

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 36.FR34.0227
Court File No. 27-CR-22-25882

State of Minnesota,

COMPLAINT

Plaintiff,

Summons

vs.

JUSTIN HARLAND STETSON DOB: 10/19/1988

21959 Pinnaker Road Northwest
Nowthen, MN 55330

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Assault in the Third Degree

Minnesota Statute: 609.223.1, with reference to: 609.02.7a, 609.101.2

Maximum Sentence: Imprisonment for not more than 5 years, or to payment of a fine of not more than \$10,000, or both

Offense Level: Felony

Offense Date (on or about): 05/30/2020 to 05/30/2020

Control #(ICR#): 20210775

Charge Description: On or about May 30, 2020, in Hennepin County, Minnesota, the Defendant, Justin Harland Stetson, unlawfully and intentionally assaulted J.K.S., and inflicted substantial bodily harm upon J.K.S.

STATEMENT OF PROBABLE CAUSE

Your Complainant, Dawn Johnson, states as follows:

I am an Assistant Special Agent-in-Charge (“ASAIC”) with the Minnesota Bureau of Criminal Apprehension (“BCA”), and I am a licensed peace officer in the State of Minnesota. As part of my duties as a BCA ASAIC, I investigate violations of Minnesota law, including criminal assault offenses in violation of Minn. Stat. § 609.221, et seq.

I base this complaint on my personal knowledge, as well as information I have received from other law enforcement personnel and persons with knowledge of relevant facts, including, but not limited to: reports by other BCA agents and other law enforcement agencies; witness interviews; and other records and evidence I have reviewed during the course of my investigation, including body-worn camera and other video footage. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the Defendant, Justin Harland Stetson (“Defendant Stetson”), committed the offense alleged in this Complaint.

On May 30, 2020, officers from the Minneapolis Police Department (“MPD”) were patrolling the City of Minneapolis to enforce the Governor’s Executive Order imposing a temporary nighttime curfew from 8:00 P.M. to 6:00 A.M. on Friday, May 29, 2020, and Saturday, May 30, 2020.

On May 30, 2020, MPD officers deployed to enforce the curfew were traveling westbound on East Lake Street toward the intersection of East Lake Street and 14th Avenue South in the City of Minneapolis in an unmarked van. Officers in the unmarked van were assigned to MPD’s Special Weapons and Tactics (“SWAT”) Team 1281 (“Team 1281”), and additional police vehicles flanked the rear of the van without active lights or sirens. Officers in the van traveled with the passenger-side (north-facing) sliding door open. Through the darkened doorway, officers aimed and fired 40mm “less-lethal” rounds at civilians on the street after 8:00 P.M. Team 1281’s 40mm “less-lethal” launchers were black-barreled, unlike the “less-lethal” launchers used by non-SWAT officers, which, per MPD policy, must have a distinctive orange barrel.

At approximately 10:53:03 P.M., Team 1281 officers observed four civilians and three vehicles in a parking lot located between 14th Avenue South and 15th Avenue South. Without announcing their presence, issuing any verbal commands, or communicating with the civilians in any way, officers, including Defendant Stetson, shot 40mm “less-lethal” rounds at the civilians in the parking lot. A 40mm “less-lethal” round struck J.K.S. in the chest, causing J.K.S. severe pain. J.K.S. believed he had been struck by a live round and was unaware that the individuals who had fired upon him were police officers. At approximately 10:53:04 P.M., J.K.S. responded by firing three live rounds in the direction of the unmarked van. No officers were harmed by the live rounds.

Team 1281 stopped the van on East Lake Street, between 14th Avenue South and 15th Avenue South. Officers exited the van, yelled “Shots Fired!,” and rushed toward the four individuals in the parking lot, at which point J.K.S. realized the van contained police officers. J.K.S. then put his gun down and laid prone on the ground at about 10:53:10 P.M., with his arms outstretched above his head and palms facedown.

At approximately 10:53:18 P.M., upon exiting the van, Defendant Stetson transitioned from his 40mm launcher to his handgun, and shouted, “Get on the ground, dude!” At that time, J.K.S. was already lying prone on the ground, which Defendant Stetson observed and verbally acknowledged at 10:53:19 P.M., stating, “He’s down.” Defendant Stetson crossed the fence and continued to run toward J.K.S., again stating, “He’s on the ground” at approximately 10:53:24 P.M.

As Defendant Stetson approached J.K.S., J.K.S. was lying on the ground of the parking lot with his arms outstretched in front of him and his palms flat on the pavement. A firearm was visible on the ground out of J.K.S.'s reach. Upon approaching J.K.S., Defendant Stetson kicked J.K.S. in the face and head.

About ten seconds elapsed (approximately 10:53:19 P.M. to 10:53:29 P.M.) between the first time Defendant Stetson verbally acknowledged that J.K.S. was down on the ground, and when Defendant Stetson reached the prone, surrendered J.K.S., and kicked J.K.S. in the head. Beyond the initial command to get on the ground, Defendant Stetson had not given any further commands to J.K.S. at that point.

Nevertheless, Defendant Stetson proceeded to strike J.K.S. repeatedly, beginning with a kick to the head at approximately 10:53:29 P.M. At approximately 10:53:30 P.M., Defendant Stetson said, "Fucking piece of shit!" as he kicked J.K.S. in the head again.

Defendant Stetson kicked J.K.S. in the face and head approximately four times. Defendant Stetson punched J.K.S.'s head approximately six times. Defendant Stetson lifted J.K.S.'s head from the pavement and slammed it back down onto the pavement once. Defendant Stetson also administered approximately five knee strikes to J.K.S.'s face.

Defendant Stetson gave no additional commands to J.K.S. until after he had kicked and kneed J.K.S. multiple times. At approximately 10:53:43 P.M., Defendant Stetson gave his first command to J.K.S. to "Get your hands behind your back."

Defendant Stetson was joined by Sergeant A.B. at 10:53:31 P.M. At approximately 10:53:51 P.M., Sergeant A.B. held both of J.K.S.'s hands behind his back. From 10:53:51 P.M. to approximately 10:53:57 P.M., Defendant Stetson continued to strike J.K.S. with his fists, while J.K.S.'s hands were behind his back.

At approximately 10:53:54 P.M., Sergeant A.B. stated, "That's it, stop!" At approximately 10:53:59 P.M., Sergeant A.B. told Defendant Stetson, "It's okay," and held Defendant Stetson's right wrist, at which point the assault ceased.

Defendant Stetson's assault of J.K.S. resulted in substantial bodily harm to J.K.S. J.K.S.'s injuries included a fracture of his left, medial orbital wall. By definition, "substantial bodily harm" includes a fracture.

Defendant Stetson had been employed with MPD since at least 2011. Between September 20, 2011, and May 30, 2020, Defendant Stetson received approximately 1,201 hours of officer training, including use of force (defensive tactics) and de-escalation training. Defendant Stetson also received training related to his SWAT duties and completed annual in-service and recertification training courses, pursuant to his employment.

Former law enforcement officer, and current professor, Ian Adams reviewed case materials, conducted a use of force evaluation, and issued an expert report in this matter on December 16, 2022. In his report, Professor Adams concluded, in relevant part, that:

- (1) "[a] reasonable officer would not use force against a surrendered subject;"
- (2) "[J.K.S.] had surrendered and no longer posed an imminent threat to officers or others;"
- (3) "[J.K.S.] was not resisting at the time [Defendant Stetson] used force;" and
- (4) Defendant Stetson's fist strikes, knee strikes, and kicks to the head and face of J.K.S. were "unreasonable, excessive, and contrary to generally accepted police practice."

In sum, Professor Adams concluded that “[Defendant] Stetson’s use of force against [J.K.S.] violated the most basic norms of policing.”

The assault as alleged in Count I occurred in the City of Minneapolis, which is located in Hennepin County, in the State of Minnesota.

Based on the foregoing, I submit there exists probable cause to believe that the Defendant, Justin Harland Stetson, intentionally assaulted J.K.S., and inflicted substantial bodily harm upon J.K.S., in violation of Minn. Stat. § 609.223, subd. 1, as alleged in Count I.



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SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Dawn Johnson
Special Agent
1430 Maryland Avenue E
St. Paul, MN 55106
Badge: 1388

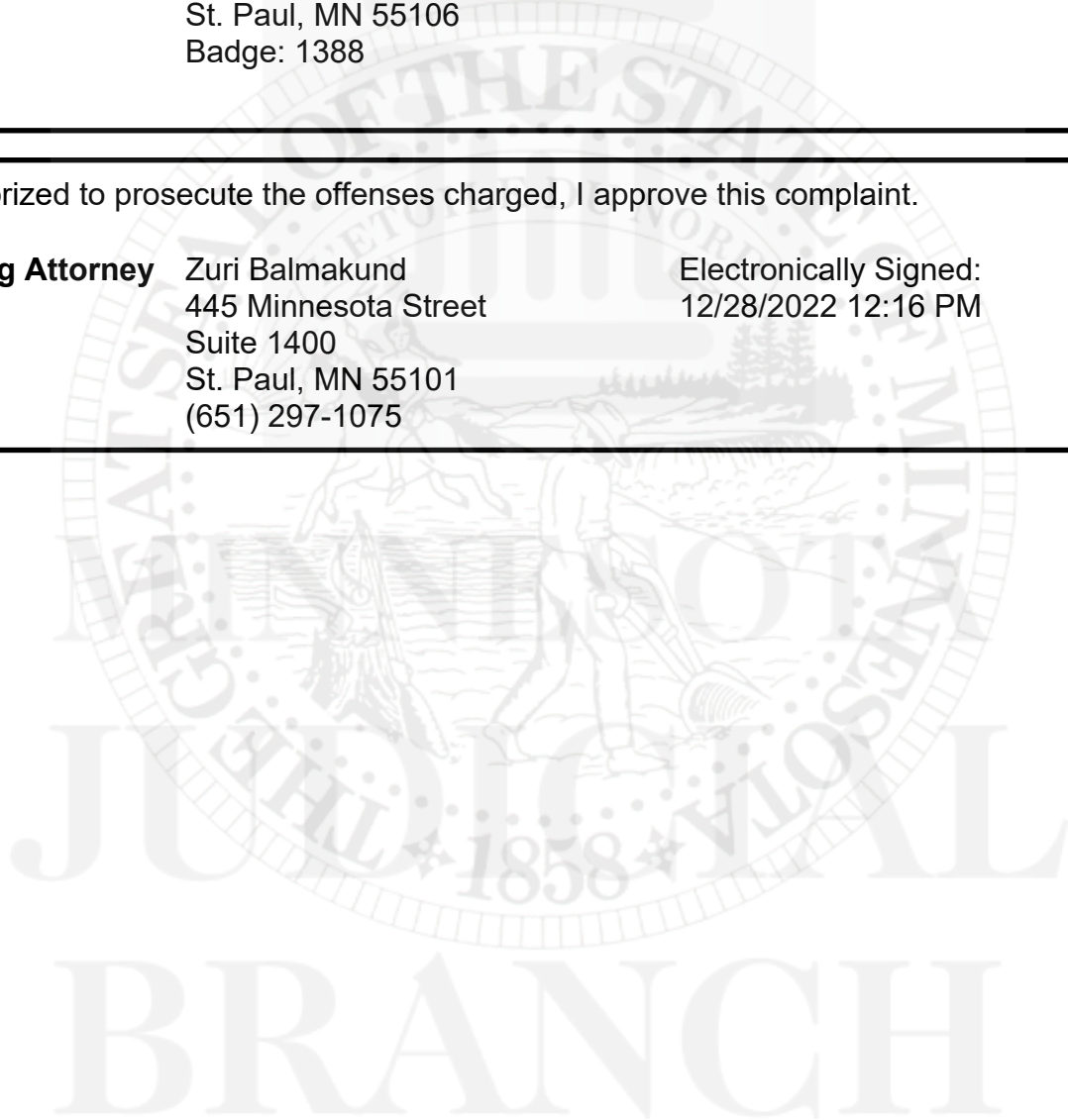
Electronically Signed:
12/28/2022 12:21 PM
Ramsey County, 14491

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Zuri Balmakund
445 Minnesota Street
Suite 1400
St. Paul, MN 55101
(651) 297-1075

Electronically Signed:
12/28/2022 12:16 PM



FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only

Execute Nationwide

Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: December 28, 2022.

Judicial Officer

William H Koch
District Court Judge

Electronically Signed: 12/28/2022 01:43 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Justin Harland Stetson

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent:

27-CR-22-25882
DEFENDANT FACT SHEET

Filed in District Court
State of Minnesota
12/28/2022

Name: Justin Harland Stetson
DOB: 10/19/1988
Address: 21959 Pinnaker Road Northwest
Nowthen, MN 55330

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

Case Scheduling Information: Prosecutor Conflicts: 01/24; 01/26; and 01/31, 2023.

Alcohol Concentration:



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STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	5/30/2020	609.223.1 Assault-3rd Degree-Substantial Bodily Harm	Felony	A3253	N	MNBCA0000	20210775
	Other	5/30/2020	609.02.7a Criminal Code Definitions-Substantial Bodily Harm	No-Level	A3253	N	MNBCA0000	20210775
	Definition	5/30/2020	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A3253	N	MNBCA0000	20210775



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