



March 29, 2022

OIS REVIEW: AMIR LOCKE SHOOTING
2/2/2022

John "Jack" Ryan



Review of the Amir Locke Shooting and the Actions of Officer Hanneman

Background

On 1/10/2022 at 2133 hour the St. Paul Police Department responded to 502 Prior Avenue North for a report of a male that had been shot. The victim of the shooting, Otis Rodney Elder was transported to Regions Hospital where he was pronounced dead. It is noted that Elder may have been on the phone with a friend at the time of the murder as the friend, who provided information to the police, indicated that it sounded like Elder was in the midst of a drug deal and was murdered as the result of a robbery in a drug deal gone bad.

Surveillance footage was reviewed, and two males were seen running from the scene to a light-colored Mercedes which then fled the area at a high rate of speed. Using surveillance videos, it was determined that the Mercedes traveled via I-94 westbound to Grant/11th exit in Minneapolis and proceeded to 1117 South Marquette Street, the Bolero Flats Apartments.

Through the investigation it was noted that a 2014 gray Mercedes bearing [REDACTED] Plate [REDACTED] was stolen following a test drive at 1416 hours on 11/27/2021. This same vehicle was then used in a number of armed robberies, attempted armed robberies, and thefts. One of the thefts was a Maserati occurring on 1/7/2022. The owner of the Maserati sought assistance from anyone with information via social media and was sent a video post from an Instagram account. The Maserati was located at 400 21st Avenue South and a review of surveillance footage from the garage, showed the stolen Mercedes entering and leaving the garage. Officers tracked the Instagram account associated with the video link and the two accounts tagged in the video.

In tracking the Instagram accounts the investigators associated the account with [REDACTED] and also [REDACTED]. Investigators showed photos of [REDACTED] and his associates to management of the Bolero Flats Apartments and determined that the individuals were affiliated with Apartment #1403. It was determined that Apartment #1403 was rented to Abdulaziz Robe and that Isaak Robe, and Mohammed Robe, brothers of Abdulaziz, frequent Apartment #1403.

On 1/14/2022 Investigators viewed a live Instagram feed which showed [REDACTED] in a swimming pool that appeared to be the pool at Bolero Flats.

In 1/21/2022, the stolen Mercedes used in the homicide of Elder was located. Latent prints recovered from the Mercedes matched [REDACTED].

Investigators met again with staff at the Bolero Flats and determined that [REDACTED] was associated with apartment 701 and had previously requested a key fob for that apartment. The apartment was rented to Tatyana Henderson and through a review of



police reports it was determined that Henderson's boyfriend was [REDACTED], Marlon Speed (23).

Investigators determined that with Hennepin County Probation, [REDACTED] listed his address as Apartment 1402 at 1117 South Marquette Avenue. It was noted that the female renter of apartment 1402 listed [REDACTED]. A review of social media led to the discovery of posted photos with [REDACTED] in the pool at Bolero Flats and posing along with [REDACTED] while displaying guns and cash.

The Warrants

Following this murder in St. Paul Minnesota and the above investigation as detailed in the application for warrants, the St. Paul Police Department (SPPD) obtained daytime, knock and announce search warrants for apartments located at the Bolero Flats Apartment, 1117 S. Marquette, which included Apartment 701.

The warrant for apartment 701 was obtained by Sergeant Dan Zebro of the SPPD and was signed by District Court Judge Peter Cahill on 1/31/2022 at 8:43 a.m. The return of service for this initial warrant was returned February 3rd, 2022 and indicated that the warrant was not executed.

On 2/1/2022, Sergeant Zebro applied for a nighttime (outside the hours of 7 a.m. to 8p.m.), no-knock warrant. The warrant application contained all of the same substantive information regarding the murder of Elder and the connection of [REDACTED] to apartment 701 at Bolero Flats Apartments. In addition to the original substantive information about the murder of Elder, the new warrant now included a section on why a nighttime no-knock warrant was necessary both for safety reasons and to prevent the destruction of evidence.

This section outlined the violent nature of the murder with a firearm, the flight of [REDACTED] from the murder scene to the Bolero Flats Apartments, video surveillance of [REDACTED] seemingly hiding the murder weapon under his clothing, the numerous violent crimes committed by these subjects over the course of several weeks leading up to the homicide, the internet postings of the subjects displaying firearms, and the fact that a .223 caliber firearm was used noting that a .223 may be capable of penetrating an officer's body armor. The warrant application noted the subjects' violent criminal histories and indicated that if officers entered without notice, the execution would be safer for officers, the suspect and other persons in the apartment building.

The application noted that the no-knock entry had been reviewed by Sheila Lambie on 2/1/2022 at 11:07:09 and Stacy Murphy on 2/1/2022 at 13:07:52. The no-knock warrant was signed on 2/1/2022 at 1:20 p.m.

It is noted that the items sought in the warrant were detailed as follows:

- ï Blood evidence to include; blood spatter, blood staining, and/or



blood residue

- ï Forensic evidence including blood, saliva, hairs, fibers, DNA, fingerprints, or other bodily fluids; also surfaces or objects which may contain or hold said items residue
- ï Firearms and firearm indicia, including but not limited to: long guns, hand guns, ammunition, cartridge casings, holsters, gun cleaning kits, firearm cases and manuals, receipts, photographs of firearms and papers, notes or other documents tending to show possession and/or ownership of firearms
- ï Electronic devices to include computers, cell phones, cameras, and other devices capable of recording and/or storing electronic data
- ï Marijuana, and all other controlled substances as defined in Minnesota Statutes Chapter 152, as well as, scales, drug paraphernalia, drug notes, primary containers and other items used for concealment, storage, manufacture, distribution or consumption of controlled substances.
- ï Receipts, paperwork, mail and/or other documents that may be used to assist in identification and tend to show the ownership or occupancy of the residence.
- ï US Currency
- ï Fire Extinguishers.
- ï Mercedes key fobs.

The following Clothing:

- ï Person 1- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- ï Person 2 [REDACTED]
[REDACTED]
[REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
i Person 3- [REDACTED]
[REDACTED]
[REDACTED]
i Person 4 identified as [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

is or are at the premises described as:

1117 S. Marquette Avenue, apartment 701

Pre-Warrant Service

St. Paul PD SIU Operations Plan 2/2/2022 with an expiration of 2/7/2022

The type of activity was outlined in the plan was “Attempt to Locate/coordinate the apprehension of St Paul Police murder suspect(s).”

The target locations included, 1117 Marquette Avenue South, apartments 701, 1402, 1403 (three distinct apartments at same complex and 2740 Minnehaha Avenue W in Minneapolis.

The OPS plan had a caution statement that included the following information: “St Paul Homicide Investigators have identified several suspects in the murder of Otis Elder Jr near 502 Prior Avenue on January 10, 2022. They believe the suspects are also responsible for multiple aggravated robberies/car-jackings in the Twin Cities area. They are to be considered armed and dangerous. A Probable Cause Pick-up and Hold has been issued for the primary suspect is [REDACTED] as well as [REDACTED]. All suspects have been observed possessing multiple firearms in recent social media postings. The weapons used in the murder have not been recovered.”

The “OVERALL OPERATION CONCEPT” detailed: “St Paul Homicide investigators obtained non-night-capped Hennepin County search warrant with an unannounced entry provision to search 1117 Marquette Avenue S (apartments #701, #1402, and #1403). The primary suspect, [REDACTED], is known to live in apartment #1402. [REDACTED] lives in apartment #701, and he is known to spend a significant amount of time there. Apartment #1403 is known as a ‘flop house/apartment’ where the primary suspect and



his associates convene. The primary mission is to apprehend [REDACTED] and to search for evidence related to the original crime. Two other suspects, [REDACTED] and [REDACTED], may be staying inside apartment #1403. They will be detained if observed during the mission. See photographs below. Minneapolis Police SWAT will serve the search warrant(s). They will determine the tactics employed to complete the warrant execution, and the apprehension of the suspect(s). On January 31, 2022 SPPD SIU conducted physical surveillance at each address, and confirmed via video surveillance, the primary suspect stays at the address. SIU is in communication with MPD SWAT Command and will continue to update them with pertinent information related to the mission. SPPD investigators also obtained a Hennepin County night capped, knock and announce warrant for 2740 Minnehaha Avenue in Minneapolis. This is the home of a fourth suspect, [REDACTED] who is currently in custody at the Hennepin County Juvenile Detention Center.”

The plan noted that [REDACTED] had not been charged in the homicide, was in custody of the juvenile detention center, and could be released at any time.

It is noted that the OPS plan included contingency plans for if the target left the location on foot or in a vehicle that are inapplicable to this review.

Officer Written Statement (Include Pre-Op and Operation Details)

Lieutenant Thomas Campbell

Campbell was the 1280 (SWAT) supervisor on 1/31/2022 when Sergeant Sypaath forwarded an email to him from SPD seeking to have MPD SWAT execute knock and announce search warrants in Minneapolis. Campbell reported that he agreed with Sypaath that the search warrants at 1117 S. Marquette #1402, #1403, and #701 should be no-knock warrants and that MPD SWAT would not use their team to execute knock and announce warrants. Campbell relayed that if SPPD wanted the assistance of MPD SWAT the warrants would have to be re-written as “no-knock” warrants.

Campbell noted that on the morning of 2/1//2022 he received a call from SPPD Commander Flynn regarding the warrant execution denial. Campbell told Flynn that MPD would not execute the warrants unless they were re-written as no-knock warrants. Campbell reported that Flynn understood and agreed with Campbell’s reasoning but would need permission from the Chief of St. Paul in order to re-write the warrants.

Campbell noted that a few hours later at 13:43 hours, Sgt. Zebro of SPPD emailed the newly written and signed no-knock warrants for review.

Campbell outlined the reason SPPD requested SWAT to execute the no-knock warrants for the three apartments at 1117 S. Marquette Ave. S. specifically:

- The target of the search warrant was a wanted person in connection to a recent homicide.



- Homicide suspect ██████ lists apartment 1402 as his home address.
- Homicide suspect ██████ is associated with apartment 701 and has obtained a key for the apartment from building management.
- Homicide suspect ██████ and associates are associated with apartment 1403 per building management.
- The .223 firearm used during the homicide was not recovered.
- The target of the search warrant was recently seen on social media possessing several firearms.
- The target addresses are occupied by an unknown number of associates, and other homicide suspects have not been identified yet and could be inside.
- Several apartments in the same building are related to the homicide case, 1402, 1403, 701.
- Multiple no-knock search warrants are approved and signed by a judge for the related apartments and will be served this morning.
- Two of the apartments are next door to each other. 1402 and 1403.
- The vehicle used by the suspect(s) during the homicide was later used for multiple armed robberies.
- Lastly, the Officers and investigators did not have the proper safety equipment to effectively serve the warrant themselves.

Campbell reported that he and Officer Sundberg observed the addresses to set up the operations plans.

Campbell reported that on 2/2/2022 the team met with the affiant's designee (St. Paul Sgt) who briefed the team on the case and the search warrants.

Campbell said that he then briefed his team (1281) on the tactical plans for apartment 1402 while Sergeants Sysaath and Biederman briefed their team (1280) on the tactical plans for apartment 1403. Campbell noted that the search warrants on these two apartments would be served simultaneously. Campbell also stated that once the 1280 team cleared apartment 1403, the 1280 team would go to the 7th floor and execute the warrant on apartment 701.

Campbell noted that medical personnel were also part of the briefing.

Campbell reported that the teams then went to 1117 S. Marquette Avenue. Campbell participated in the warrant execution of apartment 1402 and noted that apartment 1402 was unoccupied and a Code 4 (all clear) for 1402 was called at 0646 hours.

Campbell then headed to the 7th floor to assist the 1280 team with apartment 701, however while on the elevator, Campbell heard Sergeant Biederman call for medical due to someone being shot.

Campbell reported that when he arrived at 701, he spoke with Sergeant Carlson and learned that an OIS had occurred and that Officer Hanneman was the shooter.



Sergeant Sysaath

Sysaath reported that on 1/31/2022 he was contacted by Sergeant Boerger of the SPPD requesting MPD SWAT assist the SPPD in executing 3 search warrants in Minneapolis, at 1117 S. Marquette Avenue, Apartments #701, #1402, and #1403.

Sysaath wrote: "The warrants were a result of homicide that occurred in St. Paul on 1/10/2022 at 2133 hours. Facts from the warrants stated that a spent .223 caliber was recovered from the scene of the homicide. The vehicle used to flee the scene, 2014 gray Mercedes-Benz was involved in multiple incidents throughout the metro. Incidents included auto theft, several armed robberies, and a vehicle pursuit from law enforcement. There were suspects of the homicide mentioned were [REDACTED] and the other two were not identified. Through numerous investigation techniques, the affiant determined the suspects were connected to the addresses listed on the warrants."

Sysaath indicated that Boerger of the SPPD completed an MPD Search Warrant and Risk Assessment form for all three of the warrants.

Sysaath outlined the risk factors related to apartment #701 (and presumably all three apartments) as follows:

Risk Factors associated with the search warrant location:

- Firearms/weapons: .223 rifle round left at murder scene
- Multiple units to be served: Apartments #701, #1402 and #1403
- History of Violence: [REDACTED]

Suspect information:

- [REDACTED] DOB [REDACTED]
- Speed recently posted a rap video with multiple firearms with extended magazines and a drum magazine. [REDACTED] is the suspected shooter in the St. Paul Homicide.

Risk factors associated with the suspect(s)

- History of weapons use and/or possession: [REDACTED]
- History of violence: [REDACTED]

Sysaath reported that he forwarded the request from SPPD to Lt. Campbell and Sgt. Biederman. Sysaath said that at 0635 hours on 2/1/2022 Sysaath, after consultation with Campbell and Biederman, he informed SPPD Sergeant Boerger that the MPD would not participate in knock and announce warrants.

Sysaath wrote that on 2/1/2022 at 0923 hours Sergeant Boerger called back and informed Sysaath that the SPPD administration had now approved the search warrants as no-knock warrants.



Sysaath indicated that after receiving keys to the warrant addresses, Sysaath conducted reconnaissance of 1117 S. Marquette, Apt #701, #1402, and #1403 at approximately 1050 hours. Sysaath noted that the purpose of such recon was to get the most up to date information on the locations and to gather information for tactical planning.

Sysaath detailed the pre-warrant briefing writing that SPPD Sergeant Boerger briefed the 1280, 1281 and HCMC Paramedics on facts and details of the warrants, while Sysaath conducted the brief on the tactical plan.

Sysaath reported that upon arrival at 1117 Marquette Ave. S at 0637 hours officers of the MPD Gun Investigation Unit were already on scene. Sysaath reported that the 1280 team executed the search warrant on apartment #1403 at 0642 hours. Sysaath reported that there was a male on the couch in apartment #1403 identified as Isaak Ibrahim Robe.

Sysaath described the execution of the warrant at apartment #701 as follows: "We made our way to apartment #701. Officer A. Pearson used the provided key to unlock the door. Once the door was opened, I was the initial team member of 1280 to enter and I announced "Police search warrant" as I entered. Upon my entry, I "button hooked" to my right and began to clear the kitchen area. I again announced, "Police search warrant". The kitchen had a pass-through which allowed me to see directly into the living room. I saw a male, later identified as Amir Locke, quickly raised his head from behind the couch and looked directly in the direction of our entry. It was apparent to me that Locke was aware of our presence. While I was in the kitchen area, I lost sight of Locke's head when he quickly ducked behind the couch. I continued to advance towards the living room area from the kitchen. I saw Locke coming out from under a blanket. His body and head were now oriented towards my general direction. As he was coming out from under the blanket, he had a tan colored firearm in his hand. Locke was holding the "grip" portion of the firearm. Locke began to raise the firearm even after several announcements of "Police search warrant" and "show me your hands" commands were given to him by other 1280 team members. The barrel of Locke's firearm was pointed in the direction of Officer M. Hanneman. Officer M. Hanneman was approximately three to four feet in front of the firearm as it was being raised. Locke, acknowledging our presence, evasive movements upon our entry, not complying with the verbal commands, controlling his firearm by the 'grip' and appearing as if he was attempting to get into a position to use the firearm in his hand, made me believe Locke had the intentions of using his firearm to harm Officer M. Hanneman and/or the 1280 team if given the opportunity. I saw Officer Hanneman fire his duty firearm at Locke. I saw that Locke ended up on the living room floor. During this time, I was unsure if Locke was still in the possession of his firearm. I later noticed the firearm Locke had in his hand was now on the laying on the living room floor nearby."

Sergeant Troy Carlson

Carlson reported that he is not assigned to 1280 but came in on 2/2/2022 because extra personnel were needed. Carlson noted that he attended the briefing put on by Sergeant Sysaath and the SPPD investigators. Carlson outlined the information from the briefing: "In the morning briefing I learned that there had been a Homicide in St. Paul a few weeks



prior and that these warrants were in connection to that homicide where a man had been shot and killed. SPPD also provided a SIU Operations Plan (SIU OPS PLAN) brief sheet giving additional information that I also looked over. Between the briefing, SIU Operational Plan and review of the search warrants themselves, I learned that SPPD believed the main suspect ██████████ lived in apartment #1402, ██████████ lived in apartment #701 where ██████████ spent significant time at and apartment #1403 was known as a “Flop house/Apartment” where the primary suspect and associates convened at. I also learned that ██████████ and two additional suspects in the Homicide were named in the SIU Ops Plan and had been observed possessing multiple firearms in recent social media posts. The murder weapons, which I understood one to be a .223 rifle had not been recovered by Homicide Investigators prior to the serving of the search warrants. Additionally, I learned the suspects listed in the SIU Ops Plan were also responsible for multiple aggravated robberies/car jackings in the Twin Cities area. According to the SIU Ops Plan they were to be considered armed and dangerous. It should be noted there were two HCMC Paramedics that attended the brief and were travel with us to the incident location as a precautionary measure, this is standard procedure and commonly done.”

Carlson noted that he was assigned to the 1280 team. Carlson reported that he had not reconned the apartments but was aware that Sysaath and other officers had reconned the “addresses and saw them in person.”

Carlson noted that when the 1280 team was on the elevator from the 14th floor to the 7th floor, the elevator made two unscheduled stops based on what Carlson believed was equipment accidentally hitting the elevator buttons.

Carlson indicated that he was stacked behind Sysaath when they went to the door of #701. Carlson reported, “Once the door was unlocked, I saw Sysaath begin to move into the apartment, just prior to him moving he clearly yelled ‘Police! Search Warrant!’ as he moved. Due to his loud clear announcement I cannot remember if I also yelled search warrant or not, but could hear additional Officers continuing to yell police, search warrant several times. Once in the apartment we encountered a hallway with a closet to our left and an opening to the kitchen on our right. Point officer, Sysaath went right into the kitchen and I stayed in the hallway scanning for threat and moving forward into the apartment. While moving forward, I immediately noticed the back of a couch in front of me that appeared in a living room/open area and a sharp left corner that I could not see around. I also immediately noticed that hands appeared on the back of the couch and a person later identified as LOCKE pulled himself up from the couch to view over it. I saw him look directly at me as I looked directly at him. I immediately began to shout at LOCKE to put his hands up and show his hands. I thought if he put his hands up I could see them over the barrier of the couch even if he laid back down. I also continued to move forward towards LOCKE as I knew other officers would be coming around thru the kitchen and I still had several officers behind me. After I began to yell at LOCKE about his hands and to place them up, he immediately retreated under the blanket while staying on the couch and began to vigorously move around. I continued to yell at him to show his hands, as I was fearful he was reaching for a weapon due to all the movement under the blanket. At no point as I approached could I see his hands. I continued to keep my focus on him as



I approached the sharp corner to my left, once there I scanned quickly for additional threats to the left and saw a closed door. I was then immediately drawn back to LOCKE on the couch still under a blanket as he continued to move vigorously. It was my belief that at this time he was continuing to look for a weapon. It was at this point I reached out with my right leg and kicked the back of the couch as hard as I could at the time. This was done for two reasons, I hoped the kick would be strong enough to have him fall off the couch and he would instinctively brace himself to hit the floor rendering him less of a threat and secondly I hoped if he had a weapon in his hand the kick would be enough to dislodge it from his hand until other officers could engage and detain him. Once I kicked the couch, I immediately turned to the left and covered on the closed door for additional threats as I saw Officers begin to engage LOCKE as they were coming around to my right and from behind. While covering on the closed door, I heard what I thought was a physical struggle and Officers continually yelling at LOCKE. At one point I heard the word gun and I heard a shot. I never moved back to the altercation with LOCKE on the couch and continued to cover on the closed door.”

Carlson reported that he went on to clear the room behind the closed door, the bedroom where a male and female subject were located.

Sergeant John Biederman

Biederman reported that on 2/2/2022 he was assisting 1280 with three search warrants. Biederman noted that in addition to seeking evidence of a homicide in St Paul, the warrants also noted several robberies/car-jackings that were committed by the individuals staying in or frequenting 1117 Marquette Avenue. Biederman was aware that there were unrecovered firearms that included a firearm that fired a .223 rifle round.

Biederman reported that the briefing was conducted by SPPD Sergeant Darryl Boerger and Sergeant Sysaath who provided background information on the case and search warrant. Biederman reported that the tactical plan and assignments were provided. The 1280 team was assigned to serve the warrants at apartment 1403 and 701 while the 1281 team was assigned to serve the warrant at apartment 1402.

Biederman reported that after clearing apartment 1403, he made his way to the 7th floor with the other officers of the 1280 team. Biederman wrote: “After the door was unlocked with the key by Officer Pearson and (sic) announcement was made. Several other officers entered the unit prior to me. As I was walking east in the entry way, I heard what appeared to be gunshots.” Biederman offered no first-hand knowledge of the shooting itself other than hearing the gunshots

Officer Aaron Pearson

Pearson reported that he was working 1280 and noted the 1280 team was briefed on a High-Risk Search Warrant for 1117 Marquette Avenue S. #701. “The briefing provided information of four people that were wanted in connection with a homicide investigation



for St. Paul police department. This warrant provided three different apartments within the 1117 Marquette Av building.”

Pearson noted that he was given a key to open the door at apartment 701 and after completing his assignment on the 14th floor, rode the elevator with the 1280 team to the 7th floor.

Pearson described, “I then used the keys to the door of apartment #701 and pushed the door open and yelled ‘police search warrant’ two times very loud and clear. I stepped back allowing other officers to enter before me. I then entered in through the main door after several other officers had entered. I had my duty handgun out at this point. As I walked through the doorway, I could see a couch straight ahead in the main living room area. I observed a lighter colored blanket aggressively flailing up and down as if someone was underneath it moving around. I could hear commands being yelled for ‘hands, hands’ as I approached this person. At this point there was no hands being shown by this male. As I was getting up to the back of the couch this male was lying on, I observed this males head popping out of one end of the blanket but the rest of his body was covered in the blanket. This male was coming off of the couch and I observed his head looking to the right in the direction of my partners. Simultaneously I observed a handgun that he had in his hand pop out and starting to be raised aiming in the direction of my partners to my right. My duty handgun was aimed at this male at this point. I now perceived this as a threat that would cause death or great bodily injury. I was, at this point, in fear for my partners and I’s lives. As I was processing this, I began to aim more directly at this male and was about to pull my trigger to stop the threat of death or great bodily harm. As I was about to pull the trigger, I heard a gunshot. I then re-assessed the threat and continued to re-assess the threat as I heard several shots. I decided not to pull my trigger, after re-assessing, because I had observed the threat go down to the ground and the rounds that were fired were effective in stopping the threat. The male was still mostly under the blanket at this point.”

Officer Conan Hickey

Hickey reported that he was assigned to MPD 1280 team and in that capacity arrived at 1117 S. Marquette Avenue at approximately 0630 hours. Hickey reported that once the team secured apartment 1403, they moved to apartment 701. Hickey reported that once an officer in front of him opened the door to 701 with a key, Hickey shouted several times that it was the police and they were executing a search warrant. Hickey indicated that as he entered other officers were by the couch addressing a subject. Hickey said, “As I started scanning the room, I heard several loud bangs come from the area of the couch and I heard someone yell ‘gun’ several times. I noticed there was a closed bedroom door to the left of where the couch was located. Due to there already being several other Officers at the couch, I made my the decision to push towards the bedroom door to make sure no one came out of it. As I approached the bedroom door, another Officer met me at the same door. I later learned that this was Sgt. Carlson. We made entry into the bedroom door and encountered a female and male in the room. We ordered both of them to the ground and they complied. I placed both of them in zip ties to secure their hands.”



Officer Dominic Manelli

Manelli indicated that he was assigned to the 1280 team on 2/2/2022. Manelli indicated that the team was assigned to execute a warrant at 1117 Marquette Ave. S at apartments 1402, 1403, and 701. Manelli said they were looking for [REDACTED] and the officers were informed that they were looking for homicide suspects and that a .223 shell casing had been recovered from the scene of the homicide.

In describing what occurred at apartment #701 Manelli reported, "Upon arrival to the 7th Floor, I followed behind Officer Hanneman was behind him in the entry to the apartment. The door to apartment 701 was opened and I followed Officer Hanneman toward the open door. Before entry into the apartment, Officer Pearson entered into the apartment before me and I followed behind Officer Pearson. I entered the apartment yelling loud, verbal commands of 'Police Search Warrant' and repeated these commands while in the apartment. I entered the apartment and observed what appeared to be an unknown person on the couch located who was moving under a tan blanket. It should be noted that the unknown male was obstructed by the couch. I observed an open closet to the left of the entrance of the apartment and I started to search the closet. While searching the closet, I heard an officer yell 'gun.' It was this time I directed my attention away from the closet and towards the sound of the officer that yelled 'gun.' I began to walk towards the couch when I heard gun shots and observed muzzle flashes. I continued to travel towards the couch when I heard an unknown supervisor yell that we had to continue to search the apartment."

Manelli reported that he then provided cover for Officer Hickey who had the male and female in the bedroom. Manelli stated that he observed an identification card belonging to Marlon Speed Jr. and confirmed that the male suspect being detained was Malon Speed, [REDACTED] the homicide suspect.

Officer Nathan Sundberg

Sundberg, whose assignment was with the Gun Investigation Unit, was filling in as a member of the 1280 team and was assigned to assist in the execution of a High-Risk Search warrant for the SPPD at 1117 Marquette Ave. S. in Minneapolis.

Sundberg reported that officers were informed that the warrant was in response to a homicide in St. Paul and that officers would be looking for the suspects as well as evidence related to the homicide. Sundberg also noted that the information included that a .223 shell casing was recovered at the scene of the homicide and no weapons had been recovered. Sundberg indicated that the teams arrived at 1117 Marquette Ave at approximately 0620 hours. Sundberg noted that he was assigned to the fire extinguisher and that he was wearing his normal police uniform with his heavy SWAT vest over the uniform. Sundberg described that 1280 carried out the no knock warrant at apartment 1403 and the then regrouped to move to the 7th floor.



Sundberg noted that because of his assignment he was positioned at the rear of the stack. Sundberg described, "As the door opened I recall officers yelling 'police search warrant.' As I entered, officers were strategically making their way into the apartment. I recall a space just inside the doorway that needed to be checked, and as one of the last members in I checked/covered that area looking for individuals. Just moments later, I recall hearing what sounded like multiple gun shots coming from the living room. I quickly moved toward the living room and saw two team members who appeared to be dealing with a resistant occupant (Locke) in their attempts to take him into custody. I recall hearing someone mention a gun, and was concerned (despite seeing a two tone semi-automatic gun on the floor above his head) that he was still armed. Because of this, I applied my body weight on top of Officer Hanneman who was on top of Locke to further control Locke and pin him to the floor in the event he possessed a firearm/weapon."

Officer Ryan Carrero

Carrero reported that he was working the 1280 team on 2/2/2022. Carrero reported that officers were executing a high-risk warrant on apartment 701 at the Bolero Flats apartments and that a murder suspect wanted by the St Paul Police was believed to be inside this unit. Carrero said that remarks at the briefing indicated that the suspect either lived or spent time in this unit and it was believed that the suspect used a rifle during the murder. Carrero noted that 1280 first executed a search warrant at apartment 1403 but to his knowledge "we did not locate murder suspect. Officers left unit #1403 and used elevator to reach Unit #701."

Carrero described the entry as follows, "Upon arriving at Unit #701, officers used key fob to gain entry into unit. Upon unlocking door and entering unit, officers simultaneously yelled 'police: search warrant' multiple times, loudly and clearly. Upon walking into unit and approaching kitchen/living room area, I heard what resembled approx.. THREE gunshots, unclear who was firing them at the time. I immediately heard 'He's got a gun' right after apparent gunshots. I swiftly entered living room area in an attempt to assist and observed multiple officers on top of suspect, later identified as AMIR LOCKE. LOCKE's fists were clenched and he appeared to be pulling his hands up towards his head while on his stomach. I observed a black/tan handgun above LOCKE's head on the living room floor. I told LOCKE to 'stop fighting' and 'put your hands behind your back.' During this time I moved a blue plastic container with TV on top of it in order to assist officers. I was unable to get close enough to LOCKE to put my hands on him but attempted to hand a ziptie cuff to officers. After a struggle with LOCKE, his hands were eventually placed behind his back and he was handcuffed using ziptie cuff."

Carrero described that when he turned Locke over he determined that Locke had wounds to the front of his torso. Carrero indicated that team medics were called in from the hallway and the medics immediately began life-saving measures.



Officer Carl Blad

Blad was assigned to team 1281. Blad noted that during the briefing, officers were informed that the suspect being sought had used a long rifle in the homicide in St. Paul. Blad was not a witness to the entry into apartment 701 or the shooting. Blad was assigned to 1281 and was in the elevator when the shooting was called over the radio.

Officer S. Villegas

Villegas was assigned to the 1281 team on 2/2/2022. Villegas outlined the briefing with SPPD and EMS as follows: "We were advised by St. Paul PD investigators that the Homicide suspect had used a weapon that fired a rifle round and the gun had not been recovered. Investigators stated the suspect was believed to be using [REDACTED] key card to get in and out of the apartment complex and was staying in several units, #1403, #1402 or #701, We were advised that the judge had signed off on a no-knock warrant given the circumstances."

Villegas noted that the team arrived at 1117 Marquette Ave at 0636 hours. Villegas reported that the team proceeded to the 14th Floor and that no persons were found in the unit that 1281 was assigned to clear. Villegas noted that the 1281 team was getting into the elevator to go down to #701 when he heard that shots had been fired and an immediate EMS response was needed.

Officer Kyle Mader

Mader was assigned to the 1281 team on 2/2/2022. Mader reported that during the briefing, officers were told that three apartments, two on the 14th floor and one on the 7th floor would be searched. Mader said that there were four persons named in the warrant wanted in connection to a shooting homicide in St. Paul. Mader believed that investigators also said that an AR style rifle was involved or believed to be involved in the homicide.

Mader was not a witness to the entry of shooting in 701 and reported that he heard the call fro EMS for a shooting while still in the elevator.

Officer William Martin

On 2/2/2022 Martin was assigned to the 1281 team. Martin reported, "In the briefing we were advised that multiple suspects were involved and multiple units in the building. We were advised the suspected that were wanted in this were related to a homicide that had occurred in St. Paul and weapons were involved."

Martin did not witness the entry or the shooting in apartment #701 but reported that while on the elevator, he heard an officer call for 1281 to respond to the 7th floor and also heard a transmission asking for EMS for a gunshot wound.



Martin, a licensed EMT, assisted in providing emergency treatment to Amir Locke.

Officer Kristopher Dauble

Officer Dauble was assigned to 1281 team for the execution of the warrants at 1117 Marquette Ave. S. Dauble described that during the briefing officers were told that the warrants were related to a homicide in St Paul and none of the suspects in the case had been arrested. Dauble further reported being told that a .223 rifle had been used in the homicide and had not been recovered. Dauble said that the officers were told by investigators that the suspects were armed and dangerous. Dauble noted that he was shown photos from social media posts after the homicide depicting the suspects in possession of firearms.

Dauble was not a witness to the entry or shooting in apartment 702. Dauble reported that as he was exiting the elevator on the 7th floor after completing his assignment on the 14th floor, he heard 1280 announce the shots fired over the radio.

Officer Zach Seraphine

Seraphine reported that he was assigned to 1281 team on 2/2/2022. Seraphine stated that during the briefing officers were told that the murder weapon used was a high caliber .223/5.56 round which can penetrate body armor.

Seraphine did not witness the entry or the shooting in apartment #701 and like other members of 1281 indicated that when the team was on the elevator headed to the 7th floor he heard radio traffic calling for EMS for someone that was shot.

Seraphine assisted in emergency aid to Amir Locke.

Officer Jason Andersen

Andersen was assigned to the 1281 team on 2/2/2022. Anderson wrote that the murder consisted of an individual shooting another individual with a high powered rifle at close range. Anderson noted that the 1281 team was assigned to apartment #1402 while the 1280 team would clear apartment #1403 and then go downstairs to the 7th floor, apartment #701.

Anderson reported that the 1281 team cleared apartment #1402, finding no one present and turned the apartment over to investigators. Anderson indicated that while on the elevator to the 7th Floor, he heard the broadcast that medics were needed immediately. Andersons reported that two members of the 1281 team, Will Martin and Zach Seraphine, both of whom are medics were immediately sent to assist.

Officer Mark Hanneman



Officer Hanneman reported that on February 2, 2022, at around 6 a.m. he was assigned to work 1280 which is the designation for the Minneapolis Police Department full-time SWAT contingent. Hanneman reported that he attended a briefing at the Special Operations Center (SOC) regarding a series of high-risk warrants they were going to be executed related to an ongoing homicide investigation by the SPPD. Three separate warrants were to be executed for three different apartments within 1117 Marquette Ave, S. address.

Hanneman reported, "The warrants were also for the four separate suspects in the murder investigation. These individuals were accused of firing a high powered rifle round into the deceased. There was probable cause to believe that the four suspects were staying in the three apartments we were to search. A Hennepin Judge had authorized the three no-knock warrants."

Hanneman noted that his team, 1280 was assigned to clear an apartment on the 14th floor and then proceed to the 7th floor to execute a second warrant. Hanneman noted that the 1280 team made entry on the 14th floor and safely cleared the apartment before turning it over to investigators. Hanneman noted that the nine-member 1280 team then entered the elevator to go to the 7th Floor. Hanneman also noted that team members turned off and then turned on their BWC cameras in order to create two video events, one for each apartment.

Hanneman noted that the target apartment was 701 and then described what occurred, reporting, "Our team lined up outside the door to the apartment. One of our members had been given a key to the apartment, and when we ready to proceed, he opened the door. I heard the team members in front of me loudly announcing 'Police Department! Search Warrant!' I watched as they crossed the threshold into the apartment. I followed suit and made my way inside. I was the third officer to enter. Once inside, I began to walk forward. I observed a living room straight ahead of me. Within that living room was a couch. The couch was positioned in a manner that its rear was facing toward me. I was not initially able to clearly see the seating area of the couch, only what rose above the back rest. I watched as Sergeant Troy Carlson moved forward and began to give commands to show hands. I then saw a blanket rising and falling above the back rest of the couch. It became clear to me that someone was on this couch, and they were not listening to Sergeant Carlson's command to show their hands. As Sergeant Carlson moved forward toward the couch, I did so as well. I was to his right, and there came a point where the hallway ended and I entered the living room itself. At this juncture, the wall to my immediate right ended and I became able to position myself further to my right which would begin to expose the seating area of the couch to my field of vision. I quickly checked the corner where the hallway ended and the living room began to ensure no one was hiding on the other side. Finding no one, I immediately returned my attention to the couch. I watched as there continued to be considerable movement under the blanket, but still not apparent effort to comply with the command to show hands. I steadily began to gain visibility of the seating area of the couch. Sgt. Carlson kicked the couch and the person underneath the blanket proceeded off the couch and onto the floor near the ottoman. I then observed the end of the blanket rise, and underneath I saw an individual.



The individual was crouched and beginning to rise from behind the ottoman. As the individual did so, I noticed that the individual had a handgun in their hand and was brandishing it, and pointed at me. In this moment, I feared for my life and the lives of my teammates. I was convinced that the individual was going to fire their handgun and that I would suffer great bodily harm or death. I felt in this moment that if I did not use deadly force myself, I would be killed. There was no opportunity for me to reposition myself or retreat. There was no way for me to de-escalate this situation. The threat to my life and the lives of my teammates was imminent and terrifying. I had my handgun drawn as we were proceeding through the apartment. I had it in front of me pointing outward as I encountered the individual on the couch and observed the individual rise with their handgun. Upon recognizing this threat to my life, I pulled the trigger three times. I watched as the individual quickly moved to his left and away from the couch and ottoman. The individual now had their back to me, and continued to move around on the floor. I jumped onto the individual's back and struggled with the him, eventually tackling him to the ground so that he was on his stomach. I laid on top of the male and used my arms to hold down his arms. Looking up now, within our mutual reach I saw the handgun. It was on the floor just above our heads. It was a semi-automatic pistol with an olive drab green frame and black slide. I laid on top of the male and held him down so my partners could move the handgun further away. Once the handgun was moved further away, I sat up and assisted in securing the man's hands behind his back."

Civilian Statements

Marlon Speed

Marlon Speed was located in the bedroom of apartment #701 at the time of the shooting of Amir Locke. Marlon Speed indicated that Amir Locke was his cousin. After being asked what he remembered Marlon reported, "Shit, I rolled over, uh, shit I rolled over. All I hear is gunshots. And then there was like police, police. They had shot my cousin in the living room...Like I was sleep. I was knocked the fuck out. You know how you hear some shit in your sleep, and then you go and just check it out. I sat up a little bit, next thing I know gun shot. But I thought I was hearing shit, cause I heard the door open but I was asleep so I thought I was hearin shit. So I just woke up, and that's why I heard gun shots. They police, police, police."

Marlon Speed reported that he heard gun shots then he heard Police. Marlon described, "I had just rolled over, just rolled over, probably was fittin to drink some water...all I hear is boom. (making gun noises) then they said police. That's exactly how it went. They ain't come in, they ain't knock, they ain't say police, or nothin. They just came through the door and got to shootin. And said police."

Marlon further reported, "They ain't say shit, they just walked in, shoot their fuckin guns, they damn near shot me and her. She jumped off the bed under the fucking blanket, had to tell her she can't do that shit. They woulda shot her ass, she came up from under the blanket with nothin in her hands."



Tatyana Henderson

Henderson reported that her address was 1117 Marquette Ave, Apartment #701. Henderson indicated that she lives in apartment 701 by herself, but acknowledged that her boyfriend Marlon Speed is at her apartment some of the time. Henderson stated that Marlon Speed was with her in her apartment and that his cousin [Amir Locke] was sleeping on the couch. Henderson reported that she had not seen Amir or anyone with a weapon in her apartment, however she heard “them yelling it.”

Henderson described, “I was in my bedroom. So me and MARLON was in our bedroom...And then his cousin was sleeping on the couch. And then we heard like yelling. Like I don’t, I just thought somebody...like ran into my apartment or something. And then like gunshots went off. And I’m like, on my God. So then we kinda like jumped on the floor...Then that’s when we seen like officers running in...Like with guns and everything. I’m like okay.” Henderson reported that the door to the bedroom was closed as this incident was occurring. Henderson described that it sounded as if someone was breaking in. Henderson said that the first time she realized it was the police was when officers entered the bedroom.

Autopsy

According to the autopsy report, Amir Locke received three gunshot wounds all with a front to back trajectory.

Body Worn Camera Video (BWC)

The body worn camera videos, which included audio of the entire entry as well as the use of force by Officer Hanneman provides objective evidence of what occurred on 2/2/2022 at apartment #701.

Officer Pearson’s BWC depicts Pearson unlocking the door to apartment #701 with a key.





Sergeant Sysaath's BWC clearly depicts the door being opened with a key and upon opening an officer can be heard clearly yelling "Police, Search Warrant." It is noted that officers continued shouting "Police Search Warrant" as they moved into the apartment. Sysaath's BWC depicts that Sysaath turned right, going into the kitchen area, before reaching the open area ahead (living room). As Sysaath moved toward the opposing doorway of the kitchen that opened into the living area, an officer (presumably Sysaath) can be heard directing Amir Locke to get on the ground. It is noted that Locke was the only one in the living room at the time this directive was given.

The relative positions of the officers can be seen on Sysaath's BWC as Sysaath is exiting the kitchen





On Pearson's BWC video Amir Locke can be seen rising from under the blanket, facing in the general direction where Officer Hanneman was seen just before the shots were fired on Sypaath's BWC and it is clear that Locke is rising with a firearm in his right hand faced Hanneman's direction (see photos above and below)



After the three quick shots by Hanneman, Locke rolled counterclockwise and down to the floor. Hanneman can be seen pinning Locke to the floor while officers are announcing that Locke has the gun. An officer can be heard announcing, “gun; shots fired; drop the fucking gun; he’s got the gun; drop the gun; drop the gun.”



DEADLY FORCE AUTHORIZATION/ANALYSIS

It should be noted at the outset that an analysis of any use of force event takes into account, the Federal Constitutional Standard, the statutory standard set by the state, and the policy standards set by the law enforcement agency itself. In developing policy and training for a particular agency, law enforcement executives should also take into account the community expectations for their particular community.

United States Constitutional Standard

It should be noted that the United States Constitutional standard sets the floor which every agency in the United States must meet. At the same time, it should be recognized that a state can be more restrictive on officer authority through legislation or through the interpretation of the state’s constitution. For purposes of internal accountability, a law enforcement agency can be more restrictive on officer use of force and deadly force than either the United States Constitution or state law.

The analysis for use of force, and deadly force have in general terms been defined by two United States Supreme Court Cases.



In Tennessee v. Garner, the United States Supreme Court wrote: "Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where [*12] feasible, some warning has been given." Tennessee v. Garner, 471 U.S. 1 (1985).

It should be noted that, as a factual matter, the Garner case was addressing the circumstances under which an officer would be justified in using deadly force to prevent escape.

In Graham v. Connor, the Court noted:

Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," however, its proper application requires careful attention to the facts and circumstances of each particular case, including the **severity of the crime** at issue, **whether the suspect poses an immediate threat to the safety of the officers or others**, and whether he is **actively resisting arrest or attempting to evade arrest by flight**. See *Tennessee v. Garner*, 471 U.S., at 8-9 (the question is "whether the totality of the circumstances justify[s] a particular sort of . . . seizure"). (citation omitted).

The Court provided direction on how a particular use of force should be analyzed noting:

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation.

As in other Fourth Amendment contexts, however, the 'reasonableness' inquiry in an excessive force case is an objective one: the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Graham v. Connor, 490 U.S. 386 (1989).

Finally, in Scott v. Harris, the United States Supreme Court made clear that in any use of force case, including deadly force, the United States Constitutional standard is one of objective reasonableness based on Graham:



“Respondent's argument falters at its first step; *Garner* did not establish a magical on/off switch that triggers rigid preconditions whenever an officer's actions constitute "deadly force." *Garner* was simply an application of the Fourth Amendment's "reasonableness" test, *Graham, supra*, at 388, 109 S. Ct. 1865, 104 L. Ed. 2d 443, to the use of a particular type of force in a particular situation. *Garner* held that it was unreasonable to kill a "young, slight, and unarmed" burglary suspect, 471 U.S., at 21, 105 S. Ct. 1694, 85 L. Ed. 2d 1, by shooting him "in the back of the head" while he was running away on foot, *id.*, at 4, 105 S. Ct. 1694, 85 L. Ed. 2d 1, and when the officer "could not reasonably have believed that [the suspect] . . . posed any threat," and "never attempted to justify his actions on any basis other than the need to prevent an escape," *id.*, at 21, 105 S. Ct. 1694, 85 L. Ed. 2d 1. Whatever *Garner* said about the factors that *might have* justified shooting the suspect in that case, such "preconditions" have scant applicability to this case, which has vastly different facts. "*Garner* had nothing to do with one car striking another or even with car chases in general. A police car's bumping a fleeing car is, in fact, not much like a policeman's shooting a gun so as to hit a person." *Adams v. St. Lucie County Sheriff's Dep't*, 962 F.2d 1563, 1577 (CA11 1992) (Edmondson, J., dissenting), adopted by 998 F.2d 923 (CA11 1993) (en banc) (*per curiam*). Nor is the threat posed by the flight on foot of an unarmed suspect even remotely comparable to the extreme danger to human life posed by respondent in this case. Although respondent's attempt to craft an easy-to-apply legal test in the Fourth Amendment context is admirable, in the end we must still slosh our way through the factbound morass of "reasonableness." Whether or not Scott's actions constituted application of "deadly force," all that matters is whether Scott's actions were reasonable.”

Scott v. Harris, 550 U.S. 372, 382-83, 127 S. Ct. 1769, 1777-78 (2007)

Minnesota Statute §609.066 Subd. 2 Use of deadly force:

- (a) Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:
- (1) To protect the peace officer or another from death or great bodily injury, provided that the threat:
 - (i) Can be articulated with specificity [by the law enforcement officer]; and
 - (ii) Is reasonably likely to occur absent action by the law enforcement officer; and
 - (iii) Must be addressed through use of deadly force without unreasonable delay; or
 - (2) To effect the arrest or capture, or prevent escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another



person under the threat criteria in clause (1), items (i) to (iii) unless immediately apprehended.

- (b) A peace officer shall not use deadly force against a person based on the danger the person poses to self in an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii).

NOTE: I have read the order entered by the Honorable Leonardo Castro from the Minnesota District Court, Second Judicial District striking language as unconstitutional from the statute, specifically the words “by the law enforcement officer” in 609.066 Subd2 (a) (1) (i).

Minneapolis Police Department Use of Force Policy #5-300

The policy lists “Force Guiding Principles” which includes United States constitutional standards as well as statutory authority under Minnesota Statute section 609.066. It is noted that the policy includes a verbatim recitation on 609.066 subd. 2 as outlined above. The MPD policy goes on to direct that “Officers shall not use deadly force except in accordance with MN Statute section 609.066, and even in those circumstances officers shall first consider all reasonable alternatives including less lethal measures, before using deadly force.

Analysis

General Observations Applicable to Constitutional Standards. Minnesota Law and Minneapolis Police Department Policy

I would note that while this analysis discusses constitutional standards on use of force and Minnesota law on use of force, it is not intended to be a legal analysis but instead reflects the generally accepted policies, practices, and training provided to officers throughout the United States for application of these principles in field operations. My analysis is stated to a reasonable degree of professional certainty based upon my specialized background, education, training, and experience as well as my continued research, authoring, auditing, consulting, and training on law enforcement practices, to include Use of Force and SWAT, nationwide.

At the outset it is noted that Officer Hanneman played no role in the murder investigation for the murder of Otis Elder in the City of St. Paul. More importantly, Hanneman was an operator on the 1280 team holding no supervisory authority, thus Hanneman made no decisions with respect to planning, tactics, or decisions with respect to the manner of execution of the search warrants.



It should also be noted that in accord with the objective video, Hanneman fired three shots and when Locke spun away, Hanneman ceased shooting and then pinned Locke, who, in accord with the audio from the BWC was still armed with a handgun or was in close proximity to it. Thus, as the threat decreased by Locke's movement to the floor on his stomach, Hanneman's force also decreased.

One of the concerns with officer involved shootings, particularly where multiple officers are present is the concept of contagious fire. Contagious fire is where officers begin to shoot in response to hearing shots. While the BWC video depict officers adjusting aim toward Locke, no other officer fired.

Totality of Circumstances:

According to the St. Paul SIU Ops plan, the mission with respect to the execution of these warrants was "Attempt to Locate/coordinate the apprehension of St Paul Police murder suspect(s)." Thus, in addition to the evidence sought in the warrants, operators were informed that they were looking for subjects involved in a violent murder and that a casing from a high-powered bullet was found at the scene of the murder. Information also indicated that the subjects involved in the murder, and specifically [REDACTED], had a history of violence. The briefing also indicated that the SPPD had tracked numerous social media posts that depicted all of the suspects with multiple firearms. Officers were also made aware that the weapons from the homicide, and specifically a firearm that shoots a .223 round had not been recovered. Officers were informed that multiple suspects from the homicide may be located at the various apartments, 1402, 1403, and 701, at 1117 Marquette S. The officers were also made aware that these same subjects were involved in other crimes in the Twin Cities to include aggravated robberies and car jackings. The officers were also aware that a judge had signed a nighttime no-knock search warrant.

In addition to the above facts and circumstances known to the officers based upon the briefing and documented in the SPPD SIU plan, Hanneman also made observations on the scene prior to discharging his firearm. These observations included the movement of the blanket, numerous commands being given, and finally Amir Locke appearing with a handgun, gripped in a manner consistent with being prepared to fire.

I would note, that the BWC videos depict the movements of the officers, the blanket, the commands, and finally, the brandishing of the weapon.

Constitutional Standards:

The Force used by Officer Hanneman was consistent with constitutional standards trained to officers throughout the United States based upon generally accepted policies, practices, and training provided to officers for application in field operations.



The Minneapolis Police Department Use of Force Policy cites to both the United States constitutional standards as well as the Minnesota statute on Use of Force/Deadly Force.

There are several basic concepts trained to officers and embodied in policy and practice that must be applied to any use of force analysis.

First, all uses of force are judged from the perspective of the officer. Additionally, the officers are judged based on what the officer knew at the time without the benefit of 20/20 hindsight. Thus, Amir Locke's intentions or the fact that we know after the fact that he is not one of the suspects in the homicide, is not relevant to the use of force review.

Officers throughout the United States are trained with respect to use of force decision-making and justification. The foundation of this analysis a three-part test that parallels the mandates announced by the United States Supreme Court in Graham v. Connor.¹ The training directs officers to consider the seriousness of offense; whether or not the subject poses an immediate physical threat to the officer or anyone else; and finally, whether the subject is actively resisting or attempting to evade arrest by flight.

It is recognized that when considering the seriousness of the offense, that such consideration includes the offense the officer suspects at the time the control tactic is used and not just the original offense or other justification which led the officer to contact the individual at the outset.

It is noted that the time that passed from the moment the door was unlocked until the third shot was fired by Hanneman was approximately 10.08 seconds. If one takes the timing from the point where Hanneman first reaches the couch until the third shot the time frame closes down to approximately 2.15 seconds. I would note that a reasonable and well-trained officer, who had heard loud announcements of "police, search warrant" as well as other directives toward a subject covered by a blanket, who suddenly appeared brandishing a firearm, would not have time to determine if the subject was one of the subjects wanted for the St. Paul homicide. Additionally, any reasonable and well-trained officer, who while in uniform, and following loud announcements of "police search warrant" who observed a subject producing a firearm from under a blanket and gripping the firearm by the grip, would conclude that the serious offense of an assault with a firearm upon an officer was occurring.

Based on the same split-second timing and facts known to Hanneman, an objectively reasonable and well-trained officer would conclude that they were facing an immediate physical threat of serious bodily harm or death. Law enforcement had entered an apartment on a court-authorized no-knock warrant but had made loud, verbal announcements upon opening the door as depicted by the BWC videos. These announcements were continued as the officers moved into the apartment. A subject, concealed under a blanket is clearly depicted moving while under the blanket, and specific

¹ This formula is derived from Graham v. Connor, 490 U.S. 386 (1989) and can be found in law enforcement training lesson plans as well as Use of Force policies throughout the United States. See e.g. International Association of Chiefs of Police, Use of Force Model Policy 2005, IACP Model Policy Center, Virginia 2005.



orders are shouted to that individual. The individual, as depicted by the video, then came partially out from under the blanket gripping a handgun and raising the gun from under the blanket. Any reasonable and well-trained officer would have concluded that the subject posed an immediate physical threat of serious bodily harm or death to the officers as well as any other person in the area.

I would note that in common training, officers are trained that in some circumstances, an officer is justified in responding with deadly force based on a reasonable belief that the subject is about to pull out a firearm and use it against the officer even though the officer has not yet seen a firearm. This type of training has its foundation in various cases decided by our federal courts that recognize that where the officer has probable cause of a deadly threat, the officer need not wait before responding with deadly force.²

Under the facts presented by the provided materials and as depicted by the objective video, Officer Hanneman not only saw the glint of steel, but actually saw the handgun prior to firing. As previously outlined, Hanneman also knew that the warrants related to a violent homicide with firearms being used and the fact that a judge had signed warrants to search these apartments related to the homicide.

I would note that when a subject responds to law enforcement directives by producing a handgun, any reasonable and well-trained officer would conclude that the subject was actively resisting arrest.

The use of deadly force by Officer Hanneman was consistent with the Minnesota Statute section 609.066 in accord with principles trained to officers throughout the United States based upon generally accepted policies, practices, and training provided to officers for application in field operations.

The statute, in language similar to Constitutional standards directs: "Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary." Thus, the officer's actions are judged by a totality of circumstances and without the benefit of hindsight.

² See e.g. White v. City of Topeka, 489 F. Supp. 3d 1209, 1224 (D. Kan. 2020) In cases involving deadly force, officers' use of deadly force "is justified under the Fourth Amendment if a reasonable officer in [the defendant officers'] position would have had probable cause to believe that there was a *threat of serious physical harm to themselves* or to others." *Estate of Larsen*, 511 F.3d at 1260 (citation and internal quotation marks omitted). An officer's reasonable, but mistaken, belief that a suspect was likely to use force against the officer renders the use of force objectively reasonable because, as our Circuit has explained, "[a] reasonable officer need not await the **glint of steel** before taking self-protective action; by then, it is often too late to take safety precautions." (emphasis added).

While the totality of circumstances is detailed above, it is noted that Hanneman's totality of circumstances included the fact that there had been a violent murder by shooting in St. Paul; that an investigation had been done by the SPPD which had identified suspects who were staying at or associated with apartments where no-knock warrants signed by a judge would be served; that the firearms used in the homicide had not been recovered and likely included a firearm capable of firing a .223 round. It was also briefed that the SPPD investigation had uncovered social media postings in which the suspects were depicted with multiple firearms. Thus, even before entering the apartment, an objectively reasonable officer, in accord with generally accepted law enforcement policies, practices, and training would recognize that he or she may be confronted by individuals who were armed and dangerous. As previously noted, Hanneman's totality of circumstances prior to discharging his firearm went even further when, consistent with the objective video, Hanneman observed a subject come out from under the blanket with a handgun gripped in his hand and raising the gun.

While a reasonable and well-trained officer would conclude that there was an immediate threat upon seeing the subject holding a firearm, particularly in light of all the other facts that had been briefed to the officers, the manner in which the gun was held by Locke and the manner in which the gun was moving, only enhanced the threat. The fact that Locke was not one of the suspects and may not have had any bad intentions is not relevant to what an objectively reasonable officer would believe in the circumstances faced by Hanneman. Even if it turned out that Locke had no improper intentions, this would not impact the officer's actions under the statute since, like the Constitutional standard and all law enforcement policy and training, the benefit of hindsight does not impact whether an officer's use of deadly force was justified.

Under the Minnesota Statute, 609.066 use of deadly force must be necessary "To protect the peace officer or another from death or great bodily injury, provided that the threat:

- (i) Can be articulated with specificity [by the law enforcement officer]; and
- (ii) Is reasonably likely to occur absent action by the law enforcement officer; and
- (iii) Must be addressed through use of deadly force without unreasonable delay"

Officer Hanneman knew officers were serving a no-knock warrant for evidence and apprehension of subjects for a violent homicide involving firearms. Hanneman was suddenly confronted with a subject rising from under a blanket following multiple loud announcements of "Police, Search Warrant", coupled with directives to the subject who was moving under the blanket. Hanneman additionally made visual observations that the subject was armed with a handgun and was raising the gun from under the blanket. Any reasonable and well-trained officer, based on universal law enforcement training and generally accepted practices would recognize that the use of deadly force was necessary to protect Hanneman as well as the other officers who were serving a judicially signed search warrant. Additionally, a reasonable and well-trained officer would recognize that a subject opening fire in an apartment building would also pose a threat to anyone else in adjoining rooms or apartments.



Based on the totality of circumstances detailed throughout this analysis and the objective video, the **necessity to use deadly force to protect the officers and others can be articulated with specificity**. In accord with the statute, Constitutional standards, and all law enforcement training as well as generally accepted practices, an objectively reasonable officer would conclude that **death or great bodily injury was reasonably likely to occur absent action** by Hanneman. The statute, like the Constitutional standard and generally accepted practices does not take into account the benefit of hindsight. Thus, the fact that Locke was not one of the suspects is not part of the analysis with respect to the Hanneman's decision to use deadly force. While Locke's intentions or decisions with respect to the firearm are unknown, even if Locke's intentions could be determined, this would also be the benefit of hindsight which is outside the scope of the Constitutional standard, the Minnesota statute which expressly excludes the benefit of hindsight, and all generally accepted practices in law enforcement with respect to deadly force decision-making and deadly force analysis.

Deadly force in accord with Minnesota Statute, 609.066 also directs that for deadly force to be consistent with the law, an officer must conclude that the threat posed **“Must be addressed through use of deadly force without unreasonable delay.”**

All officers are trained that they will be confronted with events where they will be forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. It is noted that split-second decision making includes the decisions that must be made as the ground situation changes during a pre-planned event such as a high-risk entry.

Law enforcement has recognized that human reaction to a perceived threat is 0.75 to 0.8 of a second.³ I note that in my own experience in conducting stimulus related shooting drills, whether to threat versus non-threat targets, or simply pre-identified stimulus i.e. whistle to commence and whistle to cease firing, the physical lag time at both ends of the shooting cycle was consistent with the reported findings. Former Chief Division Counsel of the F.B.I. Boston Division noted in his book, Deadly Force, Constitutional Standards, Federal Policy Guidelines, and Officer Survival, wrote: “The Concept of action/reaction makes the pursuit of armed fleeing suspects extremely dangerous for police officers. A fleeing suspect with a gun in hand can turn and fire at least two shots at a pursuing officer before the officer can respond.”⁴ Callahan noted that the suspect could fire even more than two shots before an officer could respond if the officer takes the time to stop and steady him or herself before returning fire. Callahan went on to point out: “The FBI has interpreted the new DOJ uniform policy on deadly force to permit the use of deadly force against a fleeing suspect who is running for cover with a pistol in hand. The FBI believes that this suspect poses an imminent danger to agents in the immediate vicinity and believes further that there is no safe alternative to the use of deadly force in this situation.

³ “Physical Lag Times and Their Impact on Deadly Force,” The Tactical Edge Magazine, Spring 1995, Lieutenant Michael Hillman (LAPD), P. 28. Hillman noted that the sum total of physical lag time (perception time plus brain lag plus reaction time) is generally between 0.75 and 1.0 seconds.

⁴ Deadly Force, Constitutional Standards, Federal Policy Guidelines, and Officer Survival, John Michael Callahan, Jr. Looseleaf Publications, Flushing, New York 2001. P. 30



As long as the suspect remains within gunshot range of the Agents, he can turn and fire before they can effectively respond (action/reaction). Attempting to pursue can only increase the risk because the suspect can hide and ambush the agents pursuing him.”⁵ Although this was not a foot pursuit, the concept of some reactionary gap is relevant to any law enforcement use of deadly force, particularly when the subject is presenting a firearm.

A fundamental principle of officer survival and use of force is the fact that action beats reaction every time.⁶ While some researchers and law enforcement specialists go to extremes with this principle, common human experience recognizes the fact that one must perceive a threat, process the information, and then react. Common defensive tactics programs offered to law enforcement as well as law enforcement related texts indicate that even a subject running from an officer can turn and fire two shots before the officer would be able to react.⁷ It is well known in law enforcement that the physical lag time between an officer’s perception of a threat and the response to the threat in many cases will put the suspect in a different position or give the subject time to carry out the threat. The concept is well known in law enforcement and is consistent the Military’s OODA Loop training which reflects that a person must first Observe the threat, then Orient to the threat, then Decide what action to take, and finally must Act.⁸ It is well recognized that a threat can be carried out or positions will be changed during the time it takes an officer to cycle through this process. I would note that the OODA loop is an integral part of use of force training that I provide throughout the United States. As noted in footnote 2 above, even courts have recognized the danger in a delayed response by an officer: “[a] reasonable officer need not await the **glint of steel** before taking self-protective action; **by then, it is often too late to take safety precautions.**” (emphasis added).

Officers are well aware through training and experience that during any delay when confronted with a subject raising a gun, will provide the opportunity for the subject to begin shooting, particularly if the officer(s) are not in a position of cover. Under the facts presented during the serving of this search warrant, officers moving through the living room, in accord with the objective video were not in positions of cover. At least one officer, who was moving toward the left side of the apartment was not looking at the subject on the couch. As such, an officer would recognize that any delay in addressing the threat could result in great bodily harm or death to Hanneman, other officers, and any person in the adjoining rooms or adjoining apartments.

Based on generally accepted law enforcement training and practice, the threat of great bodily harm or death had to be addressed through the use of deadly force without unreasonable delay.

⁵ Deadly Force, Constitutional Standards, Federal Policy Guidelines, and Officer Survival. John Michael Callahan, Jr. Looseleaf Publications, Flushing, New York 2001. P. 30-31.

⁶ See e.g. Deadly Force Constitutional Standards, Federal Policy Guidelines, and Officer Survival. John Michael Callahan, Jr. Looseleaf Publications, Flushing, N.Y. 2001

⁷ See e.g. Deadly Force Constitutional Standards, Federal Policy Guidelines, and Officer Survival, John Michael Callahan, Jr. Looseleaf Publications, Flushing, N.Y. 2001

⁸ OODA Loop Model was first developed by Colonel John Boyd USAF during the Korean war.



Minneapolis Policy

The use of deadly force by Officer Hanneman was consistent with the Minneapolis Police Department when considered in conjunction with generally accepted practices and training in law enforcement.

It should be noted that law enforcement agencies are free to be more restrictive on officer authority than the legal standards for purposes of internal accountability. Likewise, the agency is free to strictly interpret these internal policy provisions.

The Minneapolis Police Department policy has a provision that is more restrictive than Constitutional Standards or the Minnesota statutory provisions on deadly force. The policy notes: "Officers shall not use deadly force except in accordance with MN Statute section 609.066, and even in those circumstances officers shall first consider all reasonable alternatives including less lethal measures, before using deadly force.

Thus, under the Minneapolis Police Department policy, even when in compliance with state law officers shall first consider all reasonable alternatives including less lethal measures, before using deadly force. It is important to recognize that this provision does not direct officers that they must try other measures, rather, they shall consider **all reasonable alternatives** including less lethal measures before using deadly force.

Based on all of the details outlined in this report to include the rapidly evolving split-second decision-making that had to occur, a reasonable and well-trained officer would recognize that there was no time to transition from a firearm to a less lethal option. Additionally, even when less lethal options are available, the fact that less lethal options often fail, leads to training throughout the United States that when faced with a subject presenting a firearm, who the officer reasonably perceives is about to fire, the only reasonable and tactically sound response is lethal force.

s/John J. Ryan _____

John J. Ryan

