him that...ah...why we were there and what needed to be done. I...I don't know that any one person stood out as just...as being a primary.

DMN Okay. Were you able...

AAP ...what's in my mind.

DMN Pardon?

AAP At least in my mind, I think.

DMN Okay.

AAP You know, I was talking some, I know.

DMN Were you...what were the tone of the voices of the officers that were talking to Tuhkanen?

AAP Ah...it was pretty stern direction to keep his hands where we could see them, cause he kept being evasive with his hands.

DMN Okay. Ah....were you talking in clear, concise, loud voices?

AAP I believe so. Yeah.

DMN Was anyone talking over anyone else?

AAP Um.....not that I can recall specifically, but....um.....I know that happens when, you know, maybe when he tucked his hands in his pocket, more than one of us spoke up, said, "Hey. Let me see your hands with your hand in your pocket." I can't say specifically if....

DMN Okay.

AAP If someone yelled over someone else.

DMN Okay. You mentioned evasive movements being made by Tuhkanen. Can you explain those movements a little bit more?

AAP Ah...I would consider evasive moments as not following directions. To keep his hands where we could see them. The one time he stuck his hand in the front of his waistband. Ah...one time, I believe, he stuck it in his pocket. Um...and he was just kinda.....kinda shuffling around in the corner.

DMN Was..

AAP[inaudible 05:49]...

DMN ...he listening to what you were saying?

AAP He wasn't following directions. I don't know if he was listening to....what we were saying or not, but...

DMN Was it cluttered and crowded in that room? As far as with items and stuff? I

AAP know there was a lot of people in there.
I guess I didn't notice. I noticed the dresser from where he was standing behind in the corner...in the bed over where Officer Peek was. I guess I wasn't tripping over...I don't remember tripping over anything, but I didn't really look....at my feet much, or....what the rest of the room was.

DMN Were there a lot of things on the dresser top?
AAP I don't remember too much.

DMN Okay. And what could you see from your point of view once you entered into the back bedroom?
AAP I could see him standing in the corner. Ah...he was...pretty much....ah... shielded from about the...you know, just below the waistband down by the dresser from our...from the angle I was standing at. I could see him from there, up.

DMN Okay. What was he wearing?
AAP You know it. I don't even remember anymore.

DMN Okay. Were the tasers on at that point?
AAP When I first entered, I know mine was on.

DMN Okay. How could you tell?
AAP The laser sights on 'em.

DMN Okay. And how many laser sights are on each of your tasers?
AAP Two.

DMN Okay. Could you see if the other people's lasers on their tasers....or if their tasers were turned on?
AAP I know there's at least one more that was on and trained on him, 'cause I saw more than just...my two dots.

DMN How...
AAP ...until I put mine away.

DMN Okay. How many dots did you see?
AAP I...at least four, I guess.

DMN Okay.
AAP I can't say if...if I saw all six.

DMN Okay. And where were those dots?
AAP Right around the stomach.

DMN Okay.
AAP Level.

DMN Wher....about how far where you from Tuhkanen at that point?
AAP I would say....ah, ten feet or so.

DMN Okay.
AAP Maybe.

DMN Could you tell if there...was there any other color dot on the suspect's body?
Other than the red dots from the taser?

AAP Um...I...I don't....I can't say that I....saw. I didn't look that closely at him, or...

DMN Okay. Were th...was there any oth....other radio traffic that you were hearing
about what was going on in the bedroom? Did you air anything?

AAP I don't believe I did.

DMN Okay. Do you remember hearing anyone else air anything?

AAP Like to us, or from the room?

DMN Ah...

AAPlike..

DMN Either to you or from the room?

AAP I don't remember...um...hearing anything come over my radio. I he...remember
hearing someone calling out, "Shots fired. Start medics."

DMN Do you know who that was?

AAP I don't.

DMN Okay.

AAP It was either Officer...I believe Heffernan. Peek, I think, came from my left side.

DMN Okay. If you were about ten feet away....um...and we, discussing your prior
statement, that it was Officer Smith by the door; then yourself; then Officer
Heffernan; then Officer Peek. Um....how far away do you think Officer Heffernan
was?

AAP I would say about the same distance I was.

DMN Okay. And how about Officer Peek?

AAP He might have been a little closer, but I think we were kind of in a half-moon type
situation where, you know, the person in the corner...and we were kinda just...
cir....half circled around him, so....I...I can't say. I thi....Peek might have been a
little closer, 'cause he was on the far left.

DMN Okay. And then at some point, Officer Smith entered the room.

AAP Mmm hum.

DMN And as you mentioned, he was to your right.

AAP Yep.

DMN About how far away was he?

AAP From me, or from...?

DMN From the...ah...from the suspect?

AAP I would say, again, about the same as me.

DMN Okay.

AAP Maybe a foot or two...ah...difference.

DMN And how far was he from you?

AAP Within two feet of it.

DMN Okay. How long were you all in the room before Officer Smith arrived into the room?

AAP Ah....I think he might have followed me right in.

DMN Okay.

AAP I think he...ah...came into the apartment as we were still looking around.

DMN In the first statement, we talked a lot about...um...the suspect making a lot of comments about his girlfriend.

AAP Mmm hum.

DMN Did he make any other statements other than about his girlfriend?

AAP Um....not specifically that I remember. I j....I remember him talking a lot about wanting to talk to his girlfriend; getting confi...confirmation from her that she let us in there, and that we had a right to be there.

DMN Okay.

AAP Things like that.

DMN When he was talking with you, what was his demeanor? Was it a calm...as we're discussing...as you and I are talking right now, or how was he talking with you?

AAP Um...yeah, I'd say it was....it was pretty calm. He wasn't yelling or anything like that.

DMN Okay. Did he maintain that tone of voice throughout the entire interaction?

AAP As far as I remember, yeah.

DMN Okay. Do you....do you feel....what was his disposition, in general? His demeanor seemed to be as he talked to you?

AAP He was just kind of defiant.

DMN Okay.

AAP Like he wasn't gonna...wasn't gonna...ah....obey any of our commands until he got what he wanted.

DMN Okay. Was....did he ever make eye contact with you?

AAP I don't know that specifically.

DMN Okay.

AAP I don't remember.

DMN Um...you had your taser out.

AAP Mmm hum.

DMN He was defiant. Wasn't listening. Wasn't complying.
AAP Mmm hum.

DMN And you were giving him directions, correct?
AAP Mmm hum.

DMN Was he following those directions?
AAP No.

DMN Why didn't you tase him?
AAP Um...well...firstly, I put my taser away....um....to have someone have their hands free to go hands-on if that was needed.

DMN Okay. Before you put your taser away, did you consider tasing him?
AAP Ah....I don't think before I put my taser away that it rose to that level, so I put it away. Um...so no, I wasn't close to tasing him when I had it out.

DMN Okay. Did anyone direct you to put your taser away?
AAP No.

DMN Okay. So, was there any discussion about going hands-on?
AAP Ah...I don't believe so. I don't...I don't recall talking about that to anyone. I'm just...that's what was in my mind. I put mine away.

DMN Okay....
AAPUm. Thinking that if he does start to comply or turn around, or....you know... coming at us or something, someone would have....their hands free to....do... address that. I don't know the an...I don't think I discussed that with anyone else.

DMN Okay. Did you tell everybody, "My taser's away."?
AAP I don't know that I said that.

DMN Okay.
AAP Verbally, no.

DMN Okay.
AAP I don't recall saying that anyways. I did not.

ADN Do you remember – were your...ah...were your lasers.....your lasers were working?
AAP Mmm hum.

ADN Right. So you...your's are eliminating two....two dots, and so when you shut it off, or took it off, those dots went away?
AAP Yep.

ADN Okay.
DMN Okay. And were there still dots on him?

AAP Mmm hum.

DMN So, that told you....

AAP That someone else had a taser trained on him, and if need be.

DMN Okay. Did the suspect's actions cause you to form any kind of an opinion about what was going on, and where this could potentially lead?

AAP On w...I mean, any situation can potentially go...bad.

DMN What...

AAP ...um..

DMN ...was his actions...what was....what was your opinion on the situation with his actions?

AAP I thought it was getting worse as it progressed when he was refusing to follow commands. He kept hiding his hands. You know. Wouldn't...wasn't gonna do what we asked him to do until he got what he wanted. Usually is not someone th...someone doesn't usually say those kinds of things if they're about to comply, or....ah....go on with what we're asking to do.

DMN Okay.

AAP 'Cause we informed him he was not gonna get what he wanted.

DMN Okay.

AAP And he still wasn't complying, so...

DMN Okay. So he was refusing all directives.

AAP Mmm hum.

DMN About how many times did you all tell him he was going to jail?

AAP Several times.

DMN How many times did you tell him he was under arrest?

AAP Several times.

DMN More than five?

AAP Um....I....I would say I...I would think so. I know I said it a couple times. I'm sure other officers did as well.

DMN Okay.

ADN How many times did he give....or do remember giving the command to show him.....show your hands to him....to you guys? Like, his hands were obstructed, and you....you couldn't see them. Did you ever tell him to show...you know...."Show me your hands."?

AAP Mmm hum.

ADN You did?

AAP I did, personally. Yeah.

ADN Did...ah... how many times do you think you said that?

AAP A couple times. I think, right away.

ADN Do you think other officers....or did you hear other officers also...say, "Show me your hands."?

AAP Yes.

ADN Okay

AAP Yeah.

DMN You mentioned how the lasers were pointed, and you could see that they were pointed, and landed on his midsection area – his belly. Um...was there anything in the way that would have caused the tasers to not be effective?

AAP [no response]

DMN Or is there anything obstructing use of a taser?

AAP Um....well, from my angle, if I would have shot mine, I would have had to shoot a little high because the bottom dart wouldn't have got...you know...'cause I couldn't see him much from about the waist down. I would say the same from Maurice's angle. Um...I can't say for sure what Peek saw from the left side. Um....is....other than the dresser, I don't think anything else was in....my way between me and him.

DMN Okay. Did anyone tell him, or direct him, that if he didn't comply he was going to be tased?

AAP I...I don't know. I don't recall that specifically.

DMN Did you tell him he'd be tased if he didn't comply?

AAP I don't think I said that. No.

DMN Okay. When you put your taser away, did you think that you were about to go hands-on?

AAP I...when I put my taser away, I was.....I....um....I don't know that I was thinking I was going to do it that second, but I thought eventually we would have to go hands-on 'cause he wasn't complying with anything we asked him to do. So I thought eventually, yes, we would have to go hands-on with him.

DMN About how long do you think it was from the time that you all entered the bedroom, to the time that the shots were fired?

AAP Ah...again, I would say just a couple minutes, I would guess. I...I don't know exactly.

DMN Okay.

AAP I mean, enough time for us to try and talk him into doing....he had...he got maybe two-third's of a cigarette down. I don't know how long that would take. I don't smoke, but about...that time he lit it up when we first got in there.

DMN Did you see him put that cigarette out?

AAP I....no, I don't remember seeing that.

DMN Okay.

AAP No.

DMN When you tasered...holstered your taser...
AAP Mmm hum.

DMN About how long after that was it that shots were fired?
AAP I...I don't....I guess, I don't know specifically. I mean, it just kinda all happened...

DMN Okay...
AAP ...so fast, but...again, another minute or two.

DMN Okay. And...during that minute or two, were people continuing to give the suspect commands?
AAP Mmm hum.

DMN And was he following those commands?
AAP No.

DMN And what was he doing with his hands during these times?
AAP Um....one...I believe it was his right hand, had a cigarette in it. And his other hand, I don't recall if I put my taser away yet or not, at the time. But he put his hand, you know, the front of his waistband. Once in his pocket. Um...other than that, I don't know exactly what...he was doing with his...his hands. We were trying to talk him into turning around and putting his hands behind his back. That type of stuff.

DMN Okay. When he was reaching down to his left...
AAP ...mmm hum...

DMN ...and we've kind of got around this quite a bit. Um....could you see....he was just reaching...where....where was he reaching to...with that left hand?
AAP It looked to me like he was just reaching down towards the floor....from where he was standing.

DMN Okay.
AAP From...at a behind the...the dresser that I...where I couldn't see.

DMN Okay. Could you see how far he was reaching down?
AAP Ah....I remember him going down to about....upper chest level.

DMN Okay, and...
AAP ...chest level ish.

DMN So you could see about from the chest up?
AAP I think so.

DMN And could you see his hands at that time?
AAP No.

DMN And how fast or slow of a motion was that?

AAP I....it was pretty quick in my mind. Just kind of a turn and down.

DMN So, the motion that you just made is you kind of turned to your left a bit?
AAP Yep.

DMN And...
AAP ...kinda towards the wall from...in a down...into the corner of where the...

ADN ...towards...
AAP ...dresser, and...

ADNtowards the wall that the door is on?
AAP Yes.

DMN Okay. So, almost like a counter-clockwise...he...kinda...moved...and went down?
AAP Yeah.

DMN Okay.
AAP To a....like, to his left.

DMN Okay. Wo...
AAP ...If that's what's you mean, like counter-clockwise.

DMN Yeah.
AAP Okay.

DMN Was it a sudden motion?
AAP I felt it was. Yeah.

DMN Okay. How many times did he make that sudden motion to his left and down?
AAP Ah...that was the only time I saw that.

DMN Okay. What happened as he made that motion to the left and down?
AAP Ah...Officer Heffernan fired.

DMN Okay. How many shots did you hear?
AAP Three.

DMN Okay.
ADN When he made that s.....that movement, down and to the left, what did you think? What did you feel?
AAP [no response audible]

ADN What were your observations? What were you thinking at that time?
AAP Um....I'm trying to think. I don't know that I really had much time to react. As soon as I...in my mind.....as soon as he kinda ducked down, the shots were fired. And that I...was focused on that. I don't really recall...that I had a....a...quick thought at that split second there. I mean I real....I saw what he did, and then I heard the fire – the shots, and...and I just reacted to that.

DMN What do you think he was doing?

AAP It looked like he was grabbing for something.

DMN Okay. And could you see...um...from your vantage point, and where the...ah... dresser was located....I know you've mentioned you could see from about the stomach up. Could you see anything behind him?

AAP Uh uh.

DMN Could you see anything to his left?

AAP No.

DMN Could you see anything on the floor?

AAP No.

DMN Could you see anything that could have been on the bottom or back of the dresser?

AAP No.

DMN Before you went into the apartment, were any of you told about any weapons that might be in the apartment?

AAP Ah....I don't recall specifically. Um...I did...I don't know. I know I'm...I'm..I would assume that...ah...someone asked her...the ex-girlfriend, if she had weapons in the apartment. I don't remember. I didn't....I don't think I did that, and I don't recall...

DMN Did you have...

AAPthe answer to that.....

DMN ...any dire... Okay. Did you have any direct contact with her? Ah...where you spoke with her?

AAP I don't believe so.

DMN Okay. At any time, did the suspect make any statements that you would regard as suicidal?

AAP Not that I remember.

ADN How about...um...when you saw that there was...ah...laser...um....lights on the suspect. Did he acknowledge that at all? Did he do anything...ah...that you thought was acknowledging the fact that those lights were on him? Did he say anything around that time?

AAP [no response]

ADN That you remember?

AAP Not that I remember. No.

DMN So, if you had to guess on a timeframe from the time that you entered the apartment, to the time the shots were fired, about how long?

AAP I...I would guess about five minutes at the most.

DMN Okay.
AAP A couple minutes to look around, and then a couple more minutes in the room.

ADN Did some...did somebody else also...um...that you heard or did you tell him he was under arrest?
AAP Mmm hum. I know I did.

ADN Do you know how many times you might have told him that?
AAP At least three, I bet....I said that myself.

ADN Okay. Do you know....did you hear any other officers also say, "You're under arrest."?
AAP Yeah. Yeah. We made it clear to him that he was under arrest for the warrant. He...wouldn't go along with that until he spoke with his girlfriend, and...why we were even in there. He asked [inaudible 26:47] it was made clear to him that he was under arrest, and [inaudible 26:49]

DMN The longer the interaction went in the bedroom, did his demeanor change?
AAP Ah....well, I thought he was kind of defiant the entire time. I don't know that it...changed too much in my opinion.

DMN Okay.
ADN Did the cadence or the strength of his voice change or....or change as the...their...the time duration went on? Or did he stay pretty calm and level headed the whole time...at...when he was talking...at a defiant...
AAP ...ah...

AND ...nature, but...I mean, was it a calm, was it....?
AAP Yeah, I don't remember him yelling or anything. I mean, it was...kinda...he was kinda sturring, and let...you know...I....I want to talk to my girlfriend, or get...you know....get her in here so I can talk to her to...whatever. He wanted to confirm that....why we could be there, but....um....I don't real....I don't....remember a fluctuation in voice or sternness, or anything like that....too much.

DMN Were you in fear for your safety, or the safety of others in that room?
AAP Um....I mean, there...yeah. There was a ...I mean, I believe there was a risk involved. That's why we had...ah...weapons out, and he wasn't complying. Um...I'm just trying to figure out how to answer that...specifically on...you know, I mean...yeah. I mean...our...I....I believe...ah...we were in danger...is why we had tools out and we all have different...ah....reasoning for having what we had out. I had mine away, so I could go hands-on if need be. Um...him being defiant and not showing his hands...hiding his hands. I felt that that's why the risk was heightened and...um...and I believe that all the tools that were out needed to be out until the situation was....was...you know...under control.

DMN Okay. Okay.
ADN Er...yeah...I mean...and how about specifically in that moment when he went...you had said....you had said that you thought he was reaching down to his left.
AAP Mmm hum.

ADN To possibly get something.

AAP Get something, yeah.

ADN Not being armed, you were...had...you had put away your...your tools. What...did you...what did you think was happening at that moment? I mean you said it was a pretty fastreaction by others, but what where...I mean, what happened....what crossed your mind in that moment, knowing...

AAP It was when...you know...see what...if he had grabbed something. If he came up with something. What I needed to do since I had nothing in my hands.

ADN Did you start to transition to anything?

AAP I don't know that I had yet, 'cause it happened...you know...

ADN So fast.

AAP Just like that. Um....so...in my mind, you know, if...if he came up with something, what was it? And, how would I need to react at that point, because I didn't have anything out, so I had a choice of what...I could get if I needed to.

DMN Had you removed anything else from your holster at that point?

AAP No.

DMN Okay.

ADN Okay.

DMN Is there anything that you feel that we should ask you that we didn't, or haven't? Or, anything that you recall from that night that you didn't that evening?

AAP I don't think so.

DMN Okay. So we are going to end the statement at 12:09.

Supplemental Report

ICR: 19000783

Last Modified:

01-25-2019 1402

Title: 19000783 Officer Smith Interview RPT C. Mclouden #564

Created By: Cory McLouden

HENNEPIN COUNTY SHERIFF'S OFFICE SUPPLEMENTAL REPORT

SYNOPSIS:

This incident pertains to a death investigation in the city of St. Louis Park.

NARRATIVE:

On January 19, 2019, at approximately 2229 hours, I, Detective Cory McLouden along with my partner, Detective Michael Hopkins, interviewed St. Louis Park Police Officer Maurice Smith at the Saint Louis Park Police Department. Officer Smith was present on-scene and witnessed an officer involved shooting. I advised Officer Smith that he was not required to speak with us, and that neither we nor his department were forcing him to do so. I asked if he was willing to speak with us, and he said that he would. The interview was digitally recorded and a copy of the interview was uploaded into the media section of this report.

Officer Smith was assigned to work from 0700 hours to 1900 hours in the first district. Officer Smith was wearing his department issued uniform.

Officer Smith was dispatched to 2760 Louisiana Court N, St. Louis Park, MN for a verbal domestic call pertaining to this address, Officer Smith was informed that the suspect in the call (Matthew Tuhkanen) had violent tendencies, can be combative at times and had multiple warrants. When Officer Smith had arrived at the address there were already two other officers on scene. Officer Smith was told by one of his partners that the male (Matthew Tuhkanen) had ran out the back door but another partner had stated that the male had ran back into the building and went upstairs to the third level. Officers checked the building and did not locate the male. The primary Officer (Officer Heffernan) went back inside and spoke with the reporting party (Mylee Workman) about what was going on. Officer Smith was speaking to an employee of the building when another female arrived at the apartment complex that Officer Smith believed lived in apartment #12, the apartment #12 female had relayed to Officer Smith that the male was friends with two or three females that live on the third floor and she was pretty sure that the male had gone into one of their apartments.

Officer Smith and Officer Heffernan were then dispatched to a call on the north side of the city when they heard a recall for service at 2760 Louisiana Court N. Officer Smith had to enter call notes for his current call and told Officer Heffernan that he would catch up when completed.

When Officer Smith arrived back at 2760 Louisiana Court, Officers Pacholke, Heffernan, and Peak were already on scene. Officer Smith was let into the building by CSO Kennedy who was standing outside of apartment #7. Officer Smith asked CSO Kennedy where everybody was, while talking with CSO Kennedy, Officer Smith noticed Mylee Workman out in the hallway holding her son, sitting on the steps crying stating that he is not upstairs and is in the apartment.

Officer Smith entered into apartment #7 to join his three partners and noticed that they were stacked up on the bedroom door, Officers Pacholke and Peak had their tasers drawn and Officer Heffernan had his firearm at a low ready. Officer Smith drew his taser and him and Officer Pacholke did a secondary search of the living room area. While searching the living room area Officer Smith heard one of his partner's state that the male was in the bedroom and heard verbal commands of "come out

police, show us your hands, show us your hands.”

Officer Smith was stationed closest to the door, Officer Smith could see Tuhkanen’s right hand but not his left hand from his vantage point due to the dresser that Tuhkanen was crouched down behind. Officer Smith saw what turned out to be a lighter in Tuhkanen’s hand that he eventually put down on the dresser. Officer Smith then heard Tuhkanen make several comments regarding having the police shoot him, “fuck it shoot me, shoot me.” Tuhkanen lit a cigarette and smoked it while talking with the officers about not being allowed in the apartment and wanting to see his girlfriend. Officer Smith noted that Tuhkanen had the tendency to put his left hand into his pocket, every time he did officers would give him verbal commands to show his hands. Tuhkanen then put the cigarette out in his hand and placed it on the dresser.

Tuhkanen then crouched down behind the dresser while holding the waist band of his sweat pants. Officer Smith tensed up on his taser and took a step forward because none of the officers could see behind the dresser, then Officer Smith stated that Officer Heffernan fired three shots. Tuhkanen slid behind the dresser, Officer Smith applied oxygen while other officers provided care for Tuhkanen until fire arrived.

For further details related to the interview, please see the transcription of the interview.

DISPOSITION/FOLLOW UP:

Pending

**STATEMENT OF
OFFICER MAURICE LASHAWN
SMITH JR.**

Supplemental Report

ICR: 19000783

Last Modified:

02-11-2019 1155

Title: Transcription of Officer Smith Interview C. McLouden #564

Created By: Cory McLouden

Statement of Officer Maurice Lashawn Smith Jr., DOB: [REDACTED], taken at 22:29 HOURS on January 19th, 2019. Questioned by Detective Cory McLouden and Detective Michael Hopkins. Steno Samantha Grates typing. Hennepin County Sheriff's Office Case No. 19000783.

CTM Detective Cory McLouden
MJH Detective Michael Hopkins
MLS Officer Maurice Lashawn Smith Jr.

CTM Alright this is Detective Cory McLouden, Hennepin County Sheriff's Office. Today's date is Saturday January 19th, uh 2019. Time is approximately 22:29 hours. I am currently with my partner Detective Mike Hopkins, and sir can you go ahead and state and spell your first, middle, and last name for me?

MLS Maurice. M-A-U-R-I-C-E. Middle name is Lashawn. L-A-S-H-A-W-N. Last name Smith. S-M-I-T-H. Junior, J-R.

CTM And your date of birth, Maurice?

MLS [REDACTED]

CTM Okay. And we briefly spoke before I turned on the recorder. And ah, I informed you that this is a, a voluntary statement.

MLS Mm-hmm.

CTM Um. At one point were sitting, currently sitting in a conference uh, at Saint Louis Park PD. Correct?

MLS Yes.

CTM Uh, doors are unlocked your allowed to leave whenever you want to. You don't have to talk to us if you don't want to.

MLS Yes.

CTM Correct. Um. This is for, were currently investigating a, uh, officer involved shooting. Um, at this point your strictly a witness to a the events that unfolded tonight. Correct?

MLS Yes.

CTM Okay um. Maurice can you tell me how long you've been a police officer?

MLS I've been a police officer for 15 months.

CTM Okay. And uh, all 15 months with Saint Louis Park?

MLS Yes.

CTM Okay. Were you ah, a CSO or reserve or anything like that beforehand?

MLS I was a CSO for a, uh Shakopee Police Department.

CTM Okay. And about how long for were you for that?
MLS I was there for one year. Just about exactly one year.

CTM Okay and Maurice could you tell me ah, what your shift was today?
MLS Today I was working a dayshift from 07:00 A.M. to 19:00.

CTM Okay. Uh what's your call number Maurice?
MLS 3911.

CTM Okay and what squad car were you in?
MLS 1801.

CTM And is that a, your normal squad car or?
MLS Yes uh, during dayshift we normally take the squad were the last number ends in the, ah the district that were working in.

CTM Okay so you were working district one?
MLS Yes.

CTM Okay. And can you a, briefly exp- explain for me what the, what you wear on a normal, and now today ah, January 19th was a rather cold day.
MLS Mm-hmm.

CTM Correct?
MLS Mm-hmm.

CTM Uh, temperatures may have reached a zero. Um. Could you just briefly describe for me what you were wearing?
MLS Yeah so, you know underwear, socks, uh, under armor like leg warmers, um, my duty pants, a...
CTM ...okay...
MLS ...duty boots.

CTM Um, I can you see you wearing a, were you wearing the coat...
MLS ...oh no...
CTM ...while you were working?
MLS No. I wasn't um...
CTM ...okay...
MLS ...just wearing this now since it's cold in here...
CTM ...you were wearing a, a full a fully issued police uniform?
MLS Yes.

CTM Okay with a, outer vest carrier?
MLS Yes, outer vest carrier.

CTM Okay and you have markings that indicate you are a police officer?
MLS Yes, and I was also wearing my, a Saint Louis Park PD hat as well.

CTM Okay.
MLS During yeah during the incident I was.

CTM Okay. Uh, how busy of a day do you think you had today?
MLS Uh it was steady at times and then quiet for the most part so. It had it's, you know had its times but for the most part it was a fairly quiet Saturday.

CTM Okay.
MLS Yeah, not too busy.

CTM How many calls do you think you took a before the incident today?
MLS Me personally?
CTM Mm-hmm.

MLS Probably, today prior to that six?
CTM Okay.
MLS Yeah. Around in that ballpark.

CTM Okay and when I say incident today. Your, you understand the events of today of what I'm talking about?
MLS Yes.

CTM Correct?
MLS Correct.

CTM Okay. Um, so were you, were you dispatch or self-assigned to the um, the first call that took place on Louisiana?
MLS The first call I was dispatched to.

CTM Okay, and uh, why don't you start there for me and just kind of explain to me how that came out and your actions thereafter?
MLS So the first call came out. Um, I ended up leaving from the police department. Um two officers were already a, on scene as I was arriving and while I was turning into the area. I heard one of my partners mention that the male a ran out the back door of the, of the building. And another partner stated um, that a, that the male ended running back inside, and had gone up to the third uh, to the third level. So that's when I arrived on scene um, the entryway key was already um, inside you know it was already in there. So I just was able to turn it, open the door, and then I saw both officers you know checking each level trying to find the male and I immediately asked "Hey where do we think he is?" And they said "He's somewhere in this building." So each officer was on um, one level. So I said "Okay I'll check the basement level." Um, checked down there most of the doors were locked and then uh, another officer and I we checked the laundry room area...

CTM ...okay...
MLS ...for him. It was clear. So this is when other officers began to arrive on scene. We knew that he did not escape the building so we, you know we knew he was most likely on the third level. We knocked on four doors uh, no one answered. Ah put my ear to one door and I heard a TV in the back. Um, it sounded like a, you know some sort of children TV channel. We announced our presence at each door we knocked on. No one answered and then um, that's when one of the office-, the

primary officer went back inside the...

CTM ... who was primary?

MLS Oh Officer Heffernan was primary officer...

CTM ... [Inaudible 07:13]...

MLS ... um. He went inside the, I guess you could say the victim at the time the uh, the girlfriend of the male suspect. He went inside her apartment unit just spoke with her about what you know what was going on and everything as far as us being called while other officers stayed in the area hoping that the male may come out, and I was downstairs speaking with one of the, um, one the employees that work for that management company...

CTM ... mm-hmm...

MLS ... like for the, a, apartment company. And while I was speaking with her another a female entered the apartment building and she lived up on the third level. In the twelfth unit and um, she said that uh, that male was friends with two or three of the woman on that third floor, and she was able to confirm that she had seen the male speak with them before, and go over um, to their apartment units in the past, and she stated that she was pretty sure that he ended up going into one of those three units. And um, you know we really didn't have much at that time on him. It was just them arguing pretty much. You know nothing criminal at the time. We, we were aware that he had warrants and he fled from us but other than that.

CTM Do you, do you remember a, how the call came out?

MLS Yes. Uh so I remember briefly like I don't remember everything verbatim. But briefly what it was, was came out as a verbal domestic a between a female and uh her like the father of her child ex-boyfriend complicated type deal. I was familiar with the parties. Um I've dealt with similar situation with them a previous months ago. Um I didn't make contact with him because he had already fled before we got there and he didn't return. But I was familiar with her. And um pretty much we were informed that the male um had violent tendencies and things like that. Uh, he can be combative at times we were informed that he had multiple warrants um. We were informed that he was a parolee that he's fled before. Um so you know just brief history on that. Um, I don't re- I don't recall if there was a mention of weapons or anything on that original call.

CTM Okay.

MLS But um, yeah so that's pretty much how the call came out.

MJH After the call came out were um, were officers who were already on scene. Did they ask for more additional officers or did you self-assign because you knew the history of these people...

MLS ... mm-hmm...

MJH ... do you remember?

MLS Yeah so for that call it was originally Officer Heffernan and I we were the two that were dispatched.

MJH Okay.

MLS And then Officer Erickson he was already nearby in the area and then he was originally dispatched to another call but our Sergeant due to, due to a how this call was dispatched our Sergeant told him to stay on scene until, until we were code four because he knew that I was leaving from the PD. And since Officer Erickson

was already in the area....

MJH

...okay...

MLS

...he said "Hey just stay on scene until their code four." and then that's when he could relieved and go to his next call.

CTM

Do you remember who um, said they ran out the back door?

MLS

Yeah Officer Erickson stated that male ran out the back door and then it was Officer Heffernan that um ended up seeing him like about to actually escape out of the building and right as the, excuse me, right as the door was closing Officer Heffernan yelled "Police stop." I'm going off like what he, what he told us after I wasn't there yet. And then he said that's when the male ran back inside and ran upstairs.

CTM

So after that, after the initial call was done and contact was made with the RP on that one...

MLS

...mm-hmm...

CTM

...did you ah, what did you guys do next?

MLS

So after that I mean we, we knew he somewhere up on that third level we knew it for a fact. Um so then you know we just figured alright whatever we don't have much on him outside of the warrants and fleeing so well just type it up and go from there and not really make a big deal. Um Officer Heffernan and Officer Peek said okay since we know he's up here let's just camp out in the area and you know if we happen to see him you know then we can approach him but you know lets, let's not stress it. So they waited in the area and um, I, you know the rest of us left the scene and then shortly after officer Heffernan and I we were dispatched to a call on the Northside of the city. And I was primary on that and he was back up. So Officer Heffernan and I went to that call on the Northside of the city while we were on that call a, we ended up getting a recall back to this a, area. And Officer Peek noticed it, so that's when he just self- assigned himself hey you know I'm in the area on that. And then that's when Officer Pacholke was arriving um, to assist Officer Peek on that call, and with this call I was on a call but just from what I was hearing briefly was that the a person that lived in unit 8 across from unit 7. Which is where the victim of the suspect lived. Stated that the victim went upstairs and brought the suspect back down into her apartment um, unit, up to you know to her home or whatever...

CTM

Back in number 7?

MLS

Right, yep, yep, yeah back into number 7. So Officer Peek and Officer Pacholke you know they were gonna be the ones responding and then that's when a, Officer Heffernan and I we were finishing up on my call and I said, I said "Hey I'm just gonna type in some notes on this call." So Officer Heffernan said "Okay I'll head that way." Since you know that's his district, and I told him "Okay once I'm done I'll follow." So once I was done typing up my notes for the call I was on. I cleared and then I self-initiated myself to the other call, and I told dispatch to a show me in route, and then that's when um, that's when I arrived there, and by the time I got there Officer Pacholke, Officer Heffernan, and Officer Peek they were already there.

CTM

Okay. When you say they were already there, where were they?

MLS

They were already um, at the, at the apartment building...

CTM

...okay you...

MLS ...2760 Louisiana Avenue.

CTM Okay.

MLS Yep.

CTM Had you guys into the apartment complex at that time...?

MLS ...so, yeah so a, when I arrived. Sorry I'm just cold. So heh, um so when I arrived um, the door was, like the main entry door was locked and I saw our community service officer uh, Kennedy she was standing um, um in front of unit 7's door. Which is where we believed that the male suspect was because the RP stated that the female brought the male down into her apartment.

CTM Mm-hmm.

MLS Uh to her unit. So I knocked on the door Officer Ken- uh, CSO Kennedy saw it was me and she let me in and I walked up the stairs and it's like on main level and I asked her uh, you know, "Where, where is everyone what's going on?" And while I was speaking with her I saw the female holding her son the, a, the victim the one that you know has a kid with the male.

CTM The, the original RP from the first call?

MLS Uh yeah from, from unit 7.

MJH The tenet of 7?

MLS Yep, yep, ten in of the view of 7 she was holding her son on the steps crying and, and stuff. And um, first I was going to go up to the third level because I didn't know where anyone was and the lady said he's not up, crying she was saying "He's not up there he's not up there." So then I asked Kennedy I said "Where is everyone?" And she said um "Officer Pacholke, Heffernan, and Peek were inside of unit 7 searching for the male." So I said "Okay." So I told her to just stay by the front door that way the female didn't go inside and I was going to go inside with them and uh, see if the male was in there.

CTM So the, the, a, a sorry to interrupt...

MLS ...no, no, no that's fine...

CTM ...but a, so the. I'm trying to remember her name. This, the blonde white haired or blonde white female...

MLS ...mm-hmm...

CTM ...was the one with the mother of the child?

MLS Mm-hmm.

CTM She was on the staircase?

MLS Yep, yes. She was on the staircase like the, like north of the, of the, a building. She was standing up on the staircase holding her son crying.

CTM Okay. And do you know if that's where she continued to stay or?

MLS No uh I know eventually she ended, she ended up going inside of unit 8.

CTM Okay um and then what happened?

MLS So that's when a, I knocked on the door to unit 7 where the other, where my other three partners were. Knocked on the door, cracked open the door. And I said

"Blue coming in blue coming in." And as I enter I saw uh, Officer Pacholke, Heffernan, and Officer Peek sort of stacked up right in front of the bedroom. Um, they weren't like they haven't uh, they didn't actually like enter the bedroom yet. They were just standing right outside. I noticed Officer Peek and Pacholke both had Tasers in their hand and Officer Heffernan um, he had his firearm um, at a low ready position. Just due to the, like how the call came out about the male and violent tendencies and you know him not being afraid to fight and having a tendency to flee and things. So, wha, once I saw that I uh, uh, ended up you know taking out my Taser and I activated my Taser and uh, that's when I ended up walking up towards the bedroom door where they were. And a that's when Officer Pacholke and I we just like a quick check around the living room area one more time so we were just checking under, checking under the a, like under table...

CTM

...mm-hmm...

MLS

...and around the couches just you know small little areas were someone can hide.

CTM

Could, could you kind of describe for me the layout of the apartment?

MLS

Yeah so, when ah, when you enter the apartment uh, to your right is like a little closet area. Um, more so like a, a closet shelf a there's no closet doors or anything...

CTM

...okay...

MLS

...you first enter to right. And to the left of the apartment um is like the living room area, and then you take a few steps to the left cause, because when you first enter like you know. There's a little wall right there in front of you so you go around that wall. And then to the right is the kitchen and then if you keep going straight to the left is a bedroom and that's the bedroom that they stacked up outside of. Um, because they had a feeling that the male was in there, and then to the right um, to the right of the little hallway area is the bathroom.

CTM

Okay. Just trying to get a visual of how it, so what happened after you guys were stacked up at that um, hallway there...

MLS

...so...

CTM

...at the door?

MLS

So Officer Pacholke and I we were checking the living room area like up under the table and around the couch and stuff, and as we were checking that area, a it was either Officer Heffernan or Officer Peek I don't remember which one. But, they stated that, that the male was inside, inside the bedroom hiding, and then I heard them saying "Come out police! Show us your hands, show us your hands, police show us your hands." So they clearly announced their presence that they were law enforcement. So Officer Pacholke and I uh, we enter the bedroom and when we enter to the, starting from the left. It was Officer Peek, Officer Heffernan, Officer Pacholke and then myself like from left to right in the bedroom. So I was the one closet to the doorway...

CTM

...okay...

MLS

...um and yeah. Officer Peek, Pacholke and I had our Tasers, and then Officer Heffernan had his firearm. So we were us there were less lethal, and um, we all had our weapons drawn. And, he we were able to see at least from my position I was able to see his right hand a bit but we couldn't see his left hand. So we were saying show us your hands show us your hands show us your hands.

CTM Why couldn't you see his hands?
MLS So his left hand was still tucked down. Uh, because oh sorry, so where he was he was hiding in between a dresser and a wall so that's the area where he was crouched down under.

CTM Okay.
MLS So he was you know behind the dresser so once they did notice him he started to you know show, show his body a bit. I was able to see. We were able to see his right hand somewhat but we couldn't see his left hand. So we were, cause he was still crouched behind the dresser. And...

CTM ...how, how big of a dresser do you think this was?

MLS Uh it was, it was a long dresser. Um I don't know like the exact size and feet but...

CTM ...uh a guesstimate?

MLS About how long?

CTM Like two feet...

MLS ... [Inaudible 19:55]...

CTM ...was it like two feet wide maybe?

MLS No it was much longer. Um, if you could add onto more of this table I'm trying to think. This probably four feet.

CTM Four feet long?

MLS Yeah four feet long.

CTM Okay, how, how wide do you think it was?

MLS Wide probably. Wide I would say about probably about a foot and half...

CTM ...okay...

MLS ...to two right around there. That's a, that's a guesstimate but it was, it was pretty good size dresser.

CTM Do you recall if there was like anything stacked on top of that dresser or anything?

MLS There were items on the dresser I don't remember what exactly that I don't remember but yeah there were items on the dresser, and it was it was heavier dresser like it wasn't something that you could just move with one person. It, it was a heavier dresser...

CTM ...good size dresser?

MLS Yes.

CTM Okay um please continue.

MLS So he was crouched behind the dresser um we were saying "Show us your hands, show us your hands." And then he so you know started to bring up his left hand. He had something in his left hand. So we were saying "Drop what's in your hand drop what's in your hand." And um, you know he was like "I don't I don't have anything in my fucking hand its, it's a lighter." So he started to stand up and he dropped the light, he set the lighter down on the dresser and then uh he started making comments about us a shooting him. You know he was saying "Fuck it shoot me, shoot me." Um he noticed that we had our Tasers pointed on him and then he also saw um, a green light pointed on him which was from Officer Heffernan's firearm. And, he made comments about us shooting live rounds into him. Uh, he was a, a stating that like he wanted us to use the Taser on him and things like that. So then he ends up uh, he got a cigarette at which I don't, I don't

remember if the cigarette was already on the dresser or if the cigarette was in his mouth already at that point I don't remember but he grabbed a cigarette he lit it and then he just started smoking a cigarette while he's talking with us. And you know we were telling him were like "Matthew your under arrest, you're going to jail, you're under arrest." And he was saying "What for?" And we told him for the warrants and for fleeing earlier, and he was telling us that we didn't have a right to be in there and that uh, meaning that we didn't have a right to be in the apartment unit and that we shouldn't be in there. And that um, that it was his girlfriends or you know the mother of his child's...

CTM
MLS

...mm....

...apartment, and we were explaining to him. "No Matthew, she, she invited us to come in here she gave us permission to come in here. You're going to jail no ifs ands or buts about it. You're going to jail." and he just constantly refused kept refusing, kept refusing so that's when um, it was either Officer Heffernan or Officer Peek but they got on the radio and said we were out with the male um that we had him, it was either at gun point or Tasers drawn. I don't remember which because I was so focused on him. But one of them mentioned that the male was not complaint, and he kept stating bring her in here meaning his, his girlfriend. Bring her in here that way I know that she gave you guy's permission to be in here and then I'll comply. Bring her in her then I'll, you know he just kept playing that game with us. And all four of us were telling him at different times "No Matthew that's, that's not gonna be the case you know you're going to jail." And you know we told him "You're going to jail for your warrants and fleeing this has nothing to do with you two arguing earlier or even with you being there earlier it's for something you know totally different." And uh, I don't remember how many times exactly but he had a tendency to put his left hand in his pocket and every time he did obviously we were we were aware of that, and we would tell him "Matthew show us your hands, show us your hands." And he'll be like "I don't have anything in my fucking pockets." And you could tell he's becoming agitated you know we just kept saying "Matthew we don't know that show us your hands show us your hands we don't know that you're not complying." Um, and then he would you know continue to put his hands in his pocket and we tell him "Matthew show us your hands." At one point he grabbed on like both of his pant pockets the left and right one was grabbing them was like "See I don't have anything, I don't have anything" and we were like "Matthew just show us your hands keep your hands where we can see them you know told him stop reaching you're doing too much reaching. Matthew you're going to jail you're going to jail." Honestly this probably only lasted like four minutes you know but it seems like ten minutes when you're just trying talk someone in you know going to cuffs. And all of us were very calm you know were like "Matthew look you're going to jail man you're going to jail." At one point I even told him I was like "Dude like you're going to jail like please can you just come on. Like you, you're not, you're not gonna be able to just walk past us. We're not bringing her in here you're going to jail." Um, so then you know after going back and forth with him like that and he ends up a taking a cigarette out of his hand and he was uttering some stuff but I don't remember what it was verbatim. When he took the cigarette out of his hand he put it out on his hand like he ashed it on his hand a bit. And then he sit down on the dresser, and when he did that mentally I thought okay he's gonna comply. Like that was what I was thinking because he sort of like had this look the look now as I think about it ha- it said one or two

things. It was either alright whatever I give up or it was like that okay were gonna see how serious they are. Those, it was one, like those were the two reactions that I sort of got from that look. And uh, so he ashed the cigarette on his hand sit the cigarette down. And then when he set it down were like "Alright Matthew show us your hands show us your hands you're going to jail." And I remember thinking okay finally you know it's, its, gonna work you know he's gonna, he's gonna comply and turn around and put his hands behind his back. And then ah, he ends up crouching down and like holding on the waistband of his a, of his sweatpants. Um, so when he crouched. It was I don't know if he was like holding down to keep his pants from falling or what the case was. But he crouched, and when I say he crouched down he began to crouch down be a- behind the, a, behind the dresser. So he's like crouching down holding on his waistband as he's crouching down. But it wasn't like a slow steady movement it was pretty quick jerky movement and um once he did that. I'll be honest I tensed up on my Taser and I took a step forward and tensed up and uh once he made that quick movement as if he was about to crouch down behind the dresser and not comply. We were all thinking what's behind the dresser because none of us had a viewpoint to see what was behind the dresser. We didn't know if he, if he had something by his feet or anything like that. And once he made that movement I know I tensed up and then that's when um, I began to say like oh shit because you know I'm thinking what is he about to do, and then that's when Officer Heffernan fired three shots. Um, and then once he fired those three shots uh Matthew ends up a, you know going down and falling back against the wall. And so he wasn't like laid out. Like he wasn't prone out on his stomach. He was still had his back against the wall and his knees were you know somewhat bent. And um, when Officer Heffernan fired the three shots. I took step to the right and so did Officer Pacholke like we both sort of stepped to the right, and then after that we all repositioned ourselves and when we repositioned it ended up being Officer Peek, Officer Heffernan, myself, and then Officer Pacholke. So Officer Pacholke and I sort of like switched places on, once the shots were fired and I still have my Taser drawn I know Officer Heffernan still had his firearm drawn and we were still giving commands show us your hands show us your hands show us your hands. And um, Matthew you know he I don't remember him saying anything it was just like more so like a very faint excuse me, just very faint breathing and you know tell him show us your hands show us your hands faint breathing faint breathing. And that's when Officer Pacholke began to glove up so I put away my Taser I told them "Okay I'm gloving up I'm gloving up." Officer Peek did the same began to glove up. Officer Heffernan put his firearm back in his holster and you know told, sort of told him alright step you know we've got it from here um, we uh, Officer Heffernan announced you know shots fired one down. He announced to start paramedics and fire. So he you know did everything with that, and that's when Officer Pacholke, Peek, and I we uh, just moved in on the male we uh, hand cuffed him and then rolled him over and then we began to apply pressure and things like that to his gunshot wounds. At this time Officer Erickson was coming into the, a apartment unit and he had a med, a medical bag ready so we were able to apply pressure properly. Um, uh the, gauze and things like that and then we ended up getting some oxygen and the ball valve mask and I applied oxygen to the male while Officer Pacholke was out performing CPR on the male and we continued to do that until fire um, arrived on scene.

CTM Okay.

MLS And also um, Officer Peek cut the males shirt to a, you know see like where the um, like where the bullet wounds were and if there were any exit wounds and, and things like that.

CTM Okay. So when you said that Matthew crouched down...

MLS ...mm-hmm...

CTM ...could you, how much of, because you said you were next to the wall...?

MLS ...so, so when where I was I was right by the doorway yeah...

CTM ...okay. And then, that dresser right on that wall...

MLS ...yes correct...

CTM ...okay...

MLS ...correct, yep...

CTM ...okay. How much of Matthew could you see?

MLS As he was crouching down um, from, from where from where I was standing...

CTM ...mm-hmm...

MLS ...I mean as he was crouching I was probably able to see, like mid abdominal area and the, but as far as hands I couldn't see his hands at all not at all.

CTM Alright and you, just correct me if I'm wrong, you estimated it was probably about four minutes maybe? Give or take?

MLS Yeah. I mean you know it seemed like a long time but in reality it, it mean following it was probably six minutes but in reality I'm sure it was probably about...

CTM ...felt like an eternity ...

MLS ...yeah but it was probably about four to six minutes possibly.

CTM Okay.

MLS Yeah.

CTM So um, you have to forgive me if, I've just been short handing...

MLS ...no it's fine...

CTMthese, I've been short handing his name as Heff.

MLS Mm-hmm.

CTM But it's...?

MLS ...Heffernan.

CTM Heffernan.

MLS Correct yes...

CTM ...okay. Um, so after Officer Heffernan shoots, you said you and Officer Pacholke kind of end up...

MLS ...yes yep because when...

CTM ...switching?

MLS Yes because when he shot we both sort of stepped like we took steps towards the right um, toward the right side of the room and then um, and then that's when ended up somehow just, just switching somehow yeah.

CTM Um, where was Officer um, Heffernan when he fired?

MLS Officer Heffernan was. Cause the only one that was probably, I'm trying, it was sort of like a, a diagonal uh...

CTM ...so...

MLS ...like...
CTM ...the way you guys were in that room if I'm...
MLS ...mm-hmm...
CTM ...understanding this correct. You guys were kind of almost in like a half moon....
MLS ...yeah correct. Yeah, yeah that would be the best way I would...
CTM ...kind of...
MLD ...be able to describe it...
CTM ...position...
MLS ...yes. and it's just because like you know the placement of the room the bed the dresser ...
CTM ...and ...
MLS ...closet.

CTM And would've, would have Officer Heffernan been more? Wouldn't he been the furthest to the, the lineup. You know what I mean? So if there's the four of ya...
MLS ...mm-hmm.

CTM And let's say you're by the, your by the door.
MLS Mm-hmm.

CTM And it's, uh Officer Pacholke,
MLS Mm-hmm.

CTM Then.
MLS Officer Heffernan.

CTM Then it was Heffernan and then...
MLS ...it was Officer Peek. Yep.

CTM And then it was Officer Peek?
MLS Yeah Officer Peek was closest to the bed.

CTM Okay. Was he, um so there was a bed and now was anybody on top of the bed or anything?
MLS No, no.

CTM Just closest to the bed?
MLS Yes correct.

CTM Okay.
MLS The only person in the room uh, was Matthew.

CTM Yep. Um okay so after Officer Heffernan shot uh, he's the one that called out on dispatch...?
MLS ...Correct.

CTM Okay. Um, as soon as it was reasonably safe you guys provided aid?
MLS Yes.

CTM Okay um, did, did you see a weapon a, anytime during this interaction?

MLS From where I was standing due to, be honest I had the worst view to be...
CTM ...mm-hmm...
MLS ...just being completely honest. Just because the, dr-, he was directly behind the dresser and I was on the other side of the dresser. So from where I was standing I couldn't see anything.

MJH So when you were up by the doorway and you're looking lengthwise down the dresser...
MLS ...correct yep...
MJH ...is that correct?
MLS ...yep it is.

MJH He was crouching behind it?
MLS Correct yes.

MJH Okay...
MLS ...yeah so...
MJH ...the, the slightest angle...
MLS ...yeah correct yes yep yeah...
MJH ...okay...
MLS ...because I'm looking yeah like you said lengthwise down the dresser. So to be honest with you I have the worst view...
CTM ...would you...
MLS ...throughout the entire, yeah...
CTM ...it's safe to say Matthew was hiding in the deep corner?
MLS Oh yes definitely yep. Yeah so where he was hiding um, perfect way to put it yeah it was a corner area so he had the dresser and the wall sort of to hide within.

CTM Um, after you guys, you started administrating oxygen uh, Officer Pacholke started a...
MLS ...CPR...
CTM ...CPR...
MLS ...mm-hmm...
CTM ...chest a, compressions...
MLS ...mm-hmm...
CTM ...uh at that point did you see a weapon or anything that could be construed as a weapon in that general vicinity?
MLS Um, the only thing that I just happen to notice um. I mean I'll be completely honest at that moment I was just focused on rendering aid...
CTM ...that's good...
MLS ...um, the only thing that I happened to notice because once Officer Pacholke and I switched and I began to move in. Was under the dresser like near the dresser area. Um I don't remember exactly how far away it was from um, from Matthew uh, it was like a smaller tool. Um I, I never even touched it. I never even really paid attention to it after the fact. Um it looked like a smaller like hammer, I don't, and I don't know if it was toy or if it was real like I said I never touched it never...
CTM ...okay...
MLS ...paid it any mind.

CTM Alright.

MLS After the fact that was the, that was the only thing that that I actually noticed...

CTM ...okay. Do you know, do you recall the color of it or anything like that?

MLS It was a, gray and black I believe...

CTM ...okay...

MLS ...yeah.

CTM Um. Not to get too far out of the, the realm here but you said that you dealt with the female?

MLS Yes in the past...

CTM ...before like a month or two before...

MLS ...correct...

CTM ...or something...

MLS ...yeah it was probably about two months prior.

CTM Okay.

MLS Yeah another Officer and I dealt with her.

CTM Was Matthew there at that time?

MLS So with this incident um Matthew was there prior to, to um our arrival, and she called same deal verbal domestic and she was scared um. He was recently released from prison on parole. Um, I'm going off like what she was telling us...

CTM ...mm-hmm...

MLS ...and um, she stated he was staying there for the past few days and she wanted him to leave and she was afraid of him and you know she thought that um, like he, you know he may end up harming her and, and things like that. And she was trying to change her life and um no longer use um illegal drugs and things like that. So that's why she called the police and she gave a description of him. So once we got uh, to her home another officer and I we checked the area for Matthew and he wasn't there. And we went up and we made contact with her she was crying she was hysterical um she was like scared to open the door at first until she look through her peep hole and saw it was two officers.

CTM Mm-hmm [inaudible 23:07]....

MLS ...Oh sorry.

CTM Nope...

MLS ...and uh, it was her, her son and one of the, a like property managers that were there. And um, yeah, you know we, we took a report from her and we said hey if he comes back um, you know, you, you give us call and things like that. And that was my only run in with, with that situation until today...

CTM ...okay.

MLS But I mean I, I remember the names um, and, and things like that and once she saw me um, the first time today she instantly remembered me and...

CTM ...okay...

MLS ...things like that so yeah.

MJH Um that, are you familiar with that specific apartment unit or building?

MLS Well the so that...

MJH ...is this some sort of special housing?

MLS Correct, correct...

MJH ...okay...

MLS ...yep so. Um so that area Louisiana Courts. Um it has um, I forget the perspectives is like the name of the organization I guess I would use. That's sort of a like help a women find housing. Uh its five apartment buildings in that area it's like in a little um, in a little a I'm drawing blanks now sorry...

MJH ...cul-de-sac...

MLS ...thank you there we go. Yeah the little cul-de-sac area um, yeah so its five, five buildings in the cul-de-sac and pretty much what it is, is it helps women um, just get back on their feet. A find housing, it's mainly for women that were um you know battling some sort of addiction that are now in recovery or like that were homeless and things like that. So it's just like get them out the shelter you live there for two years. You get on your feet and then when you know once the uh twenty-four months are up you know then you have to find housing elsewhere.

MJH Okay.

CTM Um I gotta circle back on just a couple things here.

MLS Okay.

CTM Uh. If you remember how was the, how was the lighting in the, in the apartment? Like when you first came into the living room area type thing?

MLS The living room area, it. Not all of the lights were on I remember that in the living room. Not all of the lights were on...

CTM ...okay could you see?

MLS Yeah, yes, yes...

CTM ...okay...

MLS ...yes. We were able to see.

CTM Um how was the lighting in the bedroom?

MLS The bedroom the lighting was better.

CTM Okay...

MLS ...in the bedroom, yes.

CTM Um, did anybody have a, have any other auxiliary type lights that you were using?

MLS Um Officer Heffernan's firearm um there's the flashlight type light...

CTM ...under barrel light on it?

MLS Yes yep.

CTM Okay. How about you're Tasers that have a light on it?

MLS Yes it does but it's...

CTM ...kind of minimal?

MLS ...yeah, yeah it's...

CTM ...okay...

MLS ...very minimal.

CTM Um are you right handed or left handed?

MLS I'm left handed.

CTM Oh your one of those.

MLS Yeah. I'm different...

CTM ...um.

MLS [laughing]

CTM Um, so do you carry your Taser on your right hand or left side?

MLS I carry my Taser on my right side and I prefer cross, cross draw.

CTM Okay.

MLS Just so that way you know I never get the two mixed up.

CTM Mm-hmm okay um. At any point, at any point during this uh altercation did anybody um holster there, either there less lethal or there firearm to be like a hands guy or anything like that?...

MLS ...yes Officer Pacholke.

CTM Okay.

MLS Yep.

CTM Um, and then at at point after Officer Pacholke uh did that would there only been, so we had two Tasers and one firearm?

MLS Correct.

CTM Okay. Um, you said that Matthew was kind of jerking around...

MLS ...yes...

CTM ...pretty heavily...

MLS ...yes...

CTM ...are, to the point that it caused you to a, especially when he made that, when he crouched down that last time that cause you to kind of tense up?

MLS Correct.

CTM Okay.

MJH Just so I can get a better picture of, of kind of that scene in the bedroom. Do you remember what Matthew was wearing?

MLS He was wearing a dark colored shirt...

MJH ...like a t-shirt?

MLS Yes...

MJH ...okay...

MLS ...t-shirt. And his sweatpants were either gray or a darker color...

MJH ...okay, so the sweatpants like full length sweatpants and a t-shirt?

MLS ...yes, yes.

MJH Okay.

MLS Yeah.

CTM Was the room can you describe the condition of the room?

MLS It was somewhat messy.

CTM A little cluttered?

MLS Yes, yeah cluttered, yeah that would be a good word.

CTM Okay. Do you have anything that you would like to add um, that we may not have asked or anything like that?

MLS Um. I mean am I allowed to state like a personal feeling about the officer?

CTM This, this is your statement. This is pretty much your report. Um so I'm not gonna tell you there's nothing that you can't say.

MLS Okay.

CTM Alright.

MLS I mean I would just say he's one of the more tactical and well-rounded officers that we have here.

CTM Okay.

MLS When I did my ride-a-longs that was the Officer that I preferred to ride with most of the time.

CTM Was he a, was Officer uh, Heffernan, was he your FTO?

MLS No he, he was not. But um, before I was actually hired here as a cop I rode with him I believe two times.

CTM Okay.

MLS But during other ride-a-longs with that group um. He was someone that I always admired how he, how he handled his calls.

CTM Okay. That, you have any questions for us?

MLS Um, no. I think I can somewhat guess what's, what's next.

CTM Okay. [Inaudible 42:40] ending time will be approximately 23:11 hours.

Supplemental Report

ICR: 19000783

Last Modified:

02-27-2019 1045

Title: Interview with Officer Maurice Smith from Feb 15, 2019, Det. Di Nelson

Created By: Diane Nelson

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This incident pertains to a death investigation in the city of St. Louis Park.

NARRATIVE:

On February 15, 2019, I, Det. Diane Nelson, along with my partner, Det. Aaron Nestrud, went to the Saint Louis Park Police Department to conduct a digitally recorded voluntary follow-up interview of Officer Maurice Smith of the St. Louis Park PD. This report is a summary of Officer Smith's interview. The complete recording of Officer Smith's follow-up interview is attached to this case file, and his statement will be transcribed. We advised Officer Smith that the interview was voluntary and he did not have to speak to us, and that the follow-up interview was routine. He agreed to speak with us.

We asked Officer Smith if during the first call on the evening in question, if he had talked to the male suspect. He said that he hadn't spoken to the male or had any direct contact with him. During his first statement, Officer Smith had said that he was familiar with both parties from prior contacts. I asked him to explain further. He told me he was more familiar with the suspect's girlfriend. She had called police 1-2 months prior, related to a similar type of call. The female party had called the police to ask the male party (the suspect) to leave. At that time, Officer Smith did not have any contact with the suspect. Officer Smith said that during the call, the female said that the suspect had been released from prison and was afraid of him.

We then moved on to the second response to the apartment. I asked if Officer Smith remembered the order that officers arrived back at the residence. Officer Smith said that Officer Peek and Officer Pacholke had responded first. After them, Officers Erickson and Heffernan arrived at nearly the same time. Officer Smith arrived, and he spoke with the female caller (Mylee Workman). He asked where the suspect was, and she told him that the suspect was "inside the house". She didn't say anything else to him.

Officer Smith went to the apartment, and he heard the other officers calling for the male suspect. They were inside the apartment, and he could hear them. Officer Smith entered the apartment and took out his taser. I asked him why he took out his taser, and he said that he chose to go "less lethal" because Officer Heffernan had his firearm out already. Officer Smith announced himself as entering. He asked if the suspect had been found, and someone said no.

Officer Pacholke and Officer Smith searched the living room and kitchen. He heard the other officers say, "Police, show us your hands, show us your hands". He believed it was Officer Heffernan who was primarily giving commands, but that when other people spoke, they were talking one at a time. Officer Smith went to the hallway near the bedroom, where Officer Heffernan was giving commands as he (Officer Heffernan) was entering the bedroom. Officers entered the bedroom in the order of Officer Peek, Officer Heffernan, Officer Pacholke and then Officer Smith.

I asked if Officer Smith could tell who had handguns out and who had tasers out. He told me that Officer Heffernan had his handgun out. He could tell because he could see it. Officer Peek, Officer Pacholke and Officer Smith all had their tasers out, and pointed at the suspect. He could tell the tasers were pointed at the suspect, because he could see the lights from the taser on the suspect's torso. The lights were red, and Officer Smith could see at least 4 lights.

I asked if Officer Heffernan had a light on his handgun. He said that he does, but he could not recall the color. I asked how many lights were on the suspect. Officer Smith said that after Officer Pacholke put his taser away, there were five total lights on the suspect (2 from each taser, and 1 from Officer Heffernan). I asked if anyone directed Officer Pacholke to put his taser away, and Officer Smith said "no". I asked if any discussion was had about why he had put his taser away. Officer Smith said "no".

I asked if Officer Smith could see the suspect when he entered the bedroom. He said that he had the "worst" view of the suspect. I asked him to explain why. He said his view was opposite of the suspect, with each of them being at the end of the dresser. The doorway was around a foot from Officer Smith. He and the suspect were approximately 4 feet apart. He could see the suspect's abdominal area and up. I asked if he could see his hands. He said that he could see the suspect's hands at different times. The suspect sometimes had his hands in his pockets, near his waistband, and his hands were clear. He was fidgety and constantly moving. At one point the suspect grabbed a cigarette.

During his initial statement, Officer Smith had said that the suspect was agitated. I asked him to explain more. The suspect made comments about wanting officers to shoot him, that he hoped the gun Officer Heffernan had on him was real, and he commented about the lasers from the tasers. The suspect said that he noticed the light from the tasers and the light from the firearm. I asked what else the suspect said that made him think the suspect was agitated.

Officer Smith said that the suspect said he would not be complying with officers, he would not be coming out from behind the dresser, he was not going to go into handcuffs, until officers got the suspect's girlfriend to confirm that she let officers in. Officer Smith was asked if the suspect was speaking in a normal tone of voice, and he said, "no". He added that the suspect was agitated and yelling to a "certain degree". He said that it was not a normal voice.

I asked Officer Smith about possible suicidal statements that were made by the suspect. He told me that the suspect had said "kill me, kill me" over and over, and "fucking shoot me". He said that it was more common at the start of the encounter, 3-4 times. As the suspect spoke, his voice was getting higher and higher in pitch. As the encounter went on, the suspect was getting more and more agitated. I asked what this made him think. Officer Smith said it made him much more alert. It made him think that because he knew the suspect wasn't going to comply and the arrest was not going to be an easy one. He was much more alert to the suspect's behavior and his hand movements.

I asked Officer Smith if the suspect's actions formed an opinion about what he was seeing. He said that it had. He said that he thought that the suspect wasn't going to "go down" without a fight. I asked if the suspect said anything about harming officers or getting a weapon. He said that not that he could remember.

I asked how close the other officers were to the suspect. Officer Smith described the angle as a "half-c" shape. Officer Smith said Officer Pacholke was about a foot from him. Officer Heffernan was next to Pacholke, but he was not sure how far. Officer Peek was standing on the ground, and was closest to the bed. Officer Peek was described as being a "couple feet" from the suspect, possibly around 4 feet away. Officer Smith said that Officer Peek was the closest to the suspect.

Officer Smith said that the suspect continued to become more agitated. Officers Smith and Peek both still had their tasers drawn and pointed towards the suspect. Officer Heffernan was still pointing his gun at the suspect. I asked if the suspect was getting more agitated, why he didn't tase him. Officer Smith said that the male had put his cigarette out, and had grabbed at his waistband, immediately before the shooting happened. I asked him to describe this movement, and he said that the suspect grabbed his waistband, looked around the room, and ducked behind the dresser "really quick". At that moment, Officer Smith clenched his taser and stepped forward. He said that he had his mind drawn to tase the suspect. At that same moment, Officer Heffernan shot his weapon.

I asked more about the quick movement that was made by the suspect. Officer Smith said that the suspect was going down, as if to duck behind the dresser. I asked if he could see the suspect's hands, and he said, "not at all". He described the movement as a "fast" movement. I asked why he didn't tase the suspect well before the shooting happened. He said that he didn't tase him before that because before the sudden move, everyone was trying to talk the suspect into complying.

I asked how long it was from the time he was at the door to the apartment to the time he entered the bedroom. He said it was a little over one minute. I asked how long it was from the time he entered the bedroom until the shots were fired. He said that it felt like a lifetime, but he thought it was about 7-8 minutes.

I asked again who the primary person was who was trying to give directions to the suspect. Officer Smith said it was Officer Heffernan. For the most part, the other officers made comments "here or there", but Officer Heffernan was the main officer. Officer Smith was saying, "Please, just please. You are going to jail." He asked the suspect to come out from behind the dresser and he described it as "begging". He said that officers were not speaking over one another, but were speaking one at a time. The commands being given by Officer Smith were described as a calm voice. I asked if the suspect made eye contact. He said that the suspect was mostly just looking around the room and at officers.

Officer Smith was asked about when the suspect went to his waistband, and that he was thinking he would fire his taser. He was asked what he thought was happening at that moment. Officer Smith said he thought the suspect "had something behind the dresser", because he had the worse view of the suspect and he had no idea what was behind the dresser. He didn't know if there was a gap where something could be hidden behind or under the dresser. There were items on the dresser. He said that Officer Pacholke's view was obstructed as well.

The suspect kept reaching down. Officer Smith remembered him reaching down with his left hand. His cigarette was in his right hand. I asked what he thought when the suspect put his cigarette out on his own hand. Officer Smith said that he thought for just a second that he was going to give up. The shots were fired shortly after. Between putting out the cigarette and the shots, the suspect "glared" around the room like a "quick scan". The suspect did not say anything after looking around the room.

When Officer Smith had initially entered the room, the suspect was crouched in the corner behind the dresser. The suspect stood up "pretty slowly". He was agitated, though. He said that the suspect was told numerous times that he was under arrest and he was going to jail. Officer Smith said that it was nearly 10 times that he could recall.

Officer Smith said he could see clearly, barring any obstructions. Officer Smith was asked how far the suspect was away from the back wall. Officer Smith said the suspect was maybe a foot and 1/2 away from the wall. I asked what Officer Smith was thinking when he had his taser up and when the suspect

kept reaching towards his waistband. He said that he didn't know if the suspect had a weapon in his waistband, and "once [the suspect] made that quick movement behind the dresser he automatically thought [the suspect] has a weapon behind the dresser." He said that was the first thing he thought. He said that he was never told if there were weapons in the apartment.

Officer Smith was asked what happened immediately after the suspect put his hands in his waistband. He said that was when the suspect "hurried up" and ducked behind the dresser. At that moment, he heard three gun shots. I asked if anything was said during the time that he (the suspect) was making the ducking motion and then hearing the shots. Officer Smith said he was yelling "show us your hands" and "stop". He said at that moment, everything became a blur.

I asked again how long he thought he was in the apartment from beginning until the shots were fired. He thought 8-9 minutes in total. Officer Smith was again asked what he was thinking when the suspect put out the cigarette, looked around, put his hands in his waistband, and dropped. Officer Smith said when he made the quick movement, he thought that the suspect had something behind the dresser. Officer Smith said that he thought this because otherwise, "if he didn't have anything behind the dresser, what would be [the suspect's] purpose for attempting to duck behind it." Officer Smith said that the suspect already knew he was going to jail, there were tasers and a firearm out and those items were pointed at the suspect. Officer Smith said that the first thing he thought of was "Shit, he's probably coming up with some sort of a weapon." That was why he had moved forward as if to tase the suspect. When he made that decision, the shots went off.

I asked about the first interview, where Officer Smith had talked about speaking with someone from the management company. I asked who that was, and he said it was "Miss Yolanda". I asked what they talked about. He said that they talked about the situation, and that she was concerned for the female. I asked what was said specifically, and Officer Smith said that the housing they were at was for women in transition from shelters. She didn't know if the male suspect would come back, and the situation would become some sort of domestic. I asked if anyone else was present during that conversation. He said that yes, a female from the upstairs of the apartment was there. He asked the female if she knew the suspect, but she had not other information.

I asked if any other officers were present when he was talking with Miss Yolanda. He said that Sgt. Balvin and Officer Heffernan were both present, and both spoke to Miss Yolanda. I asked if Miss Yolanda said anything about being concerned that the male would come back and kill the female victim. Officer Smith said that he didn't remember the exact wording, but she did mention that she had concern for the female if the male came back. Miss Yolanda, to his knowledge, didn't know the male that well. He didn't know if this was a general statement or if Miss Yolanda had specific information about the suspect.

I asked if there was anything else he wanted to add. He told me that when he went across the hallway after the shooting, the female (Workman) expressed that she regretted having gone up to the top floor to bring the suspect back to the apartment. The female resident of the apartment across the hall said, "he should have listened, he should have listened, he should have listened." He didn't make any comments to the resident.

I asked him one more time, when the suspect made the sudden movement, and he was preparing to tase him, what his opinion was of the situation in that moment. He said that in that moment, when the suspect made that movement, he was nervous because he didn't know what to expect next. He didn't know if they were going to tase or shoot the suspect, or if he (the suspect) was going to shoot them. He said he was prepared for the worst. He said that the situation became more hostile than it had to,

had he (the suspect) just listened. I asked if he had given any thought to tasing the suspect earlier. He said that earlier he didn't, because he wanted to give the suspect every chance to comply, until he made the quick movement.

The interview concluded at 11:32 a.m.

DISPOSITION/FOLLOW UP:

Pending.

Supplemental Report

ICR: 19000783

Last Modified: 02-26-2019 1127

Title: 2nd Q & A Officer Smith

Created By: Diane Nelson

Statement of Maurice Lashawn Smith, DOB: [REDACTED] taken at 10:58 HOURS on February 15th, 2019. Questioned by Diane Nelson and Detective Aaron Nestrud. Steno Samantha Grates typing. Hennepin County Sheriff's Office Case No. 19000783.

DMN Detective Diane Nelson
AND Detective Aaron Nestrud
MLS Officer Maurice Smith

DMN This is Detective Diane Nelson and with me is my partner Detective Aaron Nestrud. It is Friday February 15th at 10:58 in the morning. We are at the Saint Louis Park Police Department, and we are asking some follow up and clarification questions for Officer Maurice Smith. Um, as we discussed before I started the recording this is a completely voluntary statement.

MLS Mm-hmm.

DMN You do not have to talk to us right now you're not being compelled to anything like that. Um primarily this is to get some clarification regarding an incident that we were out uh to here about two three weeks ago. Uh involving and officer involved shooting. Um this is just a routine follow up where we can make sure that, that we have all of the answers after gathering all the information, and tie in in it that encompasses this case. Does that make sense to you?

MLS Yes it does.

DMN And would you like to speak with us today?

MLS Yes.

DMN Okay. So some of the questions that we had. You had already really um, answered a lot of the, the start to finish things that happen during the incident. Is that correct?

MLS Yes.

DMN Okay. Um at that first call did you have any direct contact with the male suspect in this incident?

MLS I did not, no.

DMN Okay did you talk to him at all?

MLS During that first call no.

DMN Okay uh you stated in your original statement that you were familiar with both parties the female and the male?

MLS Yes.

DMN How were you familiar with them?

MLS I was, I was familiar with uh more so the female party uh then the male party.

DMN And how, and how familiar and how were you familiar with her?

MLS So approximately a month and a half to two months prior to that incident another par-, another officer and I were called out there for a similar situation.

DMN A verbal domestic?

MLS Yes.

DMN Okay.

MLS And the, well the not, not as intense it was more so the female party wanted him to leave the residence. Uh he was recently released from prison and he was staying with her for a few days and she no longer wanted him to stay there.

DMN Okay so you dealt with her then?

MLS Yes.

DMN And did you deal with him directly at that time?

MLS No so when my partner and I got there that day uh the male had already left uh the apartment.

DMN Okay.

ADN Did she, did she tell you anything about uh the male party um any anything where you remember him or her telling you about him at that time?

MLS During that time she mentioned that he was recently released from prison. Um, she mentioned that she was afraid of him. She was crying she was shaking. She had uh, someone that worked for the apartment company inside the home with her pretty much.

DMN Do you remember who that was?

MLS It was a female I do not remember her name unfortunately...

ADN ...was she a female was she white was she black?

MLS She was a white female with brunette hair I believe.

ADN Okay.

DMN Okay and that was in the contact that was two months prior to this?

MLS Correct yes.

DMN Okay so let's go on to the second call when you guys were requested back out there.

MLS Mm-hmm.

DMN Okay. Do you remember the order that officers arrived?

MLS So I remember Officer Peek and Officer Pacholke were the first two to respond.

DMN Okay and wh-, who arrived after that?

MLS And then after them was Officer Erickson. Officer Erickson Officer Heffernan they arrived around the same time. I don't remember exactly who came first. My guess and I'm not one hundred percent sure. My guess is it was Officer Erickson that arrived first simply because simply because Officer Heffernan and I were clearing a call as that call was coming out.

DMN Okay and lets as we go through to let's try to as best as we can to stay exactly with what you know. It's okay ...

MLS ...okay...

DMN ...if you don't know which got first or second but make sure it's, it's the things that you're certain of.

MLS Okay.

DMN Okay. So at one point you arrived?

MLS Mm-hmm.

DMN Okay when you arrived um, did you talk with the female?

MLS The...

DMN ...on the second call?

MLS On the second call the only interaction I had with the female was when I arrived um, the CSO, community service officer let me inside the building and the female was standing like on the top staircase with her son.

DMN Okay and then what did you guys talk about?

MLS And I asked her I said a, I asked the female I said where is he? Is he up there? And she was crying and she said no, he's inside the house.

DMN Okay.

MLS That was it.

DMN And...

MLS ...nothing else.

DMN Okay and you just pointed with your right hand. Did she point to the apartment or did she point? Where did she point?

MLS Oh no. I was just stating like she was like upstairs um.

DMN Okay.

MLS Sitting on the staircase that was it but she didn't point. She was uh with her son like holding her son.

DMN Okay.

MLS And she just said "He's, he's in the house but I knew she meant her place."

DMN Okay. Did she say anything else to you?

MLS Not that I can remember.

DMN Um. At one point you went to the apartment where were the other officers?

MLS The second time?

DMN Yes.

MLS So when I entered the apartment um, the three other officers they were calling for the male. Well you know just saying his name, and they were all standing in like the living room slash kitchen area.

DMN And so when you got there they were already inside the apartment?
MLS Correct.

DMN Okay. You took out your Taser?
MLS Yes.

DMN Why?
MLS I just thought to go less lethal.

DMN Why?
MLS I knew that Officer Heffernan had his firearm out. So I just decided to go less lethal. Uh, just so that way we were all covered.

DMN Okay. When they were in the kitchen and the living room? What did you do?
MLS When I first came in I announced myself blue coming in so that way they knew that it was me and not someone else. And I asked you know if we had located the male and they said no.

DMN Okay and then what happened at that point?
MLS And then that's when Officer Pacholke and I we began to search the living room slash kitchen area. While Officer Heffernan and Officer Peek began to work toward the bathroom and bedroom.

DMN Okay at some point as you're searching it became, you became aware that they had located the suspect...

MLS ...yeah...

DMN ...how did you know?

MLS I knew that because I heard one of the officers saying Police show us your hands show us your hands. Police show us your hands.

DMN Who was doing that?

MLS Officer Heffernan.

DMN Okay was there one person who was primarily giving commands to the, a suspect?

MLS Yes.

DMN And who was that?

MLS Officer Heffernan.

DMN Okay...

MLS ...made the commands.

DMN Okay. Were people talking over each other or were they talking one at a time?

MLS One at a time.

DMN Okay um okay. You made your way to where? Officer Heffernan was giving commands. Was he in the bedroom or was he out in the hall?

MLS As he was giving commands he was starting to work his way inside the bedroom.

DMN Okay. In what order did people go into the bedroom?
MLS The order inside the bedroom, inside the bedroom was from, from left to right so from the inside of the room to the outside...
ADN ...to where the door is?
MLS Correct. Was Officer Peek, Officer Heffernan, Officer Pacholke, and myself. I was the last one to enter the bedroom.

DMN Okay could you tell who had handguns out or Tasers out?
MLS Yes.

DMN Who had their handguns out?
MLS Officer Heffernan.

DMN How did you know?
MLS I was a, we all had um like we were all able to see one another. So we all had visual contact with...
DMN ...okay....
MLS ...one another.

DMN And who had their Tasers out?
MLS Officer Peek, Officer Pacholke, and myself.

DMN Okay and where were the Tasers pointed?
MLS Our Tasers were drawn on the male suspect.

DMN Okay and how could you tell that all of the Tasers were pointed at the male suspect?
MLS We all had our, our Taser activated so therefore our lights um, were on the suspect.

DMN Okay so what...
MLS ...so my, go ahead.

DMN What color were the lights?
MLS Red.

DMN Okay and so how many lights were on him? How many red lights were on him?
MLS For sure, four. Officer Peek and I then eventually Officer Pacholke put his Taser in his holster.

DMN Okay is there a light on the handgun? That you know of for Officer Heffernan?
MLS Yes.

DMN What color was it?
MLS I'm not a hundred percent sure on what the color was.

DMN Okay. But at one point when you're looking at the suspect...
MLS ...mm-hmm...
DMN ...how many lights were on him?

MLS There were at this point when Officer Pacholke put his Taser away there were five including how there's two lights on the Taser so therefore it made five.

ADN So when you say two, were there red dots?
MLS Yes.

ADN So each Taser illuminated two red dots...
MLS ...correct...
ADN ...right? Cause there dual barrel?
MLS Correct.

ADN Okay.

DMN Okay. So when Officer Pacholke put away his Taser...
MLS ...mm-hmm...
DMN ...did anyone direct him to do that?
MLS No.

DMN And was anything said about, why he would have put his Taser away?
MLS No.

DMN Okay. Um, did you see, could you see the suspect when you went into the bedroom?
MLS I was, so at the position I was standing at I had the worst view...
DMN ...okay...
MLS ...of the suspect.

DMN That's good. Can you describe not that, that's good but it, it's good that you clarify that. Could you describe what your view was?
MLS So my view um, we were both standing on opposite sides of the dresser.

DMN You and the suspect?
MLS Correct.

DMN Okay.
MLS In, in the bedroom. Um...
DMN ...and, and how close were you to the doorway?
MLS The doorway was probably within less than a foot of me.

DMN Okay and that was to your right?
MLS Correct to my right.

DMN Okay and as your at one end of the dresser much like this table here, where was the suspect?
MLS The suspect was at the other end of the dresser...
DMN ...ok-, okay so if you had to um, choose about how far away was he from you?
MLS The entire length of the dresser, dresser was probably, four feet...
DMN ...ok...
MLS ...around there it was a pretty long dresser.

DMN Okay what could you see?

MLS I was able to see. I would say from the abdominal area and up.

DMN Okay could you see his hands?

MLS At times he had his hands in his pockets at times he had his hands around his waistband then sometimes he had his hands clear. So he was fidgety constantly was moving his hands around. He even grabbed a cigarette at one point and began smoking a cigarette.

DMN Okay and at during your initial statement you had said he was agitated?

MLS Yes very...

DMN ...can, can you describe that a little bit?

MLS Yes uh he made comments about wanting us to shoot him. Uh he made comments about hoping that the gun Officer Heffernan had drawn on him was a real gun. Um, he made uh comments about the laser beams that from our Tasers.

DMN What did he say about the laser beams?

MLS He just stated uh like noticing that we had are, that we had are laser uh, the beams on him and you know that was pretty much it. He just stated that he was aware of that and that he noticed it and he noticed the light from the beam, from Officer Heffernan's firearm.

DMN Okay what else did he say um, that made you think he was agitated?

MLS That he was not going to comply with us. He was not going to come from behind the dresser. He was not going to go in handcuffs with us. Until we went and got um his girlfriend slash mother of his child to come inside and confirm that she gave us permission to enter inside uh the apartment. He made that very clear.

ADN So was he talking in like a normal voice...?

MLS ...no...

ADN ...like were talking now?

MLS No not at all.

DMN Was he...

MLS ...he was yelling...

DMN ...how would you describe his voice?

MLS He was he was agitated he was yelling to a certain degree. He wasn't yelling at the top of his lungs but he was not talking in your normal calm voice no.

DMN Um, originally you talked about some possible suicidal statements. Can you explain that?

MLS That the male made?

DMN Yes.

MLS Yes he well he just said "Kill me, kill me." You know he it was pretty much just that over and over uh he mentioned you know fucking shoot me then you know just things like that.

DMN How many times do you think that he did that?

MLS Uh, when we first entered the room it was much more common and then as we

were able to talk with him then that's when he became agitated about us being in there. But I would say probably made those comments approximately three to four times.

DMN Was his voice level as he made those comments?
MLS It was raising his voice was getting higher and higher in pitch.

DMN Okay um what did that make you think?
MLS It made us much more alert.

DMN Why? How'd it make you think?
MLS It made me much more alert because I knew that he was not going to comply. I knew that it was not going to be your, your easy arrest. Um, it, it definitely had me much more aware much more zoned in on him paid much more attention to his hands his behavior.

DMN Did his actions cause you to form an opinion about the situation of what you were observing?
MLS Yes.

DMN What was that a, opinion?
MLS It made me think that. I mean in all honesty it made think that he wasn't going to go down without, without fighting.

DMN Did he at any time say anything about um harming you fighting you getting a weapon?
MLS Not that I can remember.

DMN Okay um. How close if you were about four feet away how close were the other officers?
MLS We were all at somewhat of a weird angle it was about a like a half c if that makes sense. Um, it was a pretty, pretty tight room.

DMN So...
MLS ...so we didn't have much space within one another.

DMN So it's a small room.
MLS Mm-hmm.

DMN And you're about a foot from the door. How far was Officer Pacholke from you?
MLS About a foot or so.

DMN Okay and was he facing the suspect?
MLS Yes.

DMN And then to his left was Officer Heffernan...
MLS ...yes...
DMN ...how far was Heffernan from Pacholke?
MLS I don't know. I don't know like the exact length they were um from one another. But I know he was facing the suspect as well and same for Officer Peek.

DMN Okay and was Officer Peek standing on the ground?
MLS He was standing on ground he was closet uh to the bed in the room.

DMN Okay and about how far was he from the suspect?
MLS A couple feet um.

DMN Okay...
MLS ...as far as the exact estimate I'm not a hundred percent sure.

DMN But by a couple of feet do you mean two feet? Four feet?
MLS I would say probably about four, four to five feet maybe right around there.

DMN Okay.

ADN Okay you said half kind of like the shape of like a half c?
MLS Correct...
ADN ...and when I think a half c I think of the two ends being closest.

MLS Mm-hmm.

ADN To that to that wall and then the two middle would be further back. Were you guys all in a perpendicular line or was there some difference in the way you guys were lined up? Were some people in front of each other or were some people behind each other?
MLS Due to how the room was set up. Officer Peek was in front of us for the most part. I know for a fact he was in front of me for a fact.

DMN So he was closest?
MLS Correct.

DMN Okay.
MLS Correct.

DMN So you mentioned that as you guys were going on with this interaction the suspect is getting more agitated?
MLS Yes.

DMN At that time were you all still drawing down on him with your Tasers and with...?
MLS ...Officer Peek and I were...
DMN ...yes...
MLS ...Officer Heffernan was. I honestly do not remember if Officer Pacholke uh took his Taser out of his holster again.

DMN Okay. If he was getting more agitated why didn't you taze him?
MLS So when the male right before he ended up a being shot. He when he put his cigarette out he grabbed at his waistband and made a quick movement as to get behind the dresser.

DMN Can you describe that quick movement?

MLS Yes so he grabbed at this waistband and sort of you know just looked around the room and just tried to hurry up and like duck behind the dresser really quick. And at that moment I remember clinching my Taser saying oh shit and stepping up and at that moment I had already had my mind drawn to taze him and then that's when Officer Heffernan shot.

DMN So let's talk real quickly about that quick move, movement. You described it as a quick movement. Which way did he move?

MLS He was going down as to duck behind the dresser.

DMN Okay and could you see his hands at that time?

MLS No not at all.

DMN And was it a fast motion or...

MLS ...it was fast. It was fast yes...

DMN ...okay. Um why didn't you taze him well before that?

MLS I didn't taze him before that because prior to him grabbing at his waistband and ducking behind the dresser. Um, all of us were just trying to talk him into complying. Um, I mean it seemed like we were in that room forever. Even though I know technically we weren't. But we all were just like come on just please.

DMN Lets...

MLS ...just come with us please.

DMN Okay let's talk about that timeline real quick um. How long was it from the time that you were at the apartment door to getting back to the bedroom before you went inside?

MLS Before we actually went inside of the bedroom?

DMN Yes.

MLS I was probably in the apar- cause I don't know how long they were in there for prior to me arriving. So I was probably in the apartment for a little over one minute.

DMN Okay and once you got to the door and entered the back bedroom from that point to the time that the shots were fired how long do you think you were in that bedroom?

MLS It seemed like a lifetime but you know I know it wasn't. Um my guess is probably and again I'm just taking a guess here. I would say about possibly seven eight minutes.

DMN As you guys were giving directions to him you mentioned that you were trying to talk him into comply?

MLS Yes.

DMN Who was the primary person that was talking to him?

MLS The primary person was Officer Heffernan and that was due to that being his call. So we didn't want to step over his toes.

DMN Okay and did Officer Peek say anything?

MLS For the most part Officer Peek, Officer Pacholke and I we all made comments here and there. Officer Heffernan was the main officer speaking with him.

DMN What did you say?

MLS I said "Just please." I was like "Come on just please you're going to jail just please." Like I, I was literally begging the guy to just come from behind the dresser.

DMN Were you talking to him one at a time?

MLS Yes, yep yeah it was always one at a time no one was speaking over one another.

DMN Were you using loud clear directions for him?

MLS Me personally I was speaking in this calm voice. Um, I just noticed in the short times of being a cop I've gotten much further with people talking to them in this, in this tone than yelling.

DMN Okay did he make eye contact with you?

MLS He was more so just looking around at all of us. I don't, I don't really remember him actually making eye contact with me.

ADN Um to go back to when you said that he a he went to his waistband...

MLS ...mm-hmm...

ADN ...and you kind of said you gripped you're, and you said oh I'm gonna I'm gonna fire this. What did you what did you think about that action? What did what did you think was happening at that moment?

MLS At that moment um, in all honesty I was thinking he had something behind the dresser, and the reason why I felt that way is because like I said I had the worst view of him so I honestly didn't know what he had behind the dresser. I knew Officer Pacholke didn't know because he was next to me and we never, and we weren't able to actually clear the room. So we never like we didn't know um, how far the dresser was from the ground. So we didn't even know if there was a six inch gap from the, from the bottom of the dresser to the ground so we honestly do not know what he had behind nor under the dresser.

DMN Okay so if you're standing at the door and you've got a view of him that you can only see as you describe from your waist up?

MLS Mm-hmm.

DMN Was there anything obstructing your view on top of the dresser?

MLS There were items on top of the dresser but like I don't remember everything there was exactly but yeah there were some items on top of the dresser.

DMN Okay if Officer Pacholke was next to you was his view obstructed as well?

MLS Yes.

DMN Okay. And as people moved out um, there was Heffernan and then Peek...

MLS ...yes...

DMN ...and Peek with Peek the closest?

MLS Yes I would say at least from where I was standing it looked like he was closest.

DMN There were several times that the suspect would reach down...

MLS ...yes...

DMN ...would he reach down with his right hand or his left hand?

MLS I remember him reaching down with his left hand.

DMN What was in his right hand?

MLS That's when, well I know he ended up grabbing his cigarette um and, and the uh lighter.

DMN Okay when he put that cigarette out in his on his hand...

MLS ...hand yep.

DMN What did you think?

MLS When he put the cigarette out on his hand and then he set down on the dresser. For a spilt second I thought okay finally he's, he's gonna give up. He just wanted to smoke his cigarette.

DMN How long after that were the shots fired?

MLS It seemed like not even a minute after.

DMN Okay.

MLS Then that's when he sort of just glared at the room and...

DMN ...was he making eye contact when he was looking around the room or was he just looking at the room?

MLS It was he was just looking at the room it was just a quick scan at least that's the way that's the way uh that it appeared to me what he saying...

ADN ...during that time period did he...

MLS ...yeah...

ADN ...were there anything, did he say anything to you guys in that last few moments? Did he say something or were you kind of you know just before he dropped or as he was dropping? Do you remember if he said anything or?

MLS Not that I can remember specifically no.

ADN Okay.

MLS I don't remember him saying anything.

DMN When you first walked into the room was the suspect already standing up or was he still on the ground?

MLS When I first entered the room he was he was ah crouched down...

DMN ...okay...

MLS ...behind, he was crouched down behind the dresser with uh sort of somewhat like cornered in.

DMN Okay.

MLS Because yeah the corner of the bedroom was yeah to his back.

DMN Okay. Did he when he stood up did he how did he stand up?

MLS He, he stood up pretty slowly like he didn't just jump up or anything he stood up pretty slowly um sort of had his eyes squinted a bit like relax, relax what's going on but he was agitated right away.

DMN Okay. How many times do you think that Officers told him he was under arrest and he was going to jail?

MLS Numerous. I, I couldn't even give you a number. But it, it was num- numerous.

DMN More than ten?

MLS Close to yes I, in all honesty yes...

DMN ...oh...

MLS ...it was numerous times.

DMN Okay um how was your visibility in the room could you see clearly?

MLS Yes.

DMN Okay. I mean barring obstructions...

MLS ...right, right...

DMN ...and things in way?

MLS Yeah.

DMN Right. Um.

ADN Staying on the room um so the doors here the dressers there and you said the walls behind him. He's in the corner of the room by the wall how far be-, how far away from back wall was he to that wall? You know what I'm saying? Just estimating? Was he a foot of the wall in the corner? Was he right directly uh, was he against both, both walls? Was he a couple feet towards you?

MLS I'd say probably a foot and a half.

ADN So really close to that corner?

MLS Yes, yes.

ADN Okay.

MLS He was close.

DMN So when you were looking at the suspect and you had your Taser up and he had put his hands down in his waistband what was going through your mind?

MLS I didn't know if he had a weapon in his waistband and then once he started to make that quick movement to duck behind the dresser I automatically thought he has a weapon behind the dresser...

DMN ...[inaudible 26:03]...

MLS ...that, that was the first thing I thought.

DMN Okay were you guys told anything about any weapons being inside the apartment?

MLS It was never brought to my knowledge.

DMN Okay...

MLS ...about weapons.

DMN Um. So as he put his hands in what happened immediately after he put his hands in his pocket?

MLS Uh...

DMN ...or I mean his waistband?

MLS In his waistband then that's when he hurried up and attempted to at least duck behind the dresser completely.

DMN Okay. What did you hear?

MLS And then that's when I heard um, three gun shots go off.

DMN Was anything said during the time that he was making the ducking motion and then hearing the shots?

MLS I remember I was you know yelling show us your hands stop. I, I mean at that moment everything just started to you know just become a blur.

DMN Okay. Um. We talked about this a couple of times about how long did you think you were in the apartment in the, from beginning to end now...?

MLS ...from beginning to end?

DMN Yeah.

MLS Including everything? Now when you say end do you mean even, even after he was shot or?

DMN Once the shots were fired.

MLS Once the shot was fired. So in that case about 8 minutes total...

ADN ...excuse me...

MLS ...9 minutes total.

DMN Okay.

ADN I guess I wouldn't mind just one more clarifying um, so when you were you guys were sitting there he's, he's in the room um, he puts out the cigarette he kind of glaring around and then he reaches for his waistband and then drops. Um you, you had, can you elaborate a little bit more on what you were thinking and maybe the decision again for not firing the Taser?

MLS Yeah so when ended up making that quick movement behind the dresser I was I was thinking he has something behind here. And the reason why, why I was thinking that was because if he didn't have anything behind the dresser. What would be his purpose for attempting to duck behind it? I mean if he already knew he was going to jail we have Tasers and a firearm pointed at him. If he didn't have anything behind their why would he even attempt to make that movement? So as he grabbed on his waistband attempted to drop behind it. First thing I thought about was shit he's probably coming up with some sort of a weapon and that was why I clinched up on my Taser. And I took a step forward and said oh shit because my mind was going towards tazing him, and then when I made that decision then that's when the shots went off.

DMN At one point during the first call of the evening you had mentioned talking to somebody from the management company?

MLS Yes.

DMN Do you remember who that was?

MLS Yes it was a Ms. Yolanda.

DMN And in general what did you and Ms. Mel- Yolanda talk about it, just in general?

MLS We a, we talked about the situation um, she mentioned that she was concerned for the female.

DMN How did she, what did she say specifically?

MLS She ment- because that um, apartment unit that they live in it's for women um that were once staying in battered woman shelters and things like that. And it's giving them an opportunity to better their li, well better themselves and she was concerned for her because uh, she was concerned that the male may come back and she didn't know if it would become some sort of a domestic situation also with the kid being present.

DMN Was there anybody else present during that conversation?

MLS Yes so shortly after uh when Ms. Yolanda and I were talking a female that lived upstairs where, where we knew the male ended up going to. We knew he went somewhere upstairs and hid in one of the four units but no one answered for us. A female came into the apartment building with her child and I was asking her what unit does she live in and she told me. I don't remember the exact unit but she mentioned the unit. And...

DMN ...okay. Did she tell you anything specific about the male?

MLS Mm-hmm. So I asked her if she was familiar with the male and she said I know that he talks to some of the people upstairs. And...

DMN ...okay...

MLS ...and she mentioned their names but I don't remember their names.

DMN Okay. Let's talk just specifically about Ms. Yolanda.

MLS Mm-hmm.

DMN Um were any other officers present when you were having this discussion with Ms. Yolanda?

MLS Yes so while I was speaking with her Sergeant Ballvin. Uh he ended up coming down and speaking with her for a quick second and Officer Heffernan also spoke with her.

DMN At any time during this first time there did Ms. Yolanda say anything about being concerned that the male would come back and specifically kill the victim or the female victim?

MLS I don't remember the exact wording that she used.

DMN Okay.

MLS But I do know she mentioned her concern for the female as far as the male coming back I don't, I don't remember the exact wording but I do remember her saying that she was concerned for the female because of the male.

DMN Okay and did Ms. Yolanda know the male or was this...

MLS ...no....
DMN ...just a general statement?
MLS She to my knowledge she didn't know him that well. Um, she didn't really tell me if she's ever even met the male so that I, I don't know. So I don't know if this was more so a general statement or if she did have some sort of...
DMN ...okay...
MLS ...knowledge of the situation without telling me.

DMN During the second visit did you see Ms. Yolanda again?
MLS After everything had, had occurred.

DMN Okay.
MLS I saw her.

DMN But not before?
MLS Correct.

DMN Okay and okay. Anything else? Okay. Is there anything else that you think you think we should know about that night that we didn't ask you that you have remembered now that some time has passed? And again that's fairly normal after a traumatic event. Is there anything you feel that we should be asking? Or that you would like to say?
MLS I remember after everything um, had happened I had to go to the apartment unit across from where the female lived because she ended up going in the apartment unit with, with the neighbor.

DMN Mm-hmm.
MLS And um, while I was in there. I remember the female saying she regrets going upstairs to get him because this happened. And I remember the neighbor saying "He should have listened, he should have listened, he should have listened." And I, I didn't make any comments or anything but.

DMN Okay. When um, when he had made the move back in bedroom now, and it had dropped back down you were getting ready to tase him. What was your opinion of the situation in that moment?
MLS At that moment. I mean once he began to make that movement that moment I was nervous because I honestly didn't know what to expect next.

DMN Okay.
MLS I didn't know if we were going to tase him shoot him or if he was going to shoot us in all honesty.

DMN Okay.
MLS So I was, I was honestly prepared for the worst but I knew for a fact that, that situation became so much more hostile then it should have been had he just complied with us.

DMN Okay.
MLS From the beginning.

DMN Had you given any thought to tasing him earlier?

MLS Earlier I didn't because I hon-, and I believe all of us the four officers that were present. We all wanted to give him every chance to comply um, so I know me personally I didn't give it any thought until he made that quick movement that's when I began to think about but prior to that even though he was hostile he was agitated he was yelling. I wanted to give him every chance to comply until he made that movement.

DMN Okay. Okay so we are going to conclude the interview at 11:32 hours.

Supplemental Report

ICR: 19000783

Last Modified:

02-05-2019 1100

Title: Digitally Recorded Interview of Officer Troy Peek DOB [REDACTED] on 1-22-2019

Created By: Christofer
Nybeck

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This report pertains to the digitally recorded interview of St. Louis Park Police Department Officer Troy Peek DOB [REDACTED] at the Hennepin County Sheriff's Office Investigative Division located at 701 4th Ave. S Minneapolis MN by Detectives Nybeck and Nelson on 1-22-2019. Officer Peek was interviewed regarding his knowledge and involvement in St. Louis Park Police Department case number 19000303 and the subsequent death of Matthew Neil Tuhkanen DOB 8-4-1983 on 1-19-2019 inside 2760 Louisiana Ct. #7 St. Louis Park, MN. Refer to all reports and the report titled "Transcription of Q&A Officer Peek 1-22-2019" for greater details.

OFFICERS INVOLVED:

From the Hennepin County Sheriff's Office Investigative Division: Det. Nybeck and Det. Nelson

NARRATIVE:

On 1-22-2019 the above listed Detectives conducted a digitally recorded interview of St. Louis Park Police Department Officer Troy Peek at the Hennepin County Sheriff's Office Investigative Division. Officer Peek was interviewed regarding his knowledge and involvement in St. Louis Park Police Department case number 19000303 and the subsequent death of Matthew Neil Tuhkanen DOB 8-4-1983 on 1-19-2019 inside 2760 Louisiana Ct. #7 St. Louis Park, MN. This report is a summary of Officer Peek's statements to Detective Nybeck and Nelson's questions during this interview. Refer to the report titled "Transcription of Q&A Officer Peek 1-22-2019 " for greater details. The transcription report with Officer Peek is a transcription of Officer Peek's interview with the above listed Detectives. A copy of this transcription report and digitally recorded interview are attached to this case file for evidentiary value.

Peek stated he as been a police officer for the St. Louis Park Police Department for nineteen and a half years and during that time period he has been assigned to patrol, SWAT, a School Resources Officer and as a Firearms Instructor. Peek stated he was working an overtime shift on 1-19-2019 from 2pm to 3am.

Peek stated he was called to 2760 Louisiana Ct twice on 1-19-2019. Peek stated that the first call for service was for a "domestic" and this occurred shortly before 6pm that day. Peek stated he was not the first police officer to arrive for the first call and that Officers Heffernan, Erickson and Smith were arrived prior to him. Peek stated that Officers Pacholke and Sgt. Balvin arrived after him for this call.

Peek stated that when he arrived for this call Officers were staged at the apartment building's front and rear entrance and on the second floor. Peek stated that when he arrived he proceeded to the third floor. Peek stated that he was informed via radio that the suspect (Matthew Neil Tuhkanen DOB 8-4-1983) for this call was possibly on the third floor of the apartment. Peek stated he knew the suspect's name

as "Matthew".

Peek stated that Law Enforcement was not able to locate Tuhkanen and subsequently departed 2760 Louisiana Ct. Peek stated that he and Officer Heffernan established a plan to conduct surveillance on this apartment complex in an attempt to locate and arrest Tuhkanen. Peek stated that Officer Heffernan would park across the apartment complex and watch the front of 2760 Louisiana Ct and he (Officer Peek) would park down the street from this apartment complex should Tuhkanen return.

Peek stated that approximately twenty to thirty minutes later a second 911 call was received from a tenant inside 2760 Louisiana Ct that stated Tuhkanen had returned and re-entered apartment #7 at this address. Peek stated that after this 911 call was received he, along with Officers Heffernan, Smith and Pachoke, re-entered this apartment complex and went to apartment #7.

Peek stated that after he entered the apartment building a neighbor across the hall from apartment #7 peeked out and informed him that Tuhkanen re-entered apartment #7. This individual was identified as Jennifer Marie Stillday DOB 3-7-1981 and the tenant of apartment #8 which is across the hall from apartment #7.

Peek stated that prior to knocking on apartment #7 he did not hear any sounds coming from the inside of this apartment. Peek stated that he knocked on apartment #7 and was met by "Mylee" (Mylee Jane Workman DOB 7-8-1981). Peek stated that upon Workman opening the apartment door he observed that she was very pale, had watery eyes, her body was trembling and at one point began to cry. Peek stated that Workman whispered to him and the other Officers that "he's back there" twice using her finger in a pointing directional manner. Peek stated that "he" was in reference to Tuhkanen. Peek stated that Workman only provided a general direction for Tuhkanen's location and did not specifically identify his exact location in apartment #7.

Peek stated that Dispatch was notified that Law Enforcement was on scene (apartment #7). Peek proceeded to describe the layout of the inside of apartment #7. Peek stated that all responding Officers were in clothing that clearly identified themselves as "Police" and that all Officers were in their standard uniform dress.

Peek stated that he along with the other Officers began to search Workman's apartment in a systematic manner, front of the apartment to the rear of the apartment. Peek stated that he believed Workman stayed outside of the apartment in the common hallway. Peeks stated that Workman brought her young child with her as she went to the hallway. Peek stated that Workman and her child were watched by a St Louis Park CSO at this time.

Peek stated that as he and the other Officers began clearing apartment #7, he and Officer Heffernan were the lead penetrating Officers. Peek stated that he was on the right side as they searched the interior of apartment #7 and Officer Heffernan was on the left. Peek and Officer Heffernan were the lead Officers with Officers Smith and Pacholke following. Peek stated that as the Officers began to search apartment #7 for Tuhkanen, he, along with the other Officers stated something to the effect of "Police...Matthew show yourself"

Peek stated that as he and the other Officers penetrated deeper into apartment #7, he cleared the bathroom on the right side of the hallway and then the child's bedroom at the end of the hallway. Peek stated he observed a closed door on the north side of the hallway directly to the left of the child's bedroom if you were looking into it from the hallway. Peek stated that he positioned himself to the east of the closed door and near the door frame for the child's bedroom. Peek stated that the other

three Officers staged along the north wall to the west of the closed door. Peek stated that he and the other Officers continued to verbally identify themselves as they were clearing the interior of the apartment by stating "Matthew..show yourself...its the Police".

Peek stated that he proceeded to open the closed door. Peek stated that he lowered his body to almost ground level and entered this room. Peek stated that he could identify a dresser to his right, a closet to his left and a bed almost directly ahead of him. Peek stated that he looked under the bed to identify any threats or Tuhkanen and did not see anything. Peek stated that as he entered this room he again identified himself as Law Enforcement but did not receive any response from Tuhkanen.

Peek stated that as he was close to the ground he believes Officer Heffernan was above him. Peek stated he saw what he initially believed to be a clothes' hamper in the right rear corner of this room. Peek stated that because the dresser was against the south wall and the bed was positioned against the north and east walls, this created a semi blind spot in the southeast corner of the bedroom. Peek stated that what he believed to be a clothes' hamper turned out to be Tuhkanen who was crouched down and semi concealed in the southeast corner.

Peek stated that once he identified Tuhkanen in the southeast corner he verbalized this to the other three Officers. Peek stated that once he identified Tuhkanen in the southeast corner he stood up and attempted to "flank" Tuhkanen by moving to his left and obtaining a better view of him. Peek stated that as he penetrated into the bedroom and began to flank Tuhkanen the other Officers began to line up on his right in a semi straight line. Peek stated to his right was Officer Heffernan, then Officer Smith and then Officer Pacholke. Peek stated that all Officers had their department issued Tasers out with the exception of Officer Heffernan who had his department issued handgun out. Peek stated he was able to see the Officers' Taser laser out and activated at this time.

Peek stated that after he identified Tuhkanen to the other Officers, Tuhkanen quickly stood up from a crouched position. Peek stated that Tuhkanen was wearing a dark colored zip up sweatshirt, heavy sweatpants and a tee shirt. Peek stated that after Tuhkanen stood up he began to move his hands and then ripped off the black sweatshirt and threw it towards the bed and ground. Peek stated that Tuhkanen also had a lighter at this time in his hands. Peek stated that his view of Tuhkanen was obstructed from his vantage point. Peek stated that he could not see behind Tuhkanen, his complete left side and the area in front of him where he was initially crouched. Peek stated that based upon how all of the Officers were standing in this room, he had the best view of Tuhkanen and his surrounding. The view of the Officers to his right progressively had a more obstructed view based upon the dresser along the south wall. Peek stated he and other Officers continued to identify themselves to Tuhkanen while in this bedroom.

Peek stated that Officers continued to tell Tuhkanen to show his hands and at one point Tuhkanen obscures his left hand along the left side of his body by placing it into his waistband or pant pocket. Peek stated that Tuhkanen ultimately removed his hand from his left side after being instructed to do so by Law Enforcement.

Peek stated that Tuhkanen repeatedly demanded to have Workman brought into the bedroom he was in to explain why Law Enforcement was inside the apartment. Peek stated this was not an option for safety reasons. Peek stated that Law Enforcement was not able to search the room for dangerous weapons and that they were aware of only what was in the field of vision. Peek stated that Law Enforcement had not checked the bedroom's closet yet because of their immediate interactions with Tuhkanen. Additionally Peek stated that he has observed the initial victim in a domestic assault case turn on (become violent) the Officers once they show up. Peek stated that when Tuhkanen was

informed Workman would not be allowed back into the apartment he became more upset and angry.

Peek stated that Tuhkanen made statements that "I want to die" but did not make any violent verbal threats towards Law Enforcement. Peek stated that Tuhkanen was excited and animated in the bedroom. Peek stated that Tuhkanen spoke in an aggressive tone when speaking or addressing the Officers.

Peek stated that after Tuhkanen was informed that Workman would not be allowed back into the apartment another Officer informed Tuhkanen he had active warrants for his arrest and he would be arrested. Peek stated he could not remember the Officer that stated this to Tuhkanen. Peek stated that after Tuhkanen was informed of this, he (Peek) told Tuhkanen to turn around and place his hands behind his back. Peek stated that Tuhkanen did not comply with this. Peek stated that Tuhkanen remained in the southeast bedroom corner in an agitated state and informed Law Enforcement they had no right to be in the apartment that night.

Peek stated that as Tuhkanen remained in the corner in an agitated state, he quickly crouched down and reached down to the left which was out of view of Peek and the other Officers. Peek identified the area Tuhkanen reached to as a "blind spot". Peek stated that as Tuhkanen crouched and reached, his movements were as quick or quicker than when he initially stood up when Officers first entered this room. Peek stated that as Tuhkanen made these movements he did not recall Tuhkanen saying anything.

Peek stated that after Tuhkanen made these movements he heard three gunshots coming from Officer Heffernan. Peek stated that he informed Dispatch of gunshots being fired. Peek stated that he observed two gunshot wounds to Tuhkanen's abdomen and one to his shoulder.

Peek stated after Tuhkanen was shot he was removed from the corner, handcuffed and medical life saving measures were taken. Peek stated that St Louis Park Fire arrived and pronounced Tuhkanen DOA.

Peek stated that Officer Erickson escorted Officer Heffernan from the scene. Peek stated that he was escorted back to the St Louis Park Police Department. Peek stated that he did not speak to anyone regarding this incident and informed his wife that there was an incident at work.

**STATEMENT OF
OFFICER TROY A. LEVI PEEK**

Supplemental Report

ICR: 19000783

Last Modified: 02-28-2019 1059

Title: Transcription of Q&A Officer Peek 1-22-2019

Created By: Christofer Nybeck

Statement of Officer Troy Peek, DOB: [REDACTED], taken at 0937 HOURS on January 22nd, 2019. Questioned by Detective Christofer Nybeck and Detective Diane Nelson. Steno Samantha Grates typing. Hennepin County Sheriff's Office Case No. 19000783.

CLN Detective Christofer Nybeck
DMN Detective Diane Nelson
TP Officer Troy Peek

CLN Today's date is January 22nd, 2019. Detective Nybeck, Hennepin County Sheriff's Office. I'm here with Detective Nelson. It's approximately 09:37. Uh, we are at the Hennepin County Sheriff's Office Investigative Division 5th floor. In relation to Hennepin County case number: 19000783. And we're here with, can I get your full name and rank?

TP It's Officer Troy Peek. So P-E-E-K.

CLN And date of birth, please?

TP [REDACTED] of [REDACTED].

CLN Alright, Officer Peek, a, who are you employed by?

TP With the city of Saint Louis Park.

CLN And, as a police officer correct?

TP Correct.

CLN And how long have you been a police officer?

TP For approximately 19 and half years.

CLN All with the St. Louis Park Police Department?

TP Correct.

CLN Okay. When you a, can you explain to someone the, the duties that you have with some of the areas you've worked, uh, in the St. Louis Park Police Department?

TP I'm currently uh, assigned to the Patrol Division, dogwatch. Um, I'm currently assigned to the SWAT team, and also as a firearms instructor. I've held positions in the investigations unit as a school resource officer, as a use of force instructor, Taser instructor, and as an FTO.

CLN Were you scheduled to work on January 19th?

TP I was scheduled to um, fill in for a patrol spot on overtime. From 1400 until 0300.

CLN Were you, called to that residence of 2760 Louisiana Court apartment number 7 at any point on January 29th?
TP Yes.

CLN What, do you recall what for?
TP Uh, the first incident that dispatched there was for a domestic.

CLN And, so you showed up. Do you know, you know what approximately what time this was?
TP Uh, I'd have to guess. I would say probably around 1800, ahh, or shortly before that.

CLN Okay. And how many officers showed up with you, or were you by yourself for this call?
TP I was not by myself, uh there were several that were there.

CLN And who were they?
TP It was have been Officer Heffernan, Officer Erickson, Officer Smith, Officer Pacholke, and Sgt. Balvin.

CLN Were you the first officer to arrive on that call?
TP ...I was not.

CLN Okay. Um, who was there before you?
TP Uh, Officer Heffernan was there. Officer Erickson and Officer Smith.

CLN And when you arrived were they outside the apartment complex or inside the apartment complex?
TP They were inside the building.

CLN Okay where were they staged at?
TP Uh, by the, ahh, entrance doors on the front and back of the building and partially up on the second floor.

CLN Okay. And when you arrived where did you go to assist?
TP I went up to the third floor.

CLN Why the third floor?
TP The officers that were there had indicated on the radio that, ahh, the suspect that they were looking for ahh, had ran up to the third floor and disappeared.

CLN And do you know what apartment building he initially ran from? To go to the third floor?
TP Uh, that particular building that we were at.

CLN Okay, was it apartment number 7?
TP Yes.

CLN And did you know that individuals name?

TP I do not. I mean, I do now um, I knew his first name.

CLN Uh, Matthew?
TP Correct.

CLN Okay, were you able to find Matthew on the third floor of the apartment building?
TP We were not.

CLN Okay. Um, uh, and other officers were searching that apartment complex to correct? It wasn't just you?
TP Correct.

CLN Okay uh, since you guys were not able to a find Matthew. Did you guys stay on scene? Did you leave? Kind of, what was the plan of action?
TP We eventually left, uh since we did not know which apartment he was in. And we received no answers at any of the doors. Uh, we cleared the scene and then um, I briefly spoke with Officer Heffernan and set up a plan.

CLN And what was the plan?
TP I advised him since, there was a large window, of the staircase on the front end of the building to park across the cul-de-sac behind a building that was directly across from our target building. Uh so he could watch the stairwell of the building you could see the third and second floors and I would a, sit down um, at the beginning of the cul-de-sac out of sight.

CLN As this plan was in place was there, a second call to the same apartment complex 2760 apartment 7?
TP Yes, sometime after that, yes.

CLN Okay, uh, your best estimate? How much later did that second call come in?
TP If I had to estimate maybe twenty to thirty minutes.

CLN Okay and what kind of call was this?
TP Uh, the, another resident of the building had observed uh, the suspect come back into the apartment with the help of the victim.

CLN And would this be apartment number 7?
TP Correct.

CLN Okay. And then which officers showed up for the second call to this address?
TP Uh, myself, Officer Pacholke, Officer Heffernan, and Officer Smith.

CLN Okay. Did you, were you the first to arrive for the second call or kind of what order did you arrive on the second call?
TP I was the first to arrive, and I had entered the building uh, immediately after arriving, and then the other three officers arrived shortly thereafter.

CLN When you entered the building kind of where did you stage while you were waiting for the other officers to arrive?

TP I made it up to the second floor, and almost immediately upon hitting the second floor landing. Um, a neighbor across the hallway opened her door peeked out saw me, and confirmed that she had observed the individual inside the apartment and he was still in there.

CLN That, that individual being Matthew correct?
TP Correct.

CLN Did you stage and wait on the second floor for your partners to show up or did you go back to the entry way and wait for them to show up?
TP I remained on the second floor.

CLN Okay. How long did you have to wait until the other three officers showed up?
TP It was not long. Um, I did not prop open the door because it makes a noise. Um, so Officer Pacholke showed up next. I allowed him in and then, the two of us staged on both sides of the apartment door, apartment 7.

CLN As you guys were staging outside apartment number 7. Waiting for your partners to show up, could you hear anything going on inside of apartment 7? Conversations, yelling, screaming, television noise? Could you hear anything going on inside that apartment building?
TP I could not hear anything.

CLN Okay. Um, after you and Officer Pacholke were on the second floor waiting. How much longer did you have to wait for the other two officers showed up?
TP Not very much longer. Um, probably half a minute. Um, officer Heffernan showed up next, and I motioned to Officer Pacholke that Heffernan was arriving and Pacholke went down and opened the door for him to let him in.

CLN And how much longer did you have to wait for Officer Smith to show up?
TP Not much longer after that, maybe half a minute.

CLN And were all of you then, staged outside of apartment 7 on the second floor?
TP Uh, before Officer Smith arrived we began knocking on the door since there was three of us.

CLN Okay. Did we able to make contact with anybody inside of apartment 7?
TP Eventually yes.

CLN And who did you make contact with?
TP With a female.

CLN And do you know her name?
TP Uh, I believe her first name is Mylee.

CLN And can you physically describe her for me? Color hair or? Is she a white female...?
TP ...White female, blonde hair.

CLN Okay. When you make contact with her, um, she open, did she open up the

TP door?
Yes.

CLN Fully or partially?
TP She opened it up all the way.

CLN Okay, and what was her physical state at this time?
TP Uh, she appeared to be white as a ghost. Uh, looked like she was afraid watery eyes almost to the point where she was crying, and uh her body was trembling.

CLN Okay so, she-, uh, would nervous be the best way, and uh frightened be the best was to describe her?
TP Yes.

CLN Did she say anything to you, or the other officers as she opened up the door?
TP She whispered to us, she said he's back there, and pointed uh, towards the back of the apartment and she said it twice. And he's back there, he's back there.

CLN When she referred to he, did you mean that to be Matthew?
TP Correct.

CLN Okay, did you enter immediately or did you wait for the fourth officer to show up?
TP It seemed like it was about the same time he, uh arrived about the same time as we were going in.

CLN Did you or one of the other officers notify dispatch that you arrived on the scene?
TP Yes we all notified dispatch that we arrived.

CLN Okay. So after she makes the hand movements and she verbally tells you that, he's back there, he's back there. Was she specific about which room or was it just a general direction behind her?
TP It was just a general direction.

CLN Okay when you made entry did she stay in the apartment or did she go somewhere?
TP Um, I believe she went out into the hallway...
CLN ...okay...
TP ...um, I did not see her come in with us. So I would have to assume she went out.

CLN Was there anybody else that you say when you first made the entry into the apartment was another adult there or a child?
TP A small child.

CLN Okay. Do you know if the child went into the hallway with the female that you spoke to?
TP I believe so.

CLN Did any officer or CSO stand kind of, watch over the female and the child?
TP Yes, there was a CSO that was riding with Officer Heffernan and it was my understanding that she stayed out in the hallway with the female and the child.

CLN Now when you made entry into the apartment kind of walk through, um [inaudible 12:20] clearing a scene. Um can you walk me through how you cleared the apartment? And, and what you saw? Was the apartment disheveled, was it clean was it somewhere in between?

TP Um, as we entered uh, we were clearing the first room. The first thing we saw was the closet right there at the door...

CLN ...Would that be to the right?

TP Directly right, like in the doorway there's a closet there. Uh, taking a very short left and the living room is there we basically walked the walls. I took the right side and um, Officer Heffernan took the left and we cleared the living room that's there. I can immediately see that there was a hallway with multiple rooms directly in front of me.

CLN Okay. As you were doing this, were you and your other three partners silent? Were you guys identifying yourselves? Kind of like explain that to me a little bit?

TP Ahh since I was, for the most part the first one or we kind of came in together. I yelled uh, "Police Matthew show yourself." And I said at least twice if not three times as we were penetrating the living room.

CLN And were your partners silent or did they also kind of explain their presence and why they are there and what they expected?

TP Um, I believe they were also yelling "Police" but I could not tell you who was yelling it. Uh, cause I was yelling "Police show yourself Matthew" I was actually calling out his name.

CLN Okay, and were all officers that day and that apartment wearing uniforms that clearly identify themselves police officers, Saint Louis Park Police Officers? There were no plain clothes officers working?

TP There were not. We were all in patrol uniforms.

CLN And each uniform clearly identifies you guys as police, correct?

TP Correct.

CLN Okay so, I think where we stopped was, you guys were just approaching the hallway after clearing the kitchen and the living room and a closet. What did you see as you were looking down the hallway?

TP Um, as I came around the corner clearing that living room. I immediately recognized that, the kitchen was to my right and, there was a large um, bar. Um, blocking the view of most of the kitchen. I yelled to the person that was behind me clear, over the counter, where clear over the bar in the kitchen. Cause my main focus was straight ahead ahh once I heard that the kitchen was clear I proceeded past the opening that went into the kitchen and then continued towards the hallway.

CLN Were you the lead officer making entry down the hallway?

TP Um, pretty much, uh as kind of hit the, the hallway um, myself and Officer Heffernan were kind of together. He was on the left I was on the right.

CLN You guys kind of moved in tandem then?
TP Yes.

CLN Okay. If you were on the right, were you the one responsible for clearing the bathroom?
TP Correct.

CLN Okay anybody in the bathroom?
TP No.

CLN Okay and once you get past the bathroom, if you're looking straight ahead down the hallway. You'll see another bedroom was that door open?
TP That door was open yep.

CLN Was that a child's bedroom?
TP It appeared to be a child's bedroom.

CLN And did you clear that room?
TP I did.

CLN Okay. After you cleared that room. Did you, what did you see?
TP Um, as I was, as were going down the hallway. I yelled closed door on the left. And then I yelled out that the bathroom was clear. I cleared out what appear, appeared to be the child's bedroom. I yelled that it was clear, and then we uh, I staged up on the other side of that bedroom door that was closed.

CLN By the child's bedroom?
TP Correct.

CLN Okay. Um, and as your look- before kind of go back a little bit as your looking down the hallway and moving down the hallway there's only three doors. The bathroom, the child's bedroom, and then then the third bedroom on the left hand side. Were all the doors shut, or just the door on the left?
TP Just the door on the left.

CLN Okay. So now you're staging outside that door kind of in the doorway or the wall by the child's bedroom. Are the rest of the officers staged on the opposite of that door?
TP Correct.

CLN Okay, and again as you're moving down this hallway are you still continuing to identify yourself as law enforcement your presence um, what were you saying if...?
TP Um I specifically saying uh, "Matthew show yourself it's the police."

CLN Okay so the same thing you were saying when you initially made entry?
TP Correct.

CLN
TP

Okay. Who made entry into the closed door bedroom?
I would have opened the door. I looked in front of me to make sure that they were ready for me to open the door, and once I got the que that they were ready I opened the door.

CLN
TP

Okay. Um, were you the first one through the door? Or in what order did you go through the door?
Um, I was the first one to penetrate, uh but we did it slow. I actually got down on the ground yelled out uh again, "Matthew show yourself it's the police." I could see that there was a closet to my left and I could a bed and a dresser towards the right. So I got low to look underneath the bed to make sure that the, the bottom of the bed was clear.

CLN
TP

Was it clear?
It was.

CLN
TP

Okay. And when you say you got low did you kind of get on your knees and your elbows or on your stomach? How, how low did you get?
Um, I just got down on my hands and knees and was looking as low as I could without actually like being on the floor.

CLN
TP

Did you have your firearm out or Taser out at this time?
I had the Taser out.

CLN
TP

Okay. And so you're the first one in. You make initial kind of assessment of what you see. Uh, are you still verbal at this point? Are you identifying yourself? Are you asking Matthew to show himself?
Yes.

CLN
TP

Okay. Any response?
No response.

CLN
TP

Okay. So after, is you're on the ground and your, and you identify the closet to your left a dresser to your right a bed kind of to the left of the dresser but further back against the wall. There's nothing underneath the bed. Do you see anything anywhere else that would draw your attention?
Um, I noticed that the closet was closed so I was still concerned about the closet. Um, I could see that, there was space uh, in the corner opposite of the, uh dresser that was to my right. So I was concerned about that area um, trying to clear that as much as I could without exposing myself to the closet.

CLN
TP

Did you clear the closet or the corner first?
Cleared the corner first.

CLN
TP

Okay and did you do that as you were still low or did you rise up?
I was still low.

CLN
TP

Okay. Was somebody standing kind of above you to kind of cover you?
Correct.

CLN

Who was that?

TP

Um, I believe it would be Officer Heffernan behind me.

CLN

Okay. So when you're on the ground looking back towards that corner, and it's hard to explain this a recorder but as you go through the door immediately to your right is a dresser. That dresser does not go all the way to the back wall there's opening space back there. And then on the opposite side that opening space is where the bed comes in. It almost kind of like creates an open pocket of area back there. Correct?

TP

Correct.

CLN

Okay. Did you see anything on the ground that caught your attention back in that open corner, right corner?

TP

I saw something dark um, my first thought was that it was maybe a hamper with clothes or a pile of clothes in that corner.

CLN

And then, what, are you relaying what you see to your partners like clear underneath the bed there's something in the back corner. Are you kind of relaying what you're seeing to...?

TP

...yep I relayed that it was clear under the bed um, and then as I was trying ascertain what was in that corner uh, it only took me a second or two to realize that it wasn't a pile clothes and then I yelled "He's in the corner."

CLN

Okay. At that point do you even kind of disregard what's in the closet or do you clear the closet as that one person is covering the corner where Matthew's at?

TP

No at that point I disregarded the closet.

CLN

Okay. Did you stay low or did you stand up?

TP

At that point I stood up.

CLN

Okay. And then where did you move inside the room once you've identified where Matthew was at?

TP

I continued to ahh, penetrate I guess slightly flank him in a way a so the other officers could come in, in the door as well.

CLN

Okay.

TP

Where into the bedroom.

CLN

So if you kind of think of the bedroom as a square and you were to draw like diangle line from the corner where the beds at directly to where the doors at. Would you say you guys kind of moved along that line to create like a barrier so Matthew could not escape?

TP

Correct.

CLN

Okay, were you then the person furthest into the bedroom along that line?

TP

I was.

CLN

Do you recall the person to your right?

TP

That would have been Officer Heffernan.

CLN And then how about the person right of Officer Heffernan?
TP Officer Smith.

CLN And then the last one would be Officer Pacholke?
TP Correct.

CLN Okay did you still have your Taser out at this time?
TP I did.

CLN Okay and then do you recall if Officer Heffernan had his Taser or handgun out?
TP He would have had his handgun out.

CLN Okay and then Officer Smith?
TP I believe he had a Taser.

CLN Okay and Officer Pacholke?
TP Taser as well.

CLN Okay. Did you see the, the Taser deployed or are you kind of, are you making
that statement because you say like you know all Tasers have the bottom
laser...?
TP ...correct...
CLN ...did you see the lasers or did you actually see them out?
TP Uh, it was mostly because of the lasers.

CLN Okay. And then so, is Matthew crouched down in the corner, is he standing? Is
he somewhere in between?
TP Um, he's crouched. Um once I ascertained that it's him. I yell to my partners
he's in the corner. As I'm standing up to make that, penetration more, I yell at
him "Matthew show yourself, show your hands." Um, it's almost kind of
simultaneously as were all in there he pops up like a jack in the box very
quickly.

CLN Extremely quick?
TP Correct.

CLN Ah like, I don't want to put words in your mouth. But we all know what quick is,
and we all know what really quick is. Was he quick or was he really quick?
TP Really quick.

CLN Okay so he like popped up onto to his feet?
TP Correct.

CLN What, what kind of clothing was he wearing at that time?
TP Uh, he was wearing a, um, a dark blue or maybe black um, zip up sweatshirt
type jacket kind of thick, sweatpants grey I believe, and then um, like a
sweatshirt type shirt underneath that underneath his jacket.

CLN Was he making eye contact with you or the other officers once he jumped up?

TP Uh I don't know if he was making direct eye contact with me, but he was looking in our direction.

CLN Was he verbal at all, did he say anything? Did he?
TP I don't remember if he said anything right there um, I recall him like, when he quickly stood up. He was quickly removing his jacket and making just all kinds of like movements with his hands and taking his jacket off right away.

CLN Could you, could you see and identify what was in his hands at this point?
TP Um yeah once he threw the jacket I could see he had um, a lighter in his left hand.

CLN But before he took his jacket off, could you tell what was in his, in his hands or what could have been in the jacket?
TP No I could not.

CLN Okay. And, when he took his jacket off for lack of a better term did he kind of just rip it off and throw it or did he politely slowly take it off fold it up put it on the bed?
TP It was a quickly ripped off almost kind of in an angry kind of motion and then threw it on the ground between himself and the end of the bed.

CLN Okay so kind of back in that corner where he was, where you guys initially found him?
TP Correct.

CLN Okay. How was your view and sight line of what could be seen back in that corner? Was there any blind spots that you were not, that you could not tell that what could of have been there an object an item anything like that?
TP There were several blind spots I could see his front. I could see his right side. I could not see behind him. Uh, in the corner itself or a directly in front of him due to the dresser.

CLN Okay so, like his left side then?
TP I could not see his full left side.

CLN Okay and out of the four officers that were in the room. Who had the best viewpoint of Matthew and in the area where Matthew is standing?
TP I would have had the best um viewpoint.

CLN Okay and then for the other officers were you guys kind of standing like, side by side almost shoulder to shoulder? I mean not like in a military formation but there was a line and ev- people were lined up to your right looking towards that corner correct?
TP Correct.

CLN So I've been in this room, and I'm familiar with what's inside the room. If you're not able to see to the left or the rear of or what Matthew could be in control of. The officers would there vision be obstructed more uh, because of the dresser?
TP Yes.

CLN Okay. And again are you guys still being verbal with him, identifying yourself "police your under arrest"?

TP Correct.

CLN And what's, excuse me what's his response to this, what is his act- what are his actions?

TP Um, well at one point at the very beginning uh, he was told to drop whatever it was in his hand um, and then he like quickly moved his hands got a cigarette out and lit a cigarette.

CLN Okay. Uh with a lighter or matches?

TP With a lighter.

CLN Okay. Um, did he drop that lighter did he hold onto it?

TP Eventually it was out of his hand I don't know what he did with it whether it was dropped it on the ground or put it on the dresser. I'm not for sure where he put it, but eventually it was no longer in his hand.

CLN After he took his jacket off, I think you said he threw it onto the ground kind of in that corner area. Is that correct?

TP Yes it would have been to his right side um, on the floor towards the end of the bed.

CLN Okay. And, after the jacket comes off. Can you, do you recall what he was wearing for clothing?

TP In like a, um, just sweatpants um, and then like a sweatshirt or sweater type top.

CLN Okay. Did he, did any officer, you or any of the other officers make statements about you know let me see your hands let see you know, what's in your waist or anything like that?

TP Uh, yeah there was, multiple times he was told to keep his hands out not to reach for anything um...

CLN ...now was there a reason for this? Was he like hiding his hands or was he doing something with his hands that made you guys concerned?

TP At one point he moved his left hand towards his left side where I could not see it. And kind of in his either in his pocket or under the waist band.

CLN Okay.

DMN And as you move your hand down, your hands kind of flat and its extending kind of down from your waistband down to the legs? Is that, would be fair to say that's what it looked like or no?

TP Correct, his hand was open.

DMN Okay.

CLN Anything and then, did he comply with the verbal orders to show us, show us your hands?

TP Yes on that particular time. Uh, he was told to not reach in his pocket or not reach in his pants.

CLN So he removed his hands from it?
TP He did.

CLN Okay. And, did he, was he verbal at all? Or did he say anything to you guys either you or any of the other officers?
TP He was verbal.

CLN And what did he say?
TP Uh at, we started having a conversation with him. Uh, he told us that, we were not allowed in the apartment or we had no legal right to be in the apartment. We told him that the girlfriend let us in. And then he started arguing with us that he wanted to see the girlfriend so she could tell him that she let us in.

CLN Okay. Now when you say we said this, we did this. The m-, for me the important thing is when you say we, you guys, did you guys talk over each other or? You know did he talk and then let's say another officer spoke. And what I'm trying to get at is, is people weren't talking at the same time or were they do you recall?

TP Correct um, it was. For a lack of better words on our end it was calm one person talked at a time with exception of when we first entered that room.

CLN Okay. So anything that, the officers in that room said to Matthew was a one on one conversation. Officers weren't talking over each other which would then potentially confuse Matthew about what was being said?

TP Correct.

CLN Okay. And you had said that Matthew had requested that the girlfriend come in and provide some explanation about the situation. Correct?

TP Correct.

CLN Uh, was that an option?

TP That was not an option for us.

CLN Okay and why, why wouldn't you consider that?

TP Uh, well we told Matthew that uh, she was out in the hallway uh, and that we were not going to go get her. Um, but in our mind it's not an option because we are in a dangerous a situation. We don't know what he's gonna do how its gonna um, make him react. If it will make it, make him more agitated. Um. They were just involved in a domestic um, and then we also don't know how she's going to react um, if she turns on us or becomes another issue for us.

CLN Has that, had, had that happened before? In your twenty years of experience, where the initial caller for a domestic situation turns on the officers once they show up?

TP Yes it has.

CLN Okay. Um, have you guys completely searched the room and were you confident that there were no weapons in that room at that point?

TP No we, were not able to search the room um, all I could see was what was in

the open. Uh in my, in my um, line of sight so we have no idea or I have no idea if there's any weapons in the room or not.

CLN And would that be another reason why you didn't, you didn't want to bring another person into that situation?

TP Correct.

CLN You don't know the, the safety level of that room?

TP Correct.

CLN Okay. And then did you or one of the other officers explain to Matthew that the girlfriend coming into the apartment and that bedroom was not an option?

TP Correct there's a couple of us that told him it was not an option.

CLN And how did he react to that?

TP He was upset about it. He demanded to see her.

CLN Did Matthew make any statements about wanting to harm you physically or the other officers or him being harmed?

TP He made one comment uh, he said "I want to die." Uh, he did not make any threats towards us. Um or any direct threats to himself with the exception of "I want to die".

CLN Now in the totality of you initially making entry into the bedroom with the other officers and then encountering Matthew. What was his demeanor like? How did he talk to you? Was it a calm conversation? Was it heightened elevated?

TP It was elevated it was agitated.

CLN Did he yell or scream?

TP At times yes.

CLN Okay. Did a, how was his overall like general emotions? I mean did, I mean was he crying at all? Was he, you talked about he you know was screaming and yelling and he threw his jacket kind of aggressively. I mean does that kind of paint how his general demeanor was at that time?

TP Correct. He was not crying but he was very agitated, animated I guess you'd say as well.

CLN Did he speak in a loud kind of aggressive tone?

TP Yes.

CLN So after you and the other officers explained to Matthew that, the girlfriend coming in was not an option. What happened?

TP Um, I told him and I know others, I don't know, I don't remember exactly who but I told him. I said "Matthew you're under arrest, you have warrants for your arrest. You're going to come with us either way." I told him to turn around and place his hands behind his back.

CLN Did he comply?

TP He did not.

CLN
TP

What did he do?
He just continued to stay in that corner um, agitated and telling us that once again we had no right to be there and he demanded to see his girlfriend.

CLN
TP

Okay. Did he clutch fist? Wave his hands around or?
Uh, I don't recall him ever clenching his fist. His hands were kind of moving around a lot. Um, I don't ever recall him like his hands up but moving around his waist area, a lot.

CLN
TP

Okay. So and then what happened next?
Um, we just continued to a you know talk to him. Uh, and then all of sudden he started kind of coming down and then his, his a, left hand kind of reached down as well.

CLN
TP

Towards what area?
Towards the um, the blind, my blind spot of the dresser in that corner and kind of in his leg area and kind of in that blind spot. I could not see.

CLN
TP

So again, you had the best vantage point. If you couldn't see, the other three officers could not see, correct?
Correct.

CLN
TP

Okay. Was he doing it quickly? Was he doing it slowly? Was he saying anything to kind of explain his intentions of why he was reaching down to the left?
Did not say anything. He just, I mean it was a very almost as quick if not quicker than when he popped up the first time.

CLN
TP

So would you characterize that as extremely quick? He was reaching down to the left out of your view point?
Correct.

CLN
TP

Okay. What happened next?
Um at that point I heard three rounds. Um, and I knew it came from Officer Heffernan who was directly next to me. Um, Matthew kind of stood up a little bit and then uh, we continued to yell at him "keep your hands out". And then he just slowly started falling into that corner.

CLN
TP

Of one thing that I, I forgot to ask. Is once you're inside the, the bedroom um, before the shots are fired. Did you notify dispatch about your situation?
I had notified dispatch um, that we had one non complaint.

CLN
TP

Okay. So then a, shots are fired. Were you able to see the bullets strike Matthew or the surrounding area?
I did yes.

CLN
TP

Okay and where did those bullets strike Matthew?
Uh, two lower center mass and then one in his a, right shoulder.

CLN So after he stands up he then goes down to the ground?
TP Correct...

CLN ... Correct. What did, what do you guys do next?
TP Um, still not knowing what was in that corner and not knowing if he was incapacitated. I began to flank him would have been to his right. So I stepped up on the bed and started clearing that whole corner that he was still in.

CLN By standing on that bed did you get a full view of what was in that back corner?
TP Uh, no because I still did not know what was behind him.

CLN Okay. So you get the viewpoint to the best that you can from that angle. What do you guys do next?
TP Um, I got towards the end of the bed so I could see a little bit more in that corner. I still could not see what was behind him or what was to his left. Um, then we started putting on um, rubber gloved and um, eventually once we got our gloves on we grabbed onto him and pulled him kind of out of that corner and on the floor between the dresser and the bed. That's kind of a tight area but we were right in between the dresser and the bed.

CLN Okay. And then what happened?
TP Um, we had him down on his stomach um, I pulled out handcuffs we handcuffed him and then we rolled him onto his back.

CLN Okay. And then what happened?
TP Uh, Officer Pacholke um, raised up his sweatshirt that he was wearing um. Officer Erickson had entered the room with a medical bag and next thing I know. Uh, Officer Pacholke got like a big pack of gauze or something I would assume it came out of the medical bag and started applying pressure.

CLN To, to which wound?
TP Uh, to the too center lower center mass.

CLN Okay.
TP And then Officer Smith, a got the um, oxygen tank ready and started applying oxygen to him. Um, and then um, I indicated that there's another wound to his shoulder. Um, and then I began cutting we could not raise up the sweater high enough so I started cutting his sweatshirt open so we can access that wound.

CLN Did you notify dispatch for EMS to arrive?
TP I did not specifically. I know um, Officer Heffernan had, had called dispatch saying that shots were fired and I believe in that transmission he asked for medics as well.

CLN Once um, Matthew was handcuffed, were you able to a, a more thorough search of that blind spot area where Matthew was at?
TP Yes.

CLN Did you see anything in that corner?
TP No I did not.

CLN Okay. What do recall, what was in that corner?
TP Uh, mostly just petty stuff like clothes maybe.

CLN Did ahh, EMS or fire show up?
TP Uh, our fire department did show up.

CLN Okay. Did they, ahh, did they ahh do any life saving techniques?
TP Ahh, they did not they a, well they checked him. Checked his pulse and stuff and they called it as a DOA.

CLN Okay. Um, uh to go back in time just a bit. After the shots were fired and you were kind of flanking him to his right. Did the Officers holster there Tasers and their weapons?
TP Uh, only after I indicted that it appeared to be clear.

CLN Okay. Alright. So after he's pronounced by Fire. What happens next?
TP Um, Officer Heffernan had already left. Officer Erickson had pulled him out of the room, and ahh, myself, Officer Heffernan, and Officer Smith remained in that room for a while, and then eventually went out into the living room.

DMN Do you mean you, Officer Pacholke, and Officer Smith?
TP I'm sorry yep Officer Pacholke and Officer Smith remained in the, in the, ahh bedroom for a short period of time and then we went out into the um, living room. Officer Heffernan had been taken out by Officer Erickson.

CLN And then ahh, once you're in the living room or once you, at what point and how do you get back to the Saint Louis Park Police Department?
TP Um, eventually after ahh, sergeants arrived, other departments arrived, and they started um, securing the scene. Eventually um, I was instructed to return to the department and meet with a partner.

CLN So okay. Alright. Do you have any more questions?
DMN Just a couple. Um what was your call sign that night?
TP 3924.

DMN And is that usually your call sign that you're assigned?
TP Usually not. This was on my day off.

DMN Okay. Um, does your department have anybody body cameras or microphones?
TP We do not.

DMN Okay. Um, you mentioned uh when he took his jacket off you said he was making some movements with his hands after he had kind of taken the jacket off and thrown it. What were those movements generally like?
TP They were kind of towards his waist area and just kind of rapidly moving and then he was told uh, drop what's in your hand and then he quickly brought it up grabbed a cigarette and lit it.

DMN And at one point did you identified everybody else in the room? What was in his

left hand?
TP Yes, when um, I heard I believe it was Officer Heffernan say drop what's in your hand. I said it's a lighter.

DMN Okay.
TP And then he quickly a lit a cigarette.

DMN As he lets go forward just a little bit, and after he's lit the cigarette he's having a smoke. Um, was he holding the cigarette in his right hand or left hand?
TP It would have been his right hand.

DMN Okay so his left hand was free at that point?
TP Correct.

DMN Did he continue to move around with his left hand?
TP Yes.

DMN Okay and as he did that were you still giving commands?
TP Yes.

DMN Okay um. In your training experience with that left hand moving were you concerned?
TP Yes.

DMN Why?
TP Uh, because I was not able to see what was on his left hip or behind him nor could I see what was directly in front of him from his waist down in that corner.

DMN Okay. It sounds like in that room there was one person with a handgun out and there were three people with the Tasers and those Tasers have those laser pointers. What, what was his reaction if anything to those Tasers?
TP He made a multiple comments that he was not afraid of the lasers.

DMN Okay. Did he say anything else?
TP Um, he stated "I want to die. I'm not afraid of those lasers." And then just kept demanding to see his girlfriend.

DMN And he was agitated?
TP Correct.

DMN Okay. So after the shots were fired and after you determined that it was safe for officers, did you render aid as soon as possible?
TP Yes.

DMN If you had to guesstimate or estimate I guess I should say about how far away were you from that view?
TP Within inches.

DMN Okay when the, when, when you had him at Taser point and you were lined up from you and everybody else towards the, the door way. About how far away at

TP that time?
Less than a foot probably.

DMN Okay. And as you guys were lined up shoulder to shoulder in a way um, were people were you the closest to him physically?

TP To?

DMN To Matthew?

TP To Matthew. Yeah I think it'd be pretty close I mean we were kind of at an angle um. I would, I would say the distance is, it's such a small room I would say the distance is probably fairly close for all of us. We just had different angles of view.

DMN So pretty confined in that small space given that there were you know five adults in that, in that small area.

TP Correct.

DMN Okay. Um. After the shots are fired and Matthew started to stand up he kind of groaned, did he say anything?

TP No.

DMN Okay. Um. Did anyone talk about the shooting that evening? Beyond the public safety questions?

TP No.

DMN Okay. Uh, who did you, who was your escort officer?

TP Once I got back to the station I was assigned to Officer Merwin.

DMN Okay and did you talk with Officer Merwin at all about the shooting?

TP No.

DMN Okay. Do you know what time you left that night?

TP I would have to say probably around 2000 hours.

DMN Okay so about 8 o' clock?

TP I'm sorry 2200.

DMN So about 10 o' clock?

TP Yes.

DMN Okay. And did you go straight home?

TP Yes.

DMN Okay. And did you talk to anyone about the incident prior to today other than normally you would probably speak with a wife a family member?

TP Just my wife. I just told her that an incident had occurred and that we were all okay.

DMN Okay. Did Sam say anything, did Officer Heffernan uh, say anything about the shooting that you heard?

TP No.

DMN Okay. Is there anything that you think that we should be asking that we haven't?

TP Not that I can think of at this time.

DMN Okay. Going back to the first aid stuff um, you guys started doing first almost immediately when you determined that it was safe for you to do so. Did you continue lifesaving efforts until fire had arrived?

TP Yes.

DMN And. Okay yeah.

CLN If we develop any questions in the future is it okay if we reach out to you to ask them?

TP Yes.

CLN Okay. Alright. I, I'm good. It's approximately 10:27 interview is concluded.

Supplemental Report

ICR: 19000783

Last Modified: 02-27-2019 0855

Title: Follow up Int Officer Peek on 2-21-2019

Created By: Christofer Nybeck

**HENNEPIN COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT**

SYNOPSIS:

This report pertains to the digitally recorded follow up voluntary interview of Officer Peek of the St. Louis Park PD on 2-21-2019 by Det. Nybeck and Det. Nelson at the Hennepin County Sheriff's Office ESD Division located at 9401 83rd Ave Brooklyn Park, MN. Refer to all reports and attachments in this case file for greater details.

OFFICERS INVOLVED:

From the Hennepin County Sheriff's Office Investigative Division: Det. Nybeck and Det. Nelson

NARRATIVE:

On 2-21-2019 the above listed Detectives conducted a digitally recorded voluntary follow up interview of Officer Peek of the St. Louis Park PD at the Hennepin County Sheriff's Office ESD Division. This report is a summary of Officer Peek's statements to both Detectives' questions during this interview. The complete recorded interview of Officer Peek's follow up interview is attached to this case file. Officer Peek's follow up interview is also transcribed and attached to this case file in a report titled "Follow up Q&A Int Officer Peek on 2-21-2019". Both the digitally recorded interview of Officer Peek and the Q&A of his interview are attached to this case file for evidentiary value.

Officer Peek stated he estimated that all of the Officers that were in the bedroom with Matthew Neil Tuhkanen DOB 8-4-1983 inside 2760 Louisiana Court #7 in St Louis Park were within 8-10 ft. of Tuhkanen. Officer Peek stated that the distance between the Officers and Tuhkanen narrowed after Officer Heffernan fired his service weapon at Tuhkanen.

Officer Peek stated that Tuhkanen's actions caused him to form the opinion that Tuhkanen would not be complaint with Officers' directives and commands and that there would be a confrontation with Tuhkanen. Officer Peek explained that Tuhkanen's voice was higher than normal and that he was yelling when communicating with Officers. Officer Peek stated that Tuhkanen's voice was so loud that an individual who was standing by the apartment's front door could hear and understand what Tuhakanen was saying in the bedroom. It should be noted that the front door for this apartment was on the apartment's opposite side from the bedroom Tuhkanen was in.

Officer Peek stated that he, along with the other Officers, were inside apartment #7 for approximately five minutes.

Officer Peek stated that Tuhkanen was informed by all Officers that he had arrest warrant between 7-10 times.

Officer Peek stated that the reason he did not deploy his taser at Tuhkanen's person was because of the loose fitting heavy clothing he (Tuhkanen) was wearing while in the bedroom. Officer Peek stated that these types of clothing do not allow for a correct deployment of a taser on a suspect. Officer Peek

stated that had he deployed his taser unsuccessfully at Tuhkanen, he feared that this deployment may have further angered Tuhkanen and escalated the situation. Officer Peek stated he felt that the taser's laser would make Tuhkanen comply with the directives given by all Officers. Officer Peek stated that St Louis Park Police Officers are trained in the deployment of a taser and that these Officers were trained that heavy loose fitting clothing can prohibit the successful use of a taser.

In an effort to understand how far Tuhkanen bent down and reached to his left during this encounter, Det. Nybeck stood up and bent/reached down to his left. Det. Nybeck asked Officer Peek to tell him (Det. Nybeck) to stop when he bent and reached as far as Tuhkanen did that night. Det. Nybeck was able to bend over to not quite a 45 degree angle and lowered his profile approximately 4 inches.

Officer Peek stated that Tuhkanen was informed twice by Officer Heffernan that if he (Tuhkanen) did not show his hands he would be shot. Officer Peek stated that when Officer Heffernan warned Tuhkanen about this consequence, Tuhkanen verbalized that he wanted to die.

DISPOSITION/FOLLOW UP:

Pending

Supplemental Report

ICR: 19000783

Last Modified: 02-22-2019 1430

Title: Follow up Q&A Int Officer Peek on 2-21-2019

Created By: Christofer Nybeck

Statement of Officer Troy A. Levi Peek, DOB: [REDACTED] taken at 11:01 HOURS on 02/21/2019. Questioned by Detective Christofer Nybeck and Detective Diane Nelson. Steno Nancy McLaughlin typing. Hennepin County Sheriff's Office Case No. 19000783.

CLN Detective Christofer Nybeck
DMN Detective Diane Nelson
TALP Officer Troy A. Levi Peek, Officer Involved

CLN Alright. Today's date is 2/21/2019. It's approximately 11:01 a.m. Detective Nybeck/Detective Nelson, Hennepin County Sheriff's Office. We're at the Hennepin County ESD Patrol Division. We're in the roll call room. We're here with Officer Toy Peek of the St. Louis Park Police Department. Um...just to let you know, the purpose of this interview is to just kind of expand a little bit on the questions that...um...we had asked originally. Ah...this is a voluntary statement. This...we're not compelling you to...to be here, or say anything like that. I just want to make sure I understand that....understand that right from the get go. Um, and like I said, this...we're not asking you questions. We're just trying to expand on some of the questions that we ask, and the questions that you answered. So, do you have any questions before we start?

TALP No.

CLN Okay. So the first question is, how close were you and the other officers, being Pacholke, um....Smith, and, I'm....

DMN Heffernan

CLN And Heffernan, while you guys were in the bedroom?

TALP I'd have to estimate it....it would probably be between.....eight to maybe ten feet.

CLN Okay. And was that....did it ever lengthen or narrow?

TALP Not until the shots were fired.

CLN Okay. And does that eight to ten account for all....all four officers?

TALP It would be fairly close for all.

CLN Okay. Ah...next question. Ah....did the suspect's actions cause you to form an opinion about the situation?

TALP In what way?....Very opened....

CLN Ah....a...like his actions would be a verbal....ah...the way he talked. What he said. Ah.....maybe the way he moved his body. Did anything that he did while in that room cause you to form an opinion....about him and the situation?

TALP Um...that still very....very open. Um....he was....ah...non-compliant and was uncooperative, argumentative. Um.....made multiple furtive movements...

CLNwith his....

TALP With his hands....and his body. He made comments that he wanted to die. He made comments that he was not going to come with us. Um.....so I guess my opinion....or...with all that together, it was.....I felt that we were going to have some type of a confrontation with him. Whether it was going to be hands-on or higher up, to get this person to...um...be under control.

CLN Okay.

TALP To the point where we could arrest him.

CLN And when you had mentioned about, like, how...how he was verbal, was he speaking like you and I are speaking to each other now? Or was it different?

TALP It wasn't calm like this. He was agitated, yelling, very....you know...a higher voice. Not like high pitched, but...angry, yelling...um....

CLN ...now...

TALP [inaudible 03:33]

CLN ...is....the bedroom was on the far east side of the apartment. The entry for the apartment....or the door...is on the far west side. Was his...was...was the volume of his words loud enough where you could have heard what he was saying at the apartment's door? Front door?

TALP Yes.

CLN Okay. When the suspect reached down to his left, specifically explain your view of him and the view of the other officers of the suspect at this time. Was everything clear and visible, or did you have any obstructions?

TALP Um...I would have been to his far right. So at least one occasion he reached to his left, kind of towards the side – towards his back, um....where I could not see. Um.....and then also at one point he reached...kind of in front of him where I could not see what was on the other side of the dresser. Um...so...I mean...well...so basically I could not see from his left side towards his back on that side.

CLN Okay. And was....that was the area where he reached, correct?

TALP At one point, yes.

CLN Okay. (clears throat.) How long were you in the apartment...you and other...theah....and the other officers, and then....and how long were you guys in that back bedroom...with....Tuhkanen.

TALP I...you know, I...I would be guessing....um....probably once we walked in the front door, searched the apartment before we got to that room...thirty...forty seconds. I don't know. I mean we moved methodically through the...through the apartment...um...once we got into the room and made contact with him. Five minutes maybe.

CLN Approximately?

TALP Yeah. I'd...you know, I'd be guessing. You know, obviously, we not looking at our watches or anything, so.....

CLN Do you recall how many times the...how...how many times Tuhkanen was informed by you guys that he had arrest warrants?

TALP Multiple [inaudible 06:21].....seven...ten maybe.

CLN Okay. And did all the officers have either their taser or their firearm drawn upon entry into the back bedroom?

TALP That I do not know because...I was the first one in, trying to ascertain where he was. Ah....everybody else was behind me. I know Heffernan had his weapon out. Um...and I know of one point, Smith and Pacholke had tasers out. Um....at some point while we were in the room, I believe Pacholke put his away in case we went hands-on. So he had his hands free. Um....and then I know that Smith still had his out because of the lasers on the individual.

CLN Okay. So, while you guys were in the bedroom, approximately five minutes....um....why didn't you or the other officers, who had their tasers out, fire their...the taser at Tuhkanen?

TALP I don't know about the other ones, but my thought the whole time was he had very thick and loose fitting clothes, like sweatshirt; sweatpants. And he was moving....um....in the success rate with those variables....ah...start going down drastically. So my thought process the whole time was if I shoot you with this taser, the odds are lower than what they should be because of his clothing and his movement, and...my thought after that was how much more agitated will he get if I specifically shoot him and it doesn't work. Um.....kind of hoping that the lasers on him would hopefully make him comply, 'cause he wouldn't know that. Um.....so that's why I did not specifically shoot.

CLN (clears throat) When...so....like towards the end, you're in the bedroom towards the end, and....he makes the....kind of the....grab or...dip to the left.....(clears throat), how much of his body...dipped down? Was it just his hands, or....can you explain that a little bit more?

TALP Well, his....his knees kind of bent a little bit, so he was kind of bending down. Um....kind of reaching at the same time. Um...my angle, I could still see the majority of his body. Um...what I....um...I could not see...I still could not see what was to his left, or what may have been in front of him on that dresser. Um....

CLN Maybe...maybe a better way to ask that is...is...let's say, he's as tall as Diane here, and Diane's in the corner, when Diane reached down...or if Diane was to reach down like Tuhkanen, how much would she, for lack of a better word, kind of "shrink?"

TALP A couple of inches, probably.

CLN Okay. Alright. Do you have any...

DMN When you pull your taser, just in general, do you automatically turn the laser light on?

TALP My laser is set to...um...the laser comes on and the light comes on, I believe.

DMN And does...is that automatic, or do you have to do that?

TALP No, it's automatic. So as soon as you flip the switch, those things come on.

DMN And does that happen as you clear the holster, or do you have to manually do something?

TALP You have to manually turn it on.

DMN So as soon as you clear the holster, do you automatically turn it on?

TALP Yes.

DMN And...did you do that that night?

TALP Yes.

DMN And at what point when you entered the apartment did you pull your taser?

TALP As going into the door.

DMN Okay. Um....when Officer Pacholke, at some point, said to go hands... ah....hands-on, potentially, and re-holster, was there a discussion between the four of you about going hands-on?

TALP No.

DMN Okay.

CLN So, when (clears throat)...when he reaches down to the left, you said you had the best view of him. Correct?

TALP In my opinion, yes, because everybody else was to my right, which would...as you go that way....they would see less of the individual due to the dresser.

CLN Okay. So, I'm gonna stand up here. I'm gonna try to imitate Tuhkanen. So I'm going to reach down to my left, and you let me know when to stop....when you kind of.....ascertain to like how far he would have reached down.

TALP Alright. Maybe move a bit further out. About right.....yeah...about right there, I would say.

CLN Okay. So...

DMN So, for the recording, essentially Detective Nybeck has his knees just slightly bent. Not at a full 45 degree angle...angle, but have gone....has gone down about maybe four inches or so, and his body was canted at slightly to the left. Would that be representative?

TALP That'd be pretty close.

DMN Okay.

CLN I don't have any other questions. Do you?

DMN No.

CLN Okay. Alright. It's 11:13, interview....oh...I'm sorry, do you have any questions?

TALP No.

CLN Okay.

DMN Anything that we should ask, or that you've remembered since that night, that we haven't?

TALP I don't recall if you guys, or I, have mentioned....um....any commands that were given to....the individual on what the consequences would be if he continued to put his hands to place where we could not see them.

DMN At any point, did you direct him that if he didn't comply, he would be tased?

TALP No.

DMN Did anybody else?

TALP I don't believe so.

DMN And what commands were given that would....um...that you would have given him?

TALP I did not specifically. Um....Officer Heffernan, who was next to me, had stated at least twice that...if he continued to put his hands where they cannot be seen – and this is not....not generalizing. Um....that he would be shot, and that happened at least twice. I don't....I never specifically told him that he'd be tased, and I don't remember anybody else telling him he'd be tased. Um...'cause as I said, my thought was my taser probably is not gonna work. Um...so he was told at least twice that if he continued to do what he was doing, I guess you could, in a roundabout way, say there's gonna be consequences.

DMN What was his reaction when Heffernan was telling him that?

TALP That was the times where he said, "I want to die." That was pretty much his response back to us...on that.

CLN When...the first time we interviewed you, I think...one of the questions we asked were, "What are some of the assignments you had at the St. Louis Park Police Department." Was one of them use in force instructor?

TALP Yes.

CLN Um...I don't know how it is with St. Louis Park, but with Hennepin County, our use in force instructors also teach us about how to deploy a taser...and some of the things that you need to watch out for when you're deploying a taser. Is it the same in St. Louis Park, or different?

TALP Um...we specifically have taser instructors...who are...use of force instructors as well.

CLN Okay.

TALP Ah...but that's a totally separate training. It's typically separate from the use of force.

CLN In the St. Lou..., when a St. Louis Park Officer is trained on how to use and deploy a taser,ah...are they instructed about...like, the clothing an individual could be wearing that would not allow for a successful deployment of a taser?

TALP Yes.

CLN Okay. Alright. It's approximately 11:17. Interview with Officer Peek is concluded.

Supplemental Report

ICR: 19000783

Last Modified:

01-25-2019 0806

Title: Interview CSO Kennedy Gorder 01/19/2019 - Detective Hopkins

Created By: Michael Hopkins

HENNEPIN COUNTY SHERIFF'S OFFICE INVESTIGATIVE REPORT

SYNOPSIS:

This report pertains to the summary of an interview with Kennedy Gorder

OFFICERS INVOLVED:

Detective Hopkins and Detective McLouden

NARRATIVE:

ON 01/19/2019 Detective McLouden and I, Detective Hopkins, conducted an interview with Saint Louis Park Police Department (SLPPD) Community Service Officer (CSO) Kenney Megan Gorder DOB [REDACTED]. The interview took place in a conference room within the SLPPD headquarters. The interview began at approximately 2337 hours.

Prior to any questioning, I informed Gorder that this was a voluntary interview and she did not have to speak with us or answer questions if she did not wish to. Gorder stated she understood and agreed to continue with the interview.

The following is a summary of the interview with Gorder:

Gorder has been a CSO since April of 2018. She was a Police Explorer for six years prior to becoming a CSO. Gorder said as a CSO she mainly handles parking complaints, animal calls and other tasks as assigned.

On 01/19/2019, Gorder was not working as a CSO but was participating in a ride-along with Officer Heffernan. Gorder was dressed in her SLPPD CSO uniform during the ride-along.

Gorder said she was in the area with Officer Heffernan when the original call came in for 2760 Louisiana Court unit#7. Gorder said the initial call was for a verbal domestic and stated the male party, later identified as **Matthew Neil Tuhkanen DOB 08/04/1983**, had warrants. Additionally, they learned that Tuhkanen had possible mental health issues and was known to be violent. Upon arrival to the apartment complex, Gorder and Officer Heffernan saw Tuhkanen at the back door of the apartment complex and Officer Heffernan ordered him to stop. Tuhkanen then ran up to the third level of the apartment. Gorder and Officer Heffernan talked to the reporting party, **Mylee Jane Workman DOB 07/08/1981**, who stated the disturbance was verbal only and she just wanted Tuhkanen to leave. Gorder said they then cleared that call and went to a different disturbance call.

Gorder said they were called back to the Louisiana Court address after a neighbor reported that Tuhkanen was back in Workman's apartment. Gorder said they were let into the building and Workman let the officers into the apartment. Gorder said Workman and her child then went out into the hallway. Gorder stayed out in the hallway to be near Workman. Gorder then said she believed she heard officers say "Show me your hands!" She said she was sure she heard officers on the radio stating Tuhkanen was not being compliant and they were trying to take him into custody. Gorder said the commands were loud enough that she and Workman could hear them in the hallway. Gorder

estimated the commands were given over a course of three to four minutes. Gorder then said she heard what she perceived as three gunshots. Gorder then heard Officer Heffernan say "Shots fired!" over the radio.

Gorder was outside in the hallway with the door to unit #7 during the shooting. She did not witness any interaction between the four SLPPD officers and Tuhkanen inside the apartment.

Gorder said after the shots were fired she asked Workman if there was a gun in the apartment; Workman said no. Gorder remembered Workman saying that she didn't want officers to hurt Tuhkanen.

After fire personnel pronounced Tuhkanen, she waited with three other officers in the living room of the apartment for supervisors to arrive. Gorder was ultimately relieved from the scene and escorted to SPPD headquarters. Gorder said Officer Heffernan was escorted from the scene by Officer Erickson right away.

The interview ended at approximately 2357 hours. The audio recording is contained in the case file. Review the interview transcription and audio file for complete details.

**STATEMENT OF
COMMUNITY SERVICE OFFICER
KENNEDY MEGAN GORDER**

Supplemental Report

ICR: 19000783

Last Modified:
02-01-2019 1230

Title: Transcript of Interview SLPPD CSO Kennedy Gorder 01/19/2019 - Detective Hopkins

Created By: Michael
Hopkins

Statement of CSO Kennedy Megan Gorder, DOB: [REDACTED] taken at 23:37 HOURS on 01/19/2019. Questioned by Detective Hopkins and Detective McLouden. Steno Nancy McLaughlin typing. Hennepin County Sheriff's Office Case No. 19000783.

MJH Detective Michael Hopkins
CTM Detective Cory McLouden
KMG Kennedy Megan Gorder, Witness

MJH This is Detective Hopkins. The date is Saturday, January 19, 2019. The time is now approximately 23:37 hours. I'm here with my partner, Detective McLouden, at the St. Louis Park....ah....Police Department headquarters. The roll call room I believe this is. Um.....can we start off by....ah...stating and spelling your full name. First, middle, last.

KMG Yes. Ah....Kennedy Megan Gorder. That's K-E-N-N-E-D-Y. Middle name Megan. Um....M-E-G-A-N, and then G-O-R-D-E-R.

MJH And....before we turn the recorder on, we briefly spoke to you about....ah...the nature of this interview and.....um...this is a voluntary interview....ah....those doors there are unlocked. You can leave at any time. Any time you don't want to answer a question, that's okay.

KMG Mmm hum.

MJH Any time you want to leave, that's okay. Do you understand all that?

KMG Yes.

MJH You.....want to give....give us a voluntary....

KMGyes...

MJH Statement? Okay. Alright....can....if we can start off....um....a little bit of background about your...um...experience and your employment history here with St. Louis Park PD, so...

KMG So, I recently was hired here as a CSO in....ah...April....at the very end of April. But I was a Police Explorer here for many years.

MJH How many years do you think?

KMG Six.

MJH Okay. And you currently en....enrolled in school?

KMG I finished school and I'm in the process for hiring here.

MJH Okay. So you've taken the POST test and all that, er.....er...
KMGI....

MJH ...finished skills and.....and that requirement.
KMG Yep. So I finished skills and have the POST test....ah...set for the 29th of this month.

MJH Okay. Um....did you have any other prior law enforcement experience, besides the CSO and Explorer, or did you start here as Explorer and kinda....
KMG Ah....no priors. I started here.

MJH Okay. Can you explain a little bit of your role as a CSO here at St. Louis Park?
KMG Yeah. We mainly take care of....ah....parking calls and animal complaints.

MJH Okay.
KMG Um...and then we'll just do....ah....various other tasks that are assigned to us by other sergeants or officers.

MJH Okay. And typically what is your schedule?
KIMG Like the days I work?

MJH Yeah.
KIMG I usually work....ah...Tuesdays, Wednesdays....um...Fridays and Saturdays, but alternating sometimes.

MJH And hours? What shift?
KMG I'll work 2-9.

MJH Okay. And...do you have a call assigned...assigned to you, or is it a general one for CSO's?
KMG. Nope. I'm 3962.

MJH Um...were you working as a CSO today, Saturday....um....January 19th?
KMG I was not.

MJH Okay.
KMG I was on a ride along.

MJH You were on a ride along. Okay. And who were you riding with?
KMG Sam Heffernan.

MJH So....and....as a ride along, were you wearing your CSO uniform?
KMG I was.

MJH Oh you were? Okay. And can you ex.....briefly explain...um...what that uniform entails in terms of the....you know....the outer....um...uniform pant and shirt, and then any sort of use-of-force equipment that you would carry as a CSO?
KMG Yeah. So I wear the dark blue cargo pants with a light-blue uniform, and an interior vest. And on my belt I have radio, mace, handcuff keys and handcuff.

MJH Okay. And is your light-blue uniform shirt...um..., badged with St. Louis Park...
KMG ...yes...

MJHPD badges? Okay.
KMG Yep, so on both shoulders.

MJH Okay.
KMG And then I have a badge....but today I was wearing my jacket. Same thing – badge is on the side, and then a badge on the front.

MJH A uniform jacket.
KMG Mmm hum.

MJH Okay. And when did the ride-along start today?
KMG It started at 4.

MJH 4? How long were planning on riding with Officer Heffernan?
KMG Well, he was working 'till midnight today, so I planned to ride with him 'till midnight.

MJH Okay. Have you ridden with Officer Heffernan in the past?
KMG I have not. This was the first time.

MJH Okay. So, can you....starting on the....how this incident happened....um...how you and Officer Heffernan became aware of it. Um....can you briefly, or start by explaining how that whole incident transpired? Because if you start at 4, it was right about the beginning of that.
KMG So, the first call or the second call?

MJH The first one. Where....
KMGso....

MJHyou there....you were there for both, right?
KMG Yep.

MJH Yeah. If you could start with the first one.
KMG So the first call, we were actually in the area. We were in that cul-de-sac when the call came in, and we had left....um....and we came back in before the call. And it came out as a ver....verbal domestic, and he....ah....she stated that he had warrants for his arrest. I don't know if it was either in the call....I think dispatch found that it was for trespassing, and through other call history, it came out as he had possible mental health issues, and was known to be violent. So, we parked....um...near the building, and when we got out...um...we walked to the back....um...to watch that door because there were two points of entry. And when we were walking to the back door, that's when we first saw him, and....ah... Officer Heffernan told him to "Stop. Police." And he...he....just as he was about the leave through the back door, he slammed it shut and....um...ran upstairs.

MJH Do you know what level he ran up to?

KMG The third level.

MJH The third level. Okay.

KMG I didn't see it, but that's what Sam said when he was...um...talking about it on the radio. And...we were there for a little bit longer trying to figure out where he went on the third level. And then me and Sam went back downstairs to talk to...I...like...girlfriend, or the person that they have a child in common with. Um...where she gave us more information that...ah...it was just a verbal domestic and she just wanted him to leave. And she stated she didn't know what room he was in. Um....and....that's how we ended that call. And then we went to a different...um...disturbance that was...like...a mile or two away before we got called back.

MJH Okay. And...do you remember what the...the nature of the call back was, or what...what dispatch said?

KMG Um...I had heard on the radio that it was...a different neighbor that called it in, saying she...she came out of her unit, went upstairs, and brought him back down. But, I could be wrong. Um....'cause we were talking at the other call that we were on, and I was just briefly trying to hear it.

MJH Sure.

KMG So that's what I had as a thought when we were going there.

MJH Okay. And what happened next?

KMG Um...so when we were let into the building...um....they got her to open the door, and I think it was....I think they were all four there at the time. And she and her kid came out..

MJHall four....the officers?....

KMGthe officers, yes.

MJH Okay.

KMG So she and her kid came out, and they went into the building...or the apartment unit, to try to find him. And I chose to stay outside to....to...um...be with the...um...girlfriend and kid. And she was kind of pacing around as she was hearing things that were going on inside. And then she wound up going to the third floor with her kid.

MJH Okay.

KMG And then...that's when I heard the shots that were fired.

MJH Okay. When....so the officers went in the apartment.

KMG Mmm hum.

MJH Correct. Um...and then did that door then close? The apartment door?

KMG It did. Yes.

MJH Okay. Um....can you explain what you heard in the apartment when the officers were in there?

KMG Um....I believe I heard them say, "Show me your hands." Um....but (sighs) I

more so heard what they were saying on the radio of one not being compliant, and trying to get him into custody. Um...I just know that she was reacting to what she was hearing in the unit.

MJH Okay. They were saying it loud enough that you could hear it from the hallway?
KMG Mmm hum.

MJH Ho.....did they say it once, "Show me your hands"? Did they say it multiple times, if you can...
KMG I don't really remember.

MJH Okay. Um....how long do you think that went on, if you could estimate it?
KMG Mmm.....three to four minutes.

MJH Okay. And then....ultimately you heard the sounds of what you.....
KMG Ah....perceived as three gunshots.

MJH Three gunshots. And what happened next?
KMG Ah....she was really frantic.....and....that's when I heard Sam go over the radio and say that shots were fired. And....um...I could hear other sirens coming, and because.....um....you know...the situation it was, I was just gonna let them in as opposed to them trying to get the fire box keys out. So I just told her to wait up on the third level while I let everyone else in. And I....ah...went outside when Officer Erickson came up and was like, "Hey. Move squad cars to let other people through." And so I started moving some squad cars.

MJH Okay. So you moved some squad cars. Did.....did you come back into the apartment then?

KMG I did go into the apartment at that time.

MJH Okay. The apartment building or the apartment itself?
KMG The apartment itself.

MJH Okay. And what did you...what did you see there? Can you explain?
KMG Um.....that was when....'cause I was trying to get the fire department because they didn't know what unit it was in, so I went into the apartment building and showed them which room that it was in. And I went it with them. Um....as I went down the hallway, I stopped by the bathroom where Office Smith was....um...I think washing his hands. And it was....you know.

MJH Did you.....did you see the...um...suspect who was shot?
KMG Yeah.

MJH Okay. Um. Anything in that room stand out to you at all?
KMG No. The only thing I really noticed was the little kid's I-pad that was still on.

MJH Okay. In the room.
KMG Mmm hum.

MJH Okay. Were you in the room? Were you from outside by the door jamb, or...
KMG From the door jamb. Yeah.

MJH Okay. Um....were people working on the suspect at that time?
KMG Ah....no. At that time they had called it.

MJH Okay. Prior to those officers...um....I'm backtracking a little bit....prior to those officers going in that apartment, did you ever have any contact with....um....the suspect?

KIMG Like...talk to...

MJHverbal.....

KMGhim?....

MJH ...or.....or see him....or...

KMGno. We just saw him the first time around.

MJH Okay.

KMG When he slammed the door on us.

MJH Okay. And....is it correct that the tenant...um....let the officers in, or....

KMG ...yes.

MJH Okay.

KMG She is the one that opened the door.

MJH Okay.

CTM The second time?

KMG Yes.

MJH Okay. Do you remember anything remarkable that she said while she was waiting outside of the apartment?

KMG Um....she said that the reason she let him in to her apartment was because she had heard an argument or a fight going on upstairs where he was. So that's why she brought him back downstairs. And...when the....um...shots were fired, I had asked her, I was like, "Did you guys have a gun in there?" And she was like, "No." But all she went on and on about was that she didn't want us to hurt him.

MJH Okay.

CTM Okay. When you guys....when you were there....

KMGmmm hum....

CTM ...okay. So, before....is what you're telling me....that all four coppers were standing outside the door before.....

KMGshe opened....

CTMthey...

KMGthe door....

CTMthey all four went in together?

KMG Mmm hum.

CTM Okay.
KMG And then I stayed out.

CTM Okay. Did you open the door for...any, like, late arrivals, or....?
KMG The....which door?

CTM The door to get in to the apartment complex.
KMG Yes, I opened the door for Officer Erickson and firefighters.

CTM Okay.
KMG It's....

CTMum...
KMGkind of hard to leave the door open 'cause they have this alarm that shrieks when it's open.

CTM Nope. I....I get it. So....the four coppers go in to number 7.
KMG Mmm hum.

CTM 'kay. Is that when a female and the child come out?
KMG Yep. So when she let them in and the officers were going in, she grabbed her kid and came out....as they were going on.

CTM Okay. And where did she stay?
KMG She was pacing a lot on the floor that her apartment was on.

CTM Okay.
KMG And then when she started hearing the officers say things to get him to come out, that's when she went upstairs.

CTM So you....while she was still down on the main floor...
KMGmmm hum.

CTM Ah...you could hear...to....not putting words in your mouth here. Um...but is it safe to say you could hear....ah....verbal commands being given?
KMG Yes. I just don't recall what they were at the time.

CTM Okay. And she was within a close proximity to you.
KMG Yep, and she was trying to get away from everything that was going on and what she could hear because her 4-year old kid was with her.

CTM Okay. So is that when she then went up?
KMG Mmm hum.

CTM Okay.
KMG But you could still hear them from up there.

CTM Okay. Did she return?
KMG Um...only after the shots were fired and I was....um...letting people in did she come back downstairs. She never went in the unit, but that's when she said

that...um...the lady from Unit 8 came out and was like, "She'll be in my apartment if you guys need anything."

CTM Okay.

MJH Got something?

CTM Hum?

MJH You got something? So...so we left, I'm guessing the chronology of it, you were there were fire had already called it, and did you take any other action? Or what.....what happened after that?

KMG No. I was just....um....standing in the room with the three off...other officers that were involved in the living room. Um.....waiting for the sergeants and everyone else to arrive.

MJH Okay. And you're ultimately....I'm guessing, relieved and then escorted...

KMGmmm...

MJH ...and then brought back to the station here. Okay. Um...is there any....anything else from the....either of the two incidents that you think would be pertinent for us to know?

KMG No.

MJH Alright. So the.....the main extent of your involvement was....um...outside the door, and you could hear it, but you didn't witness....um....the actual shots fired?

MKG Nope.

MJH Okay.

CTM How long did you stay in the apartment afterwards?

MKG I think we were in there for like twenty minutes...maybe longer.

CTM Okay.

MKG (clears throat.) Slowly, the officers were called out to either be escorted back and things like that. Sam left with Erickson right away.

CTM Erickson's the sergeant?

MKG No, Erickson's another officer. I think he's friends with Sam.

CTM Okay.

MKG 'Cause Erickson was the first person to respond after shots were fired.

CTM Okay. Okay.

MJH Were you ever talking with the.....the female victim while she was out there?

KMG Um....yeah, cause she kept saying when she didn't want us to hurt him, I'm like, "We're just here to bring him in on his warrants."

MJH Alright. Sure. How her general demeanor?

KMG Umm, she was pretty much crying the entire time, and pacing around. I think most of it was sh.....her 4-year old was pretty smart for his age, and he had a...a great understanding of what was going on. So she was just trying to get....keep him calm the entire time.

MJH Sure. [inaudible 18:31].
CTM Your time as a....ah...a CSO, and then as a....ah...Explorer, are you pretty familiar with....ah...the apartment complexes down there....on Louisiana?
KMG Yeah. We get frequent calls there. And based off of, like, my various ride-alongs. Yeah.

CTM How many....how many ride-alongs you figure you've done?.....A guestimate.
KMG I....200. A lot. I'm thinking like 200 – in that ballpark.

CTM Okay.
MJH Are you familiar with that....those...what those apartment complexes....er...what kind of tenants they house?
KMG Yeah.

MJH Okay. My understanding is some sort of.....um...I don't know if it's a halfway house, but it's some sort of transitional housing....
CTM ...yeah...
MJHfor...
KMGmmm hum..

MJH [clears throat]...mostly women with some sort of abuse his.....or addiction or drug abuse history.
KMG Mmm hum.

MJH Yeah. Do you know if it's restricted only to women?
KMG I don't think so, but I'm not quite sure.

MJH Okay.
KMG It could just be specific towards each of the buildings.

MJH Okay. But you have been there a few times throughout....
KMGmmm hum...

MJHthe course of your ride-alongs. Okay. Mmm..
CTM What do you got Mikey?
MJH I have no further questions. Do you have anything....to add or...?
KMG Ah....no.

MJH Okay. Alright.
CTM Do you have any questions for us?
KMG Ah...no.

MJH Okay. With that being said, I'll end the interview. It is...ah..23:57 hours.