

- 32:42-33:00, GBPD/Opperman is engaged in conversation with MPD/Powell and MPD/Thole and appears to be explaining something to both MPD/Powell and MPD/Thole as they listen.
- 34:10, MPD/Thole walks from the front of the lobby, passing behind and to the right of GBPD/Opperman, and proceeds to throw his bottle of water into a trash can. He returns to the bench, right center portion of the lobby, and puts his right foot up onto the bench.
- 35:02-10, MPD/Thole responds to MPD/Powell by walking from the bench and physically coming between him (Powell) and GBPD/Opperman, as if he is attempting to calm MPD/Powell down. MPD/Thole then lightly pushes MPD/Powell back and to the left, away from GBPD/Opperman, but quickly releases MPD/Powell, who is still engaged in conversation with GBPD/Opperman. MPD/Thole walks back to the front of the lobby.
- 36:37, MPD/Thole walks from the front of the lobby back to bench on the right center side of the lobby, putting his right foot up on the bench again. He is perpendicular to MPD/Powell's left and GBPD Opperman's right. MPD/Thole is directly opposite across the lobby and facing GBPD/Buchmann.
- 37:31, MPD/Thole briefly interjects into the conversation, displaying some animated hand/arm gestures, while engaging with GBPD/Opperman. MPD/Thole then disengages and goes back to the bench, putting his right foot up on the bench.
- 37:38, GBPD/Opperman states something directly to MPD/Thole, who then reacts by walking away from the bench towards the front door of the lobby, as if he is about to leave. MPD/Thole turns back and then walks up just behind and to the right of MPD/Powell, and appears to be in animated conversation (back of right hand slapping the palm side of his left hand) and directing it towards GBPD/Opperman and Buchmann.

- 38:56, MPD/Thole stops at the lobby door and again begins to turn around and come back again, all the while still conversing with GBPD/Opperman.
- 38:59, MPD/Thole exits the GBPD lobby.
- 40:51, MPD/Thole re-enters the GBPD lobby through the public doors and walks over to MPD/Powell, stands directly in front of him facing him, and lightly pushes him back, as if trying to get him to leave.
- 41:00, MPD/Thole steps back, behind and to the left of MPD/Powell, by the bench on the center right side of the lobby. GBPD/Mahoney is still at the front right portion of the lobby.
- 41:39, MPD/Thole approaches MPD/Powell a second time, tapping him on his front left shoulder, again appearing to get MPD/Powell to leave.
- 42:18, MPD/Thole steps in between MPD/Powell and GBPD/Opperman, again attempting or encouraging MPD/Powell to end the conversation and leave.
- 42:18-29, MPD/Thole, again, quickly steps in between MPD/Powell and GBPD/Opperman, this time directly facing MPD/Powell. MPD/Thole then places his hands on MPD/Powell, in order to get him to turn to his left and begin moving him towards the lobby public doors. With his left hand on MPD/Powell's back, MPD/Thole begins to walk with MPD/Powell towards the lobby public doors.
- As MPD/Powell and MPD/Thole approach the lobby public door, MPD/Thole releases his escort of him
- 43:03-12, MPD/Thole then steps in again, directly in front of MPD/Powell, and attempts to physically get MPD/Powell to turn around and head for the public lobby door. MPD/Thole releases from his attempt to get MPD/Powell to move towards the public lobby doors, then goes and sits down on the bench on the center left portion of the lobby, just off to MPD/Powell's right.
- 44:15, MPD/Thole is still seated on the bench.

- 44:43, MPD/Thole interjects or is addressed into the conversation, stands up from the bench and begins animated conversation, slapping the open palm of his left hand with the back of his right hand several times. He moves forward and appears engaged with GBPD/Opperman, pointing his right index finger onto his left pinky finger several times. GBPD/Opperman then advances towards MPD/Thole and appears to be animated/yelling at Officer MPD/Thole.
  - 45:14, MPD/Thole sits back down on the bench on the center left portion of the lobby again. He appears to disengage from the exchange he was having with GBPD/Opperman.
  - 45:40, MPD/Thole stands up from the bench and walks over to MPD/Powell, faces him, getting directly between him and GBPD/Opperman and Mahoney. Officer MPD/Thole then physically moves MPD/Powell towards the public lobby doors.
  - 45:47, MPD/Powell and MPD/Thole begin to exit the lobby.
  - 45:55, MPD/Powell and MPD/Thole remain at the lobby door threshold, still exchanging words with GBPD/Mahoney.
  - 46:25-29, MPD/Thole grabs the right arm of MPD/Powell, turns him slightly, and then escorts MPD/Powell and himself out of the GBPD lobby.
- 06/29/2013 03:23:15, End time of video

**Summary of Business Contacts: Potential Video Surveillance Evidence**

On 08/06/2013, at approximately 8:30 PM, I contacted two local businesses that GBPD/Lt. Warych stated might have video footage of the public disturbance involving MPD/Powell and Thole. The businesses are both bars, one being "Kittner's" (920-433-9187) and the other "Stir-Ups" (920-593-3933). They both are located north of the incident intersection of S. Washington St./Doty St. I spoke to "Chris" at Kittner's, who stated their business did not have any exterior video surveillance equipment. I also spoke with an employee of Stir-Ups (name unknown), who stated they only had an immediate interior video surveillance of

their business which would not have captured anything outside the immediate front door of their business.

## **CASE STATEMENTS**

### **Statement of GBPD Officer Steven Meisner**

GBPD Officer Steven Meisner was interviewed for this investigation from the MPD Internal Affairs Unit on August 1<sup>st</sup>, 2013, via telephone conference call. GBPD/Meisner has been with the Green Bay Police Department since May 2013 and was assigned as a Probationary Patrol Officer on June 29<sup>th</sup>, 2013. GBPD/Meisner composed a supplement in GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of GBPD/Meisner's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicted by the use of quotations:

- GBPD/Meisner acknowledged he composed an officer narrative in GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Meisner acknowledged that in his narrative, he did describe what he had witnessed, heard, and/or did at the scene based on his memory of the incident and his reviewing the audio/video recording from his squad car.
- GBPD/Meisner acknowledged he had read over his narrative prior to the interview, and that he had nothing else new to add to his narrative regarding his recollection of the incident.
- GBPD/Meisner did not know MPD/Powell and Thole prior to the incident.
- Upon arriving at the incident scene, GBPD/Meisner described the behavior of MPD/Powell and Thole as argumentative, loud, boisterous, and disruptive. He observed that MPD/Powell and Thole were very upset with GBPD/Denney, thinking that GBPD/Denney wasn't helping them or solving their problem.

- GBPD/Meisner stated MPD/Powell and Thole were given instructions by GBPD/Denney, trying to separate them from the other group being interviewed regarding the disturbance, but MPD/Powell and Thole were not following those instructions.
- GBPD/Meisner stated other units were called to the scene and he was one of those units that responded. He also stated that when other units called for assistance, he considered it a higher alert type call.
- GBPD/Meisner stated that when he did learn MPD/Powell and Thole were police officers, he expected they should have been more cooperative and professional. The fact they were causing a disturbance in a major bar district, causing numerous people from the bars to come over and watch, was inappropriate for an off duty officer. What they were doing and how they were acting, they should have known what's appropriate and inappropriate during an incident.
- When asked why he asked MPD/Thole where he worked, GBPD/Meisner stated that MPD/Thole was argumentative about giving his name for the police report. He said he told MPD/Thole it shouldn't be a big deal and that if he did nothing wrong, he wouldn't need to worry about anything. MPD/Thole identified himself as a Minneapolis Police Officer and full-time SWAT team member and stated it was a big deal having his name in a report in which he admitted to punching a guy.
- MPD/Thole made a comment to GBPD/Meisner, stating "we have a lesbian fucking chief that's looking to fire people for any reason." GBPD/Meisner took that comment to be derogatory because her sexuality shouldn't have anything to do with how she is as a Chief.
- GBPD/Meisner believed MPD/Thole was intoxicated based on his observations that he (Thole) was loud/boisterous, strong odor of intoxicants on his breath, some slurred speech and general overall behavior that included yelling and screaming that is behavior indicative of somebody who is under the influence of alcohol or drugs.

- GBPD/Meisner in his narrative had stated that MPD/Thole had made derogatory comments about GBPD officers and GBPD in general and acknowledged that the quoted comments in his narrative are the examples. Those examples include statements of "You guys are all fucking jokes", "a clown show", "...enjoy your fucking city", as well as telling officers to "fuck off", and giving the "finger" to a uniformed officer in a marked squad.
- In regards to MPD/Thole's comment "I'm not trying to be a dick, but wow...I got beat up by nine fucking guys and we're the problem...two fucking small white guys in a crowd of fucking black guys...". GBPD/Meisner stated he interpreted the comment to be derogatory, just the way MPD/Thole talked about himself as being white and the other people being black and how that made a difference, getting into a fight with nine "fucking black guys."
- GBPD/Meisner stated MPD/Thole created a disturbance in a public place, noting that the incident was in the middle of a downtown bar district with numerous people present, and that MPD/Thole was very loud, boisterous and using profanity, all elements in the state of Wisconsin that would define disorderly conduct in a public place.
- GBPD/Meisner acknowledged that officers have discretion on whether or not to arrest someone for disorderly conduct or to move them on their way, and during this incident, officers opted to have MPD/Thole leave the scene.
- GBPD/Meisner acknowledged that everything in both his written narrative in GBPD Case #13-208448 and in his interview, was true and accurate to the best of his knowledge.

#### **Statement of GBPD Officer Michael Jeanquart**

GBPD Officer Michael Jeanquart was interviewed for this investigation from the MPD Internal Affairs Unit on August 1<sup>st</sup>, 2013, via telephone conference call. GBPD/Jeanquart has been with the Green Bay Police Department since 2008, and was assigned as a Patrol Officer on June 29<sup>th</sup>, 2013. GBPD/Jeanquart composed a supplement in GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a

summary of GBPD/Jeanquart's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicated by the use of quotations:

- GBPD/Jeanquart acknowledged he composed an officer narrative in GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Jeanquart acknowledged that in his narrative, he did describe what he had witnessed, heard, and/or did at the scene of the incident.
- GBPD/Jeanquart acknowledged he had read over his narrative prior to the interview, and that he had nothing else new to add to his narrative regarding his recollection of the incident.
- GBPD/Jeanquart did not know MPD/Powell and Thole prior to the incident.
- GBPD/Jeanquart stated that he questioned fellow GBPD/Knetzger (who knew MPD/Powell when he worked for GBPD) about MPD/Powell, asking him if this was the way he acted when he worked for GBPD. GBPD/Jeanquart stated GBPD/Knetzger told him no, that MPD/Powell's behavior was completely out of person from what he (GBPD/Knetzger) could recall and thought maybe the alcohol was causing him to act this way, this wasn't the MPD/Powell that he (GBPD/Knetzger) knew.
- GBPD/Jeanquart stated that when he arrived at the incident, he exited the passenger side door of the squad and MPD/Powell asked him "You know who we are, right? GBPD/Jeanquart told MPD/Powell that he had no idea who he was.
- GBPD/Jeanquart stated MPD/Thole identified himself to him as a Minneapolis police officer and a full time member of the SWAT team. GBPD/Jeanquart stated he believed MPD/Thole expected preferential treatment due to his police officer status, because MPD/Thole didn't want his name "indexed". GBPD/Jeanquart explained that "indexed" means what GBPD refers to the identification process...name, DOB, warrant check, name added to the call, etc. GBPD/Jeanquart thought it was asking a little much to do that after MPD/Thole had admitted to punching someone and then expecting GBPD officers not to identify him (Thole). GBPD/Jeanquart

interpreted MPD/Thole's statement about being "indexed" that he (Thole) didn't want his name in the call because he was a police officer, and he thought that since he was a police officer, he shouldn't have his name added to the call.

- GBP/D/Jeanquart believed MPD/Thole and Powell were intoxicated based on his observations that they were loud, boisterous and irrational. He further stated that both MPD/Powell and Thole couldn't really be reasoned with, they couldn't be talked to rationally, they were unable to interpret what was going on and they weren't able to make a good decision based on the circumstances.
- GBP/D/Jeanquart did hear MPD/Thole comment "I know you think I'm drunk...but I'm not, I'm not that drunk."
- GBP/D/Jeanquart in his narrative had stated that MPD/Thole and Powell had made derogatory comments about GBP/D officers and GBP/D in general and acknowledged that the quoted comments in his narrative are the examples. Those examples include statements of "You guys are a fucking joke, you know who we are, right?", "what a clown show", "how long you been a cop....exactly!" "I'm not trying to be a dick to you...you're right, you're right, I am a dick, enjoy your fucking city", as well as telling officers to "fuck off", and giving the "finger" to a uniformed officer in a marked squad.
- Regarding MPD/Thole's specific comment to GBP/D/Jeanquart, "how long you been a cop....exactly!" GBP/D/Jeanquart stated he had to bite his tongue and really didn't feel like getting into it with MPD/Thole, but he interpreted the comment as if MPD/Thole felt he was more experienced than GBP/D/Jeanquart and was telling him "shut up because I have more experience than you."
- In regards to MPD/Thole's comment "I'm not trying to be a dick, but wow...we get beat up by nine fucking guys and we're the problem...two fucking small white guys and you got a crowd of fucking black guys up there...". GBP/D/Jeanquart stated he didn't interpret the comment to be



derogatory at the time and was not alarmed that MPD/Thole had made the comment.

- GBP/D/Jeanquart stated that he had entered the GBP/D through the south doors into the office area where reports can be completed. He said he could hear someone yelling in the lobby. He didn't think much of it at first, but the yelling continued so he decided to check it out. He observed through a window out into the lobby from the office, MPD/Powell and Thole in a verbal exchange with GBP/D/Mahoney, Opperman and Allen. GBP/D/Jeanquart couldn't hear what specifically was being said, but he could hear that there was yelling going on out in the lobby.
- GBP/D/Jeanquart acknowledged that everything in both his written narrative in GBP/D Case #13-208448 and in his interview, was true and accurate to the best of his knowledge.

#### **Statement of GBP/D Officer Michael Knetzger**

GBP/D Officer Michael Knetzger was interviewed for this investigation from the MPD Internal Affairs Unit on August 1<sup>st</sup>, 2013, via telephone conference call. GBP/D/Knetzger has been with the Green Bay Police Department for 16 years and was assigned as a Patrol Officer on June 29<sup>th</sup>, 2013. GBP/D/Knetzger composed a supplement in GBP/D Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of GBP/D/Knetzger's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicated by the use of quotations:

- GBP/D/Knetzger acknowledged he composed an officer narrative in GBP/D Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBP/D/Knetzger acknowledged that in his narrative, he did describe what he had witnessed, heard, and/or did at the scene of the incident.
- GBP/D/Knetzger acknowledged he had read over his narrative prior to the interview, and when asked if there was anything he recalled that he had not put in his original narrative, he stated he recalled hearing some other

quotes. He recalled he was passenger officer in his squad, training a new officer, and when he was walking up onto the scene, hearing a male voice in the distance say something "about a name not being in a police report and he knew how it went, because he was a police officer and that they had a lesbian Chief that was looking to fire anybody." He did not recognize the voice at the time, but later learned it was that of MPD/Thole.

- There was another statement GBPD/Knetzger heard and hadn't put in his narrative, that being MPD/Thole stating more than one time, that he (Thole) was full time SWAT. GBPD/Knetzger stated he did not know at the time what that had to do with the incident itself, but stated MPD/Thole said it more than once.
- GBPD/Knetzger did know MPD/Powell because he had worked directly with him when MPD/Powell was a Green Bay police officer. GBPD/Knetzger did not know MPD/Thole prior to the incident.
- Upon arriving at the incident scene, GBPD/Knetzger stated MPD/Powell recognized him and identified him by name, then stated "Thank God I know somebody here." GBPD/Knetzger stated as he stood by GBPD/Mahoney, MPD/Powell was speaking with GBPD/Mahoney, and that it appeared he was speaking to him in a condescending tone towards him (GBPD/Mahoney).
- GBPD/Knetzger heard a comment that they (MPD/Powell and Thole) were upset that nothing was being done, but he remembers scanning the incident scene and seeing fellow GBPD officers interviewing some African American subjects on the opposite side of the street. GBPD/Knetzger believed those individuals had been involved in the incident. GBPD/Knetzger found this to be in contrast to their (Thole and MPD/Powell) demands, that they wanted nothing to be done, their name not to appear in a police report, yet made statements that they (GBPD) weren't doing anything.
- GBPD/Knetzger stated he found it difficult to proceed with the case when there wasn't a victim, because the victim had apparently fled. Then you have "complainants" (MPD/Powell and Thole) who didn't want anything done.

GBPD/Knetzger found MPD/Powell's and Thole's behavior to be very bizarre from a legal perspective.

- GBPD/Knetzger stated he has responded to many incidents similar to this in their bar district, and that these types of matters either get resolved where both sides go their own separate ways (like tonight's incident), or enforcement options are taken, most likely disorderly conduct. When asked, GBPD/Knetzger stated that MPD/Powell and Thole were approaching the line where the officer's discretion to make an arrest for disorderly conduct could have been implemented, especially when things continued at the GBPD lobby.
- GBPD/Knetzger believed MPD/Powell and Thole were intoxicated based on his observations that they were impaired, specifically the odor of intoxicants and slurred speech. He stated that before he got out of roll call (1900 hours), GBPD/Allen had told him that MPD/Powell and Thole were in town and would be in the bar district out and about walking, and that they (MPD/Powell and Thole) may contact them (GBPD) needing a ride somewhere later on.
- GBPD/Knetzger stated he never heard MPD/Powell and Thole say anything about preferential treatment, but did state they weren't happy with the way GBPD officers were handling the scene, especially when they were asked for identification. This led to the discussion about their names being in the report. GBPD/Knetzger stated it was apparent that they didn't want any official record of anything being generated because of their affiliation with MPD and the disparaging words that were made about the Chief.
- When asked if he had heard anything from any other officers regarding derogatory or demeaning remarks made by either MPD/Powell or Thole regarding one's race, GBPD/Knetzger stated he did hear about a comment made to another GBPD officer, regarding an incident with one or two black males inside a motor vehicle driving with loud music, and that MPD/Powell and Thole were shocked that the GBPD officer didn't do anything about it. They (MPD/Powell and Thole) then made a comment regarding Green Bay,

that "You're city is too nigger friendly." GBPD/Knetzger stated he was told that directly by another GBPD officer (name unknown) on the night after the public disturbance incident.

- GBPD/Knetzger acknowledged that everything in both his written narrative in GBPD Case #13-208448 and in his interview, was true and accurate to the best of his knowledge.

### **Statement of GBPD Lieutenant Steven Mahoney**

GBPD Lieutenant Steven Mahoney was interviewed for this investigation from the MPD Internal Affairs Unit on August 1<sup>st</sup>, 2013, via telephone conference call. Lieutenant Mahoney has been with the Green Bay Police Department for 6 years and 7 years with the Marinette County Sheriff's Department and was assigned as a Patrol Supervisor on June 29<sup>th</sup>, 2013. Lieutenant Mahoney composed a memorandum to GBPD/Captain Muraski regarding GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of Lieutenant Mahoney's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicated by the use of quotations:

- GBPD/Mahoney acknowledged he composed a memorandum to GBD/Captain Muraski regarding GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Mahoney acknowledged that in his memorandum, he did describe what he had witnessed, heard, and/or did at the scene of the incident.
- GBPD/Mahoney did not know MPD/Powell and Thole prior to the incident.
- GBPD/Mahoney stated that GBPD/Richgels and Allen did personally know MPD/Powell, as they had worked with MPD/Powell when he was employed as a GBPD officer.
- Upon arriving at the incident scene, GBPD/Mahoney stated he was shocked and appalled at the way MPD/Powell and Thole were treating his officers. He stated specifically that MPD/Powell walked up to him and he tried to calm him (MPD/Powell) down. He described MPD/Powell as being verbally

- belligerent, very condescending towards him, and swearing at him, saying that he was the victim and "You fuckers let the guy go."
- Being the patrol supervisor, GBPD/Mahoney was asked if he asked to be put on the call, but stated he heard one of his field training officers requesting an additional unit. He stated when that request is heard, coupled with it occurring in their bar district, he had dispatch put him on the call because he was thinking it was probably something more serious.
  - GBPD/Mahoney believed MPD/Powell and Thole wanted preferential treatment because they repeatedly told him and his officers that they (MPD/Powell and Thole) were police officers and worked for Minneapolis PD. GBPD/Mahoney stated that through his experience being a police officer, when another officer is identifying himself as a police officer, it's an indication that they are asking for a favor.
  - GBPD/Mahoney believed both MPD/Powell and Thole were intoxicated, with one of the recognizable indicator's being their inability to listen to what was being asked of them by the on-scene officers. He stated both were very animated and told MPD/Powell and Thole that he had received a text message from GBPD/Richgels earlier in the night, thinking that telling them this would calm them down, but MPD/Powell continued to swear and be belligerent towards him. GBPD/Mahoney stated he told MPD/Powell he needed to respect him and his officers. MPD/Powell responded by continually calling GBPD/Mahoney "sir" in a very condescending tone.
  - GBPD/Mahoney in his narrative had stated that MPD/Powell and Thole had made derogatory comments about GBPD officers and GBPD in general and acknowledged that the quoted comments in his narrative are the examples. Those examples include statements of "I am the victim and you let these fuckers go", "these cops don't know what to do", "you let the fuckers go and you are harassing us when we are the victims", "I told you they wouldn't fucking do anything...they don't know what the fuck they are doing", as well as giving the "finger" to a uniformed officer in a marked squad.

- GBPD/Mahoney stated while one of his officers was attempting to identify MPD/Thole, he (Thole) made a comment in reference that he didn't want his name in a report, as he has a lesbian Chief that's looking for any reason to fire them. GBPD/Mahoney said that comment was yelled loud enough that he heard it from probably 20-30 feet away.
- GBPD/Mahoney instructed the officers who talked to MPD/Powell and Thole, to make sure they wrote out the details of what they heard and what was said to them by MPD/Powell and Thole.
- GBPD/Mahoney acknowledged that he was told by GBPD/Allen that MPD/Powell was using racial slurs, calling African Americans "niggers" and that either MPD/Powell or Thole made reference to Green Bay being "too nigger friendly."
- In regards to the GBPD lobby incident, which was video recorded, GBPD/Mahoney confirmed that there is no audio with the video.
- GBPD/Mahoney stated that when he told MPD/Powell and Thole that the information he had gotten was that they were the cause of the disturbance, Officer's MPD/Powell and Thole had a look of shock and they said they didn't do anything wrong. It was at this time that MPD/Thole stated "see, I told you these fuckers wouldn't do anything", "this would never happen in Minneapolis", and "this department's a joke."
- GBPD/Mahoney stated that when he told MPD/Powell and Thole that he believed they were using the term "nigger" and that would have caused the disturbance, MPD/Thole stated it was their first amendment right to say the word "nigger", and they could not be arrested for that. GBPD/Mahoney's reaction to MPD/Thole's response was that of shock and dumbfound, knowing that police officers are held to a higher standard, and that an officer would think that he could say that and there was absolutely nothing wrong with saying that in his mind. GBPD/Mahoney could not understand what MPD/Thole's logic or thought process was, thinking it was okay to do that.
- GBPD/Mahoney stated MPD/Powell's and Thole's conduct, profanity, comments and behavior was approaching the line of disorderly conduct and

he advised them both at the incident scene and the lobby scene that if they didn't leave, they faced possible arrest.

- GBPD/Mahoney acknowledged that everything in both his written memorandum regarding GBPD Case #13-208448 and in his interview, was true and accurate to the best of his knowledge.

**Statement of GBPD Officer Matthew Knutson**

GBPD Officer Matthew Knutson was interviewed for this investigation from the MPD Internal Affairs Unit on August 1<sup>st</sup>, 2013, via telephone conference call. GBPD/Knutson has been with the Green Bay Police Department for 3+ years and 4 years as a military police officer and was assigned as a Patrol Officer on June 29<sup>th</sup>, 2013. GBPD/Knutson composed a supplement in GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of GBPD/Knutson's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicated by the use of quotations:

- GBPD/Knutson acknowledged he composed an officer narrative in GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Knutson acknowledged that in his narrative, he did describe what he had witnessed, heard, and/or did at the scene of the incident.
- GBPD/Knutson acknowledged he had read over his narrative prior to the interview, and that he had nothing else new to add to his narrative regarding his recollection of the incident.
- GBPD/Knutson did not know MPD/Powell and Thole prior to the incident.
- GBPD/Knutson acknowledged that as he was approaching the incident scene in full uniform in a marked squad, that a white male wearing a white t-shirt and a baseball cap, extended his right hand and "flipped" him off. He later learned that male was MPD/Powell.
- GBPD/Knutson stated he heard second hand from GBPD/Korth and Denney, that derogatory language was used by both MPD/Powell and Thole,

specifically the use of the "N" word, referring to people of African American ethnicity.

- GBPD/Knutson acknowledged that everything in both his written narrative in GBPD Case #13-208448 and in his interview, was true and accurate to the best of his knowledge.

#### **Statement of GBPD Officer Thomas Denney**

GBPD Officer Thomas Denney was interviewed for this investigation from the MPD Internal Affairs Unit on August 1<sup>st</sup>, 2013, via telephone conference call. GBPD/Denney has been with the Green Bay Police Department almost 3 years and was assigned as a Patrol Officer on June 29<sup>th</sup>, 2013. GBPD/Denney composed a supplement in GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of GBPD/Denney's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicted by the use of quotations:

- GBPD/Denney acknowledged he composed an officer narrative in GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Denney acknowledged that in his narrative, he did describe what he had witnessed, heard, and/or did at the scene of the incident.
- GBPD/Denney acknowledged he had read over his narrative prior to the interview, and that he had nothing else new to add to his narrative regarding his recollection of the incident.
- GBPD/Denney recognized MPD/Powell and Thole upon his arrival at the incident, as he had been flagged down by them around midnight at the corner of E. Walnut St./Washington St. He stated MPD/Powell and Thole were standing on the corner, waved to him, and that he ended up talking to them through the window of his squad. MPD/Thole first told him that MPD/Powell used to work for Green bay PD and then told him that he and MPD/Powell were Minneapolis cops. GBPD/Denney said they were looking to get a ride to the Sardine Can Bar, so he called them a cab and returned to his patrolling duties.



- GBPD/Denney did not know MPD/Powell or Thole prior to the incident. He did state that they mentioned knowing GBPD/Allen. GBPD/Denney acknowledged that he does know a lot of people who worked with MPD/Powell in the past, and that he heard from them when MPD/Powell worked for GBPD, he seemed to have a big head and he was a little full of himself. GBPD/Denney then recalled somebody telling him that when he (MPD/Powell) worked for GBPD, they used to go out after work to the bars, and that MPD/Powell would wear a tight t-shirt, wearing his badge and lanyard underneath it, but it was clear that everyone in the room could tell that he was a cop and that he had his badge on.
- Upon arriving to the incident, GBPD/Denney immediately recognized MPD/Powell and Thole and was surprised to see off-duty officers involved in an incident. He stated he holds police officers to a higher standard, off-duty or on.
- GBPD/Denney stated that he did allow MPD/Powell to stand closer to him versus an unknown citizen, as he was less concerned about being attacked. He said he didn't think that they (MPD/Powell and Thole) were going to be a safety threat to him, because he knew they were off-duty cops.
- GBPD/Denney acknowledged that MPD/Powell used the term "nigger" when he reached the other side of the street. GBPD/Denney was surprised when he heard MPD/Powell say that, and stated he had already been surprised by the way Officer's MPD/Powell and Thole were behaving that night. GBPD/Denney started thinking "This is getting a little unbelievable and out of hand."
- When GBPD/Denney heard MPD/Thole comment, "We fucking were walking down the street and these dudes were doing their little monkey thing...", he stated he was very surprised that he (Thole) was using this kind of language with an officer out on the street. Office Denney stated he definitely thought that when MPD/Thole used the term "monkey", he was making reference to the fact that the other people involved in the disturbance were black.

- GBPD/Denney believed that MPD/Powell and Thole expected preferential treatment due to their police officer status. He stated he believed this based on MPD/Powell's and Thole's attitude towards him and that they (MPD/Powell and Thole) didn't really think that they had to listen to him. He also stated that when he asked MPD/Thole for his ID, MPD/Thole acted surprised that he was going to be identified in a police report. GBPD/Denney stated he thought MPD/Thole was looking for preferential treatment in regards to identifying him, stating "because I think that most know that if you're involved in a disturbance and the police show up...at the very least, were gonna identify you...that's just something that gets done."
- GBPD/Denney stated when MPD/Thole admitted to punching a male in the face, he needed to identify him, stating that his information was necessary in case the person he punched came forward, and he would already have half the story of the disturbance documented.
- When asked what his reaction to MPD/Thole's comment "...we have a lesbian fucking chief and she's looking for any reason...", GBPD/Denney said he was in disbelief that he was saying things like this right out in public to officers. GBPD/Denney believed the comment to be derogatory and stated "it seemed to me like he thought that because she was a lesbian that she was targeting him or some officers, or whatever."
- GBPD/Denney stated he heard third hand from someone, days after the incident, that either MPD/Powell or Thole had stated to another GBPD officer that Green Bay was "too nigger friendly", as a response to observing a vehicle with big, shiny rims on it, drive by them.
- Regarding the incident involving MPD/Powell and Thole in the GBPD lobby, GBPD/Denney stated he was in the shift commander's office when he saw them (MPD/Powell and Thole) walk into the lobby. He stated he didn't want to be involved in it any further, because it was obviously unpleasant. He said he stood nearby in a hallway and couldn't tell what was being said, but he could tell they (MPD/Powell and Thole) were yelling at GBPD/Opperman and Mahoney. He stated it sounded like a yelling match.

- GBPD/Denney acknowledged that everything in both his written narrative in GBPD Case #13-208448 and in his interview, was true and accurate to the best of his knowledge.

**Statement of GBPD Lieutenant Andrew Opperman**

GBPD Lieutenant Andrew Opperman was interviewed for this investigation from the MPD Internal Affairs Unit on August 5<sup>th</sup>, 2013, via telephone conference call. GBPD/Opperman has been with the Green Bay Police Department almost 9 years and was assigned as the Patrol Shift Commander on June 29<sup>th</sup>, 2013. GBPD/Opperman composed a memorandum to GBPD/Captain Muraski regarding GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of GBPD/Opperman's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicated by the use of quotations:

- GBPD/Opperman acknowledged he composed a memorandum to GBPD/Captain Muraski regarding GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Opperman acknowledged that in his memorandum, he did describe what he had witnessed, heard, and/or did at the scene of the incident. He added that he remembered that they (MPD/Powell and Thole) made several statements to him referencing that there were nine black males and two white males in the disturbance, and GBPD/Opperman didn't really see where they were going with that. He remembered asking MPD/Powell "what did it matter."
- GBPD/Opperman did know MPD/Powell because he had worked directly with him when MPD/Powell was a GBPD police officer, approximately 5 to 6 years ago. GBPD/Opperman did not know MPD/Thole prior to the incident.
- GBPD/Opperman stated that during the time he worked with MPD/Powell, he didn't hear MPD/Powell use words or terms that were derogatory/inflammatory regarding one's race, ethnicity, or sexual orientation.

- GBPD/Opperman acknowledged that there are other officers on GBPD that did know MPD/Powell, and he stated two of them were at the incident scene that night, GBPD/Knetzger and Allen.
- GBPD/Opperman stated that he did talk to MPD/Powell on GBPD/Allen's cell phone prior to the GBPD lobby incident, and that MPD/Powell told him he had been beaten up and wanted to know what he (GBPD/Opperman) was going to do about it. GBPD/Opperman thought MPD/Powell was joking around and just trying to get a rise out of him. He handed the phone back to GBPD/Allen.
- Regarding the behavior of MPD/Powell and Thole in the GBPD lobby, GBPD/Opperman was shocked. He said he had never seen MPD/Powell act like that or the way he was talking to him. He stated MPD/Thole, who started the disturbance, was proclaiming self-defense. GBPD/Opperman thought it was arrogant, that they (MPD/Powell and Thole) believed because they were police officers, they deserved some type of special attention, or that they were in the right.
- GBPD/Opperman stated he did not know why MPD/Powell and Thole came to the police department. GBPD/Opperman said he thought they came to visit, but when they (MPD/Powell and Thole) came in, he noticed MPD/Powell had injuries and had asked MPD/Powell what had happened. After talking to MPD/Powell for a bit, MPD/Powell told him that he didn't want any officers to get into trouble and he (MPD/Powell) didn't want this to go to IA. GBPD/Opperman interpreted this comment as if his officers had done something wrong at the scene, but after finding out what had happened, GBPD/Opperman believed MPD/Powell was implying that he didn't want this information to go to his Internal Affairs Unit, because he (GBPD/Opperman) thought MPD/Powell knew where that would end up.
- GBPD/Opperman described MPD/Powell's behavior as "totally unacceptable." He stated if the same behavior came from a citizen, he would have been more accepting of it, but because he ((MPD/Powell) was a police officer, he found his behavior unacceptable.

- GBPD/Opperman acknowledged that MPD/Powell did tell him that he (MPD/Powell) had some choice words with GBPD officers, but MPD/Powell did not state specifically what those choice words were.
- When asked if he heard or observed any indication that MPD/Powell and Thole wanted preferential treatment because they were police officers, GBPD/Opperman stated that MPD/Powell was pretty adamant in indicating "that he felt he had been basically stabbed in his back, stabbed in his back by his brothers", "that GBPD had wronged him."
- GBPD/Opperman stated the only reason he discussed the disturbance with MPD/Powell, was the fact that after he had talked to GBPD/Denney on the phone, hearing some of the things that had happened from him (Denney), was that MPD/Powell admitted that he had not listened to the officer telling him to get to the other side of the street during the disturbance. MPD/Powell also felt that they (GBPD) didn't get the right guys that had been involved in the other half of the disturbance.
- GBPD/Opperman stated he left the lobby and went back to his office, and ran into GBPD/Denney. GBPD/Opperman asked him "Hey, you know what's going on?" This is when GBPD/Denney relayed the information to him regarding what took place at the incident scene. At this time, GBPD/Opperman called GBPD/Mahoney, asking him to come to the station because he (Mahoney) was down there at the incident scene.
- GBPD/Opperman stated he went back into the lobby to talk with MPD/Powell and Thole, and during that time, MPD/Powell asked him "Who was that Lieutenant on scene?" GBPD/Opperman interpreted that question as "how many years does he have on the department?" GBPD/Opperman explained to MPD/Powell that GBPD/Mahoney had previous years of experience with a different department before coming to Green Bay. GBPD/Opperman believed MPD/Powell was inferring that GBPD/Mahoney didn't have the time or service to do the job. GBPD/Opperman found that inference to be insulting.

- GBPD/Mahoney then arrived inside the lobby and approached MPD/Powell about using the "N" word downtown during the disturbance. MPD/Thole came forward and stated that it was his first amendment right to say that. This frustrated GBPD/Opperman and he said he told MPD/Thole "No, it's not. You can't create a disturbance, you know, basically by using those words." GBPD/Opperman stated he didn't think that would come out of a police officer's mouth.
- GBPD/Opperman stated he was not impressed with MPD/Powell's and Thole's behavior, citing that they had created a disturbance downtown, disrespected the officers downtown by disobeying them/not listening to them, hearing some of the connotations and derogatory statements they had made, specifically against the Minneapolis Police Chief, saying something to the effect of "lesbian dyke bitch." GBPD/Opperman thought they were unprofessional, not just as police officers, but as a person, and for them to then come into the GBPD lobby after being sexist and racist downtown, to come into the lobby and try to explain the situation (self-defense claim) where he was going to agree with them.
- GBPD/Opperman acknowledged that GBPD/Allen had told him that either MPD/Powell or Thole had made the comment that Green Bay was "nigger friendly."
- GBPD/Opperman stated that one of the things that MPD/Powell and Thole were upset about, was that the males they (MPD/Powell and Thole) claimed were actually in the fight, had taken off before the police ever got there, and that we (GBPD) didn't have the right guys. GBPD/Opperman stated that no one from the other half of the disturbance has come forward, therefore, they (GBPD) never got the other side of the story.
- GBPD/Opperman acknowledged that everything in both his written narrative in GBPD Case #13-208448 and in his interview, was true and accurate to the best of his knowledge

### **Statement of GBPD Officer Nathan Allen**

GBPD Officer Nathan Allen was interviewed for this investigation from the MPD Internal Affairs Unit on August 5<sup>th</sup>, 2013, via telephone conference call. GBPD/Allen has been with the Green Bay Police Department for 10+ years and was assigned as a Patrol Officer on June 29<sup>th</sup>, 2013. GBPD/Allen composed a supplement in GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of GBPD/Allen's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicated by the use of quotations:

- GBPD/Allen acknowledged he composed an officer narrative in GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Allen acknowledged that in his narrative, he did describe what he had witnessed, heard, and/or did prior to and after the scene of the incident.
- GBPD/Allen acknowledged he had read over his narrative prior to the interview, and that he had nothing else new to add to his narrative regarding his recollection of the incident.
- GBPD/Allen stated he did know MPD/Powell prior to the incident because he used to work with MPD/Powell when he (MPD/Powell) was with the GBPD. GBPD/Allen did not know MPD/Thole prior to meeting him the night of the incident.
- GBPD/Allen stated he received a text stating "What's up nig?" at 2326 hours, Friday, June 28. He recognized it was a Minnesota number but did not know who was texting him. GBPD/Allen got a second text from the same number, in which is stated something about "You guys don't want to talk to me?" GBPD/Allen again did not respond to the text because he did not know who it was from. He said it was a number from Minnesota and that he only knew one person in Minnesota, and it wasn't her number. GBPD/Allen received a third text that stated "Oh, okay...this is Powell." That text identified the sender as MPD/Powell.

- GBP/D/Allen stated he responded back to MPD/Powell's text, asking him where he was. GBP/D/Allen stated MPD/Powell then called him and they had a three minute conversation. GBP/D/Allen stated in that conversation, he asked if MPD/Powell needed a ride; that he would come down and meet him wherever he was. GBP/D/Allen said MPD/Powell would usually stay at St. Brendan's Inn whenever he comes to town.
- GBP/D/Allen stated MPD/Powell told him they were going over to the Sardine Can Bar, so GBP/D/Allen told MPD/Powell he'd be down there to meet him in 5 - 10 minutes.
- GBP/D/Allen pulled up on the outside of the Sardine Can Bar and MPD/Powell and Thole came out to meet him. He was introduced to MPD/Thole by MPD/Powell. GBP/D/Allen then talked with Officer's MPD/Powell and Thole and caught up with each other.
- GBP/D/Allen acknowledged that MPD/Thole did make the comment "What is that? Green Bay is too nigger friendly" while pointing at a vehicle with large chrome rims/tires that was being driven by a black male. GBP/D/Allen stated MPD/Powell laughed as the vehicle drove by, then MPD/Thole made the comment. GBP/D/Allen didn't know how to react to the comment MPD/Thole made, stating he wasn't sure how you're supposed to respond to that, or if you're supposed to respond.
- GBP/D/Allen further commented on the situation, stating the driver wasn't doing anything wrong other than driving down the street, describing it as a stereotypical situation in which a black guy is driving an older car with huge shiny rims that were probably more expensive than the car, something you'd see in a rap video.
- GBP/D/Allen stated he was training an officer that night, but said GBP/D/Rahn stayed in the squad and worked on reviewing the EM1 policy for their next call, and would not have heard any of the conversation that took place outside the squad. He then said GBP/D/Rahn did get out of the squad and he (Allen) introduced him to MPD/Powell and Thole. GBP/D/Allen told them (MPD/Powell and Thole) GBP/D/Rahn was in the Army. GBP/D/Allen then



stated they then talked about Army stuff, where they were deployed, and that their conversation lasted about two minutes.

- GBP/D/Allen stated that he was on a call with GBP/D/Mahoney (after the downtown incident had occurred) when GBP/D/Mahoney received a call from GBP/D/Opperman, stating that MPD/Powell was in the GBP/D lobby. As GBP/D/Allen was walking back to his squad, GBP/D/Mahoney called him over and talked to him about what was going on. GBP/D/Allen notified GBP/D/Mahoney about the comment MPD/Thole had made earlier in the night.
- When asked if he had ever heard MPD/Powell in the past use derogatory or demeaning language towards an individual's race or sexual orientation, GBP/D/Allen was first hesitant and ambiguous in his response, stating "no", "I guess", "I don't know" and "I'm trying to figure out how to word this correctly", but he eventually stated that when he worked with MPD/Powell, he (MPD/Powell) never called a black person a "nigger" or a woman a "lesbian" while working or on a call. GBP/D/Allen said he never heard it used outside of work in the context of using derogatory terms towards anyone. GBP/D/Allen stated MPD/Powell may have called him "Hey, what's going on you gay bastard", citing that as normal talk during private conversation, but never using a derogatory term towards anyone while working, while they were out or while they were doing whatever.
- GBP/D/Allen explained that he thought MPD/Powell was goofing around when he called him and told him he got into a fight with some guys. He said MPD/Powell was never the type of person to go out looking for fights. GBP/D/Allen stated MPD/Powell sounded like he had been drinking, citing his speech was a little thick and slurred, so he thought MPD/Powell was playing a prank on him.
- GBP/D/Allen was in the station helping his recruit with paperwork when MPD/Powell called him. GBP/D/Allen stated he really didn't have the time for an in depth conversation with MPD/Powell because he was helping his recruit out. He told MPD/Powell if he needed to file a complaint, he could

come down and talk to GBPD/Opperman. At that time, GBPD/Allen handed his phone over to GBPD/Opperman, who then spoke with MPD/Powell. GBPD/Opperman then gave the phone back to GBPD/Allen, believing that GBPD/Opperman also thought MPD/Powell was goofing around. When he got the phone back, GBPD/Allen talked to MPD/Powell again and stated he (MPD/Powell) seemed pretty upset. GBPD/Allen said "Well, maybe he did get in a fight down there."

- GBPD/Allen had heard that MPD/Thole had identified himself as a Minneapolis **13.43** that he may have done that for preferential treatment, or he may have done that to let on-scene officers know that they weren't dealing with just an ordinary citizen, that "Hey, I have a story to tell here and, you know, could you listen?"
- GBPD/Allen was present inside the GBPD lobby and stated MPD/Powell and Thole were upset that they weren't being taken seriously and that they were the victim's in the disturbance that happened downtown. GBPD/Allen stated GBPD/Mahoney told Officer's MPD/Powell and Thole that his cops told him they (MPD/Powell and Thole) were using the word "nigger" down there. GBPD/Allen stated MPD/Powell paused for a minute and then said "Well, so what." GBPD/Opperman then tells MPD/Powell he can't say that. MPD/Thole then stood up and said "You show me case law that you can't...that freedom of speech, that that restricts that." GBPD/Allen stated that he just shook his head and said "I can't believe I'm standing here having this conversation." He said he felt like he needed to break out the giant crayons and start drawing it on the wall for them (MPD/Powell and Thole).
- GBPD/Allen stated that MPD/Thole's comment regarding his first amendment right and free speech, using the word "nigger", he didn't expect to hear that coming out of an officer's mouth.
- GBPD/Allen stated MPD/Powell called him at 1503 on June 29th, about an hour after he (Allen) had sent him a text to see how he (MPD/Powell) was doing and feel him out a bit. MPD/Powell apologized to GBPD/Allen for being heated and asked GBPD/Allen to apologize to the night shift guys; that

he didn't mean to disrespect anybody, but he felt he and MPD/Thole were the victims in the fight and they weren't treated as such by the GBPD.

- GBPD/Allen stated he did hear second hand from other officers that MPD/Thole made the comment about the guys doing their "monkey thing" and referring to Chief Harteau as a "lesbian dyke bitch, looking to fire whoever, for anything."
- GBPD/Allen stated that GBPD/Schilling received the same text messages that he had gotten from MPD/Powell.
- GBPD/Allen acknowledged that everything in both his written narrative in GBPD Case #13-208448 and in his interview, was true and accurate to the best of his knowledge.

#### **Statement of GBPD Lieutenant Thomas Buchmann**

GBPD Lieutenant Thomas Buchmann was interviewed for this investigation from the MPD Internal Affairs Unit on August 5<sup>th</sup>, 2013, via telephone conference call. GBPD/Buchmann has been with the Green Bay Police Department for 4+ years and was assigned as a Patrol Lieutenant on June 29<sup>th</sup>, 2013. GBPD/Buchmann composed a supplement in GBPD Case #13-208448, a police response on June 29<sup>th</sup>, 2013, regarding a public disturbance involving MPD/Powell and Thole. The following is a summary of GBPD/Buchmann's statement taken by Sgt. Schmid and shall not be considered verbatim unless indicted by the use of quotations:

- GBPD/Buchmann acknowledged he composed an officer narrative in GBPD Case #13-208448, a public disturbance incident involving MPD/Powell and Thole.
- GBPD/Buchmann acknowledged that in his narrative, he did describe what he had witnessed, heard, and/or did prior to and after the scene of the incident.
- GBPD/Buchmann acknowledged he had read over his narrative prior to the interview and wanted to add that he remembered in the lobby, MPD/Powell saying there were nine officers on scene and they did not arrest anybody. GBPD/Buchmann stated he remembered GBPD/Opperman saying to

MPD/Powell, "you used to work here...you know that's how we operate." MPD/Powell replied "Well, you guys are small town...you know...I'm Minneapolis 13.43" GBPD/Buchmann stated this is when he learned MPD/Powell was a Minneapolis police officer and thought that he (MPD/Powell) was just puffing up his chest, saying that he's bigger than us. GBPD/Buchmann did not know MPD/Thole prior to seeing him the night of the incident.

- GBPD/Buchmann had been driving by the GBPD and observed two people inside the lobby with GBPD/Opperman, with one of them raising his arms as if he was yelling. GBPD/Buchmann stopped into the station because he didn't know if GBPD/Opperman needed back-up after seeing two people in the lobby, and one of them appearing angry/complaining about something. Once inside the lobby, GBPD/Buchmann realized there had been a past relationship between MPD/Powell and GBPD/Opperman, and that GBPD/Opperman wasn't in any danger from MPD/Powell.
- GBPD/Buchmann stated based on his observation of MPD/Powell and Thole's behavior, he believed they were intoxicated. He did not give any specific indicators that they were intoxicated, stating they weren't slurring their words or tripping over themselves, but he described based on how they were dressed, the time of night, and where they had been, he believed alcohol was involved.
- GBPD/Buchmann stated that MPD/Powell and Thole weren't acting how he would have expected an officer to act, even off-duty, just yelling at another officer. He said he was taken aback by their behavior and attributed some of that to the alcohol.
- GBPD/Buchmann stated one of the two MPD officers referred to GBPD as "small town", but he didn't find it offensive, but did say someone else could have found the comment derogatory. GBPD/Buchmann interpreted the comment to be like "I'm better than this...I'm better than your town because I work for Minneapolis [REDACTED]"