



**CITY OF EDINA, MINNESOTA
QUESTIONS PEOPLE ARE ASKING
OCTOBER 2016**

What Happened?

Just before noon Wednesday, Oct. 12, Edina Police Lt. Tim Olson observed and stopped Larnie Thomas walking in the lane of traffic on Xerxes Avenue – a busy city street that carries an estimated 15,000 vehicles per day.

Recognizing Thomas' safety was at risk and that traffic had backed up as a result, Lt. Olson tried to get the man's attention and direct him to a safer place.

Lt. Olson pulled in behind Thomas with his lights on and used the car horn in an attempt to get Thomas' attention. Thomas, who was wearing headphones, turned and looked at Lt. Olson and continued walking in the lane of traffic. Lt. Olson then drove in front of Thomas to prevent him from continuing in the southbound lane of traffic. Thomas ignored Lt. Olson and walked around the squad car, continuing to walk in the lane of traffic.

Lt. Olson got out of his vehicle and started to follow Thomas, asking him to get out of the lane of traffic and stop. Thomas kept walking. Lt. Olson caught up with him and grabbed him by the jacket, escorting him back to the squad car. Thomas became upset and defiant. After trying to talk to Thomas for a few minutes, Lt. Olson eventually radioed dispatch for assistance. When backup arrived, Thomas was briefly handcuffed and the situation calmed down. He was not taken to jail. Thomas was issued a citation for disorderly conduct and failing to obey a traffic signal and released at the scene. Police asked where he wanted to go and Thomas said he wanted to go to a local shopping center. Officers gave him a ride there.

The entire incident lasted about 45 minutes. The video released on YouTube by a bystander captures seven of those minutes.

What is the City doing in response to the public reaction?

Because this incident has created such emotion in the community and on social media, the City will review protocols and procedures and determine how to better approach this type of incident.

We will work with the Edina community and invite other organizations to participate in this very important conversation. There are lessons we should and will learn from this experience.

In the public's interest, the City has decided to dismiss the citation given to Thomas. The City contacted Thomas via letter Monday, Oct. 17, to let him know that the citation would be dismissed.

Is Thomas still in jail?

Thomas was not taken to jail and was not injured in the incident. Thomas was issued a citation and released at the scene. Police asked where he wanted to go and Thomas said he wanted to go to Southdale Center, a local shopping center. Officers gave him a ride there.

Did construction in the area make it impossible for Thomas to walk anywhere else?

He could have easily and more safely used the sidewalk on the other side of the street.

Witnesses have reported Thomas was walking in the lane of traffic for several blocks before the police stop at Xerxes Avenue and 60th Street. Though there is a sidewalk under construction on the west side of the street at that intersection, there is another completely accessible sidewalk on the east side of the street.

Did Lt. Olson have to grab Thomas?

It is standard police procedure to use the "force continuum:"

- Level 1 – Officer presence
- Level 2 – Verbal commands
- Level 3 – Empty hand control
- Level 4 – Pepper spray, baton, Taser
- Level 5 – Less lethal
- Level 6 – Deadly force

This incident escalated to a "Level 3" on the continuum.

Lt. Olson established his presence with his lights and horn and tried to get Thomas' attention when he eventually drove alongside of him.

Lt. Olson used "stop" and other verbal commands. Lt. Olson remained calm, but firm. Thomas refused to comply.

Thomas became upset and defiant, refusing to stop or cooperate. When force beyond words is needed, the force continuum allows officers to take physical control. "Empty hand control" is a level of control employed by police officers minus the aid of equipment or weapons. Lt. Olson used "soft, empty hand techniques," in which he used his bare hands to guide, hold and restrain.

Was race a factor in this stop?

Anyone walking in a lane of traffic on a busy street would be stopped and asked to move to a safer place by Edina Police. Recognizing Thomas' safety and that of others was at risk and that traffic had backed up as a result, Lt. Olson tried to get the man's attention and move him to a safer place.

Could Lt. Olson have captured Thomas' attention in a way other than lights and horn?

Xerxes Avenue is a very busy street. (An estimated 15,000 vehicles travel on it each day.) With continuous traffic and parking along the street, Lt. Olson used his best judgement in how to get Thomas' attention quickly and move him to safety.

However, the City will continue to review the incident and determine how to better approach this type of situation in the future.

Were there any other witnesses besides the woman who videotaped part of the incident?

Five witnesses, including the woman who videotaped the incident, were interviewed at the scene. Three were construction workers, two drivers and one a resident who lives in the area.

A few others have since come forward, saying they saw Thomas walking in the lane of traffic further down the street.

Was Lt. Olson on duty?

Yes, Lt. Olson was working. He was driving in the area when he observed Thomas walking in the street.

Why did an undercover police officer assist with detaining Thomas?

When Lt. Olson called for backup, police officers closest to the scene responded, including one who works in plain clothes as part of a commercial crime unit. His badge was clearly visible, as it was displayed on a chain around his neck.

Why was a breathalyzer administered?

Lt. Olson smelled alcohol on Thomas' breath and thought alcohol may have contributed to his behavior. He tested within legal limits, so alcohol was eliminated as a factor.

When was the breathalyzer administered?

After backup arrived and Thomas was handcuffed and placed in another officer's squad car, an alcohol breath test was administered.

Is Lt. Olson suspended or under investigation?

Lt. Olson will remain on the job. From the City's perspective, Lt. Olson and the police officers involved followed proper department procedures and did what was expected. The stop was motivated by concern for the man's safety and the safe flow of traffic. Both were accomplished.

How long has Lt. Olson been part of the Edina Police Department? Has he had any previous disciplinary action?

Lt. Olson began work for the Edina Police Department in December 1994. He has never been disciplined by the City of Edina.

Will your officers receive any training as a result of this incident?

Edina Police officers regularly receive training. We will continue to seek out valuable training opportunities for the Police and other City staff.

We will provide more training to Edina Police officers on implicit and explicit bias. We would value suggestions for specific training from NAACP Minneapolis.

What is the City's response to the demands from NAACP Minneapolis?

The City has reviewed NAACP Minneapolis' requests and sent Nekima Levy Pounds a response on Monday, Oct. 17, as follows:

- *That a formal, independent investigation be conducted regarding this incident and whether any department protocols or state laws were violated by the officer(s) in question. The inquiry should also include whether the civil rights and civil liberties of Mr. Thomas were violated.*

Yes. The City of Edina will ask the Minnesota Bureau of Criminal Apprehension to conduct an independent investigation of this incident.

- *That Officer Tim Olson be suspended without pay, pending the outcome of a formal investigation into this incident.*

Lt. Tim Olson will remain on the job. He and all officers involved followed the Police Department's established procedures and the incident ended safely.

- *That Edina Police begin collecting race and other demographic data during traffic stops and to use said data in reforming departmental policies and procedures.*

The City invites Minneapolis NAACP to talk with staff more about this and how the data would be collected and used.

- *A formal apology by the Mayor and Police Chief to Mr. Thomas and the public at large.*

The City of Edina believes the officers involved followed established protocol. The City will review that protocol and determine how to better approach this type of incident with greater sensitivity in the future. There are lessons we should and will learn from this experience, and we will invite the community to participate in this discussion.

- *Retraining of all Edina Police officers on implicit and explicit bias.*

Yes. We will provide more training to Edina Police officers on implicit and explicit bias. We would value suggestions for specific training from NAACP Minneapolis.

- *Implementation and adoption of best practices from the report by the President's Task Force on 21st Century Policing.*

The City of Edina will work with the community to review the report by the President's Task Force on 21st Century Policing, as well as its own practices and protocols. We will also closely monitor the work of the Governor's Council on Law Enforcement and Community Relations.

Is it OK to film police incidents?

Any person has the right to film situations like these. If you film, it's important to note that interacting with the officer creates a public safety risk. Public safety is our first priority. Dealing with the distractions of bystanders makes it more difficult for officers to safely deal with the situation.

Bystander videos only capture a portion of any incident. This entire incident lasted about 45 minutes from the time Lt. Olson began the stop. The video released on YouTube by a bystander captures seven of those minutes, starting when Lt. Olson was escorting Thomas back to the squad car.