

UNITED STATES DISTRICT COURT
District of Minnesota

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

18 U.S.C. § 242

18 U.S.C. § 1519

v.

18 U.S.C. § 1621

18 U.S.C. § 1623

MICHAEL LEWIS GRIFFIN,

Defendant.

THE UNITED STATES GRAND JURY CHARGES THAT:

Introduction

At all times material to this Indictment:

1. Michael Lewis Griffin (“**DEFENDANT**”) was a licensed peace officer in the State of Minnesota and employed as a police officer by the Minneapolis Police Department. **DEFENDANT** was assigned to the Fourth Precinct in the City of Minneapolis.

2. Minneapolis police officers who are off duty have peace officer authority when they are within their jurisdiction.

3. Police officers may use reasonable force to effect a lawful arrest, execute legal process, enforce an order of the court, or to execute any other duty imposed upon the officer by law. Sworn Minneapolis police officers must use only the amount of force that is objectively reasonable in light of the facts and circumstances known to the officer at the time force is used.

Summary

4. In May 2010 and November 2011, **DEFENDANT**, while in an off-duty status, verbally confronted other persons while he was visiting bars and restaurants in downtown Minneapolis. On both occasions, **DEFENDANT** identified himself to the other persons as a Minneapolis police officer. **DEFENDANT** then punched, kicked, or otherwise used excessive force against the other persons who offered little or no resistance because **DEFENDANT** had identified himself as a police officer.

5. On both occasions, **DEFENDANT** summoned the assistance of other Minneapolis police officers. When the other officers arrived, **DEFENDANT** provided them with false, incomplete, and misleading information, and then directed the arrest of the persons he had assaulted, falsely claiming the persons had assaulted him and obstructed his exercise of police authority with force.

6. After both occasions, **DEFENDANT** drafted false police reports that contained false statements in support of his use of force and to support criminal charges against the other persons. Prosecutors declined to pursue charges on each occasion.

7. The persons assaulted by **DEFENDANT** then filed civil law suits in the United States District Court for the District of Minnesota. **DEFENDANT** repeated his false statements when responding to the lawsuits in sworn testimony both in depositions and at trial.

The Envy Nightclub Assault

8. On or about May 29, 2010, **DEFENDANT** was in an off-duty status outside the Aqua Nightclub & Lounge in downtown Minneapolis. A friend of

DEFENDANT and victim I.R. began a verbal argument. **DEFENDANT** identified himself to I.R. as a police officer and displayed his badge. I.R. attempted to retreat into another nightclub, called Envy Nightclub, a half block away. **DEFENDANT** handed his badge to his friend, followed I.R. to the Envy Nightclub, and struck him in the face with his fist several times, rendering I.R. unconscious.

9. Immediately thereafter, **DEFENDANT** identified himself as a police officer to two nearby on-duty Minneapolis police officers and directed that they arrest I.R. The officers arrested I.R. for assaulting a police officer.

10. **DEFENDANT** wrote a police report following the incident in which he falsely stated, among other things, that:

a. Aqua Nightclub & Lounge bouncers removed I.R. from the area of the Aqua Nightclub & Lounge, and I.R. attempted to break free from them;

b. I.R. repeatedly assumed an aggressive stance with clenched fists and aggressively advanced towards **DEFENDANT** and his friend;

c. I.R. yelled threats and profanities and resisted the bouncers as they attempted to restrain him;

d. the bouncers picked I.R. up off the ground to carry him away;

e. I.R. yelled threats and insults at **DEFENDANT** from the steps of the Envy Nightclub, ran towards him with raised fists, and swung at **DEFENDANT**; and

f. **DEFENDANT** attempted to sweep I.R.'s legs out from under him, but was unsuccessful and then punched I.R. multiple times.

The Loop Bar Assault

11. On or about November 5, 2011, **DEFENDANT** verbally confronted four men, J.A, M.M., K.C, and J.R., at the Loop bar in Minneapolis while in an off-duty status. **DEFENDANT** told the men he would have them thrown out of the bar. **DEFENDANT** approached a bouncer, identified himself as a police officer, displayed his badge, and directed the bouncer to remove the men. The bouncer then told the men to leave the bar. **DEFENDANT** stated that he was going to call “his boys” to come to the bar. **DEFENDANT** followed the men as they left the bar.

12. **DEFENDANT** contacted his partner, Officer W.G., a Minneapolis police officer, who was working off duty nearby, and directed him to assist. Officer W.G. arrived moments later in uniform and driving a squad car. **DEFENDANT** directed Officer W.G. to take M.M. into custody. As M.M. was being taken to the squad car, K.C. followed behind and questioned Officer W.G. as to where Officer W.G. was taking M.M. **DEFENDANT** grabbed K.C. from behind and flipped him to the ground. Officer W.G. placed M.M. and K.C. in the back of his squad car. **DEFENDANT** stood outside of the squad car, yelling at M.M. and K.C.

13. **DEFENDANT** then opened the squad car door and told M.M. to get out. M.M. asked Officer W.G. if he really could get out of the car, and Officer W.G. told M.M. that “[**DEFENDANT**] is the arresting officer, so you have to do what he says.” M.M. got out of the squad car and followed **DEFENDANT** towards a loading dock area. **DEFENDANT** then kicked M.M. in the chest, knocking him to the ground.

14. J.A., who was sitting in a nearby taxi, observed the assault and approached M.M. **DEFENDANT** punched J.A. in the head from behind, rendering J.A. unconscious. **DEFENDANT** then kicked J.A. in the head. M.M. ran to Officer W.G.'s squad car and asked Officer W.G. for help. M.M. also called 911 from his cell phone and requested a "real" cop because of **DEFENDANT**'s assault on J.A. Officer W.G. also summoned dispatch for an ambulance and a supervisor.

15. Additional Minneapolis police officers responded to the Loop. **DEFENDANT** provided the additional officers with false, incomplete, and misleading information, resulting in M.M. being arrested for obstructing a police officer with force.

16. **DEFENDANT** wrote a police report following the incident in which he falsely stated, among other things, that:

- a. J.A. instigated the argument with **DEFENDANT** in the Loop bar by pushing him violently from behind;
- b. the four men surrounded **DEFENDANT** on the dance floor in the Loop bar and threatened to "kick [**DEFENDANT**'S] ass;"
- c. as the men exited the bar, K.C. turned back and told **DEFENDANT** to "bring [**DEFENDANT**'S] ass out here;"
- d. as **DEFENDANT** left the bar, a bouncer told him not to go outside because the men were waiting for him;
- e. **DEFENDANT** called W.G. to assist instead of 911 because he knew the on-duty Minneapolis police officers would be busy;

f. once outside, K.C. followed behind **DEFENDANT**, threatened him, and touched him;

g. **DEFENDANT** took K.C. to the ground in a neck restraint;

h. after **DEFENDANT** let M.M. out of the squad car, M.M. started swearing at him and threatening to “kick [**DEFENDANT’S**] ass” again, and J.A. ran up to them as well, so he kicked M.M.;

i. J.A. ran up to **DEFENDANT** and said, “Come on mother fucker I’m going to fuck you up!” and threw a punch at him; and

j. J.A. attempted to get up and continue fighting after **DEFENDANT** struck him, so he hit and kicked J.A. again.

Civil Lawsuits

17. On February 28, 2012, J.A., K.C., and M.M. filed a civil lawsuit in Minnesota State Court naming **DEFENDANT**, Officer W.G., and the City of Minneapolis as defendants. The case was subsequently removed to United States District Court for the District of Minnesota.

18. On October 5, 2012, I.R. filed a similar lawsuit naming **DEFENDANT** and the City of Minneapolis as defendants.

19. Both lawsuits alleged that **DEFENDANT** used excessive force against the plaintiffs. Material to the determination of these civil actions was whether the degree of force used by **DEFENDANT** against each plaintiff was reasonable under the circumstances.

20. On May 29, 2013, **DEFENDANT** testified under oath in a deposition in connection with the I.R. lawsuit for the incident outside of the Envy Nightclub. Knowing his testimony to be untrue, **DEFENDANT** falsely described the events of the Envy Nightclub assault as follows:

a. I.R. threatened **DEFENDANT** by running at and attempting to strike him;

b. I.R. made repeated threats of violence and advanced upon **DEFENDANT** multiple times outside of the Aqua Nightclub & Lounge in Minneapolis until I.R. had to be lifted off the ground and removed from the scene by nightclub security officers; and

c. I.R. stood on the top of the stairs at the Envy Nightclub yelling profanities and threats at **DEFENDANT** and then ran down the stairs at **DEFENDANT**, attempting to assault **DEFENDANT**.

21. On March 27, 2013, **DEFENDANT** testified under oath in a deposition in connection with the lawsuit for the Loop bar incident. Knowing his testimony to be untrue, **DEFENDANT** falsely described the events taking place at and outside of the Loop as follows:

a. **DEFENDANT** used force against K.C., M.M., and J.A. (the “victims”) in self-defense in the course of an altercation instigated by the victims;

b. the victims surrounded **DEFENDANT** in the Loop bar and threatened him;

c. a bouncer at the bar warned **DEFENDANT** that the victims waited outside the bar for **DEFENDANT**;

d. K.C. threatened **DEFENDANT** and swept **DEFENDANT**'s hand away from him on the sidewalk outside of the Loop bar;

e. M.M. and J.A. threatened **DEFENDANT** and advanced on him to assault him in a closed alleyway; and

f. after J.A. was first knocked to the ground by **DEFENDANT**, J.A. attempted to get up to assault **DEFENDANT** two more times, and **DEFENDANT** responded by striking and kicking J.A.

22. On December 9, 2013, the trial of the lawsuit filed in connection with the Loop bar incident began in Federal District Court. **DEFENDANT** testified on December 10 and 11, 2013. Knowing his testimony to be untrue, **DEFENDANT** falsely described the events taking place at and outside of the Loop Bar:

a. J.A. pushed **DEFENDANT** from behind hard enough to push him forward about five feet;

b. J.A., K.C., and M.M. surrounded **DEFENDANT** on the dance floor of the bar and yelled threats and profanities at him;

c. a bouncer put his hand on **DEFENDANT'S** chest and warned him not to leave the bar because the victims were waiting for him outside;

d. **DEFENDANT** took K.C. to the ground because K.C. threatened **DEFENDANT**;

- e. **DEFENDANT** kicked M.M. in the chest because M.M. and J.A. were trying to “jump” **DEFENDANT**; and
- f. J.A. attempted to punch **DEFENDANT**.

COUNT 1

(Deprivation of Rights Under Color of Law)

23. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

24. On or about May 29, 2010, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

while acting under color of law, willfully deprived I.R. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the unreasonable use of physical force by law enforcement officers. Specifically, **DEFENDANT** struck I.R. in the head, causing I.R. to suffer bodily injury, including loss of consciousness, cuts, bleeding, swelling, and pain, all in violation of Title 18, United States Code, Section 242.

COUNT 2

(Destruction, Alteration, or Falsification of Records in Federal Investigations)

25. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

26. On or about May 30, 2010, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency and Bureau of the United States, knowingly made false entries in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, **DEFENDANT** wrote a supplemental report for the Minneapolis Police Department, CCN MP-10-152186, Supplement 3, dated May 30, 2010, that falsely asserted, as **DEFENDANT** then well knew, in sum and substance, among other things, that:

- a. I.R. threatened **DEFENDANT** by running at and attempting to strike him;
- b. I.R. made repeated threats of violence and advanced upon **DEFENDANT** multiple times outside of the Aqua Nightclub & Lounge in Minneapolis until I.R. had to be lifted off the ground and removed from the scene by nightclub security officers; and
- c. I.R. stood on the top of the stairs at the Envy Nightclub yelling profanities and threats at **DEFENDANT** and then ran down the stairs at **DEFENDANT**, attempting to assault **DEFENDANT**.

27. All in violation of Title 18, United States Code, Section 1519.

COUNT 3
(Deprivation of Rights Under Color of Law)

28. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

29. On or about November 5, 2011, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

while acting under color of law, willfully deprived K.C. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the unreasonable use of physical force by law enforcement officers, by throwing K.C. to the ground, causing K.C. to suffer bodily injury and pain, all in violation of Title 18, United States Code, Section 242.

COUNT 4

(Deprivation of Rights Under Color of Law)

30. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

31. On or about November 5, 2011, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

while acting under color of law, willfully deprived M.M. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the unreasonable use of physical force by law enforcement officers, by kicking M.M. in the chest, causing M.M. to suffer bodily injury and pain, all in violation of Title 18, United States Code, Section 242.

COUNT 5

(Deprivation of Rights Under Color of Law)

32. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

33. On or about November 5, 2011, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

while acting under color of law, willfully deprived J.A. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the unreasonable use of physical force by law enforcement officers, by striking and kicking J.A. in the head, causing J.A. to suffer bodily injury, including loss of consciousness, a broken tooth, cuts requiring stitches and staples, bleeding, swelling, bruising, and pain, all in violation of Title 18, United States Code, Section 242.

COUNT 6

(Destruction, Alteration, or Falsification of Records in Federal Investigations)

34. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

35. On or about November 5, 2011, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

acting in relation to and in contemplation of a matter within the jurisdiction of the FBI, an agency of the United States, knowingly made a false entry in a record and document with

the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, **DEFENDANT** wrote a supplemental report for the Minneapolis Police Department, CCN MP-11-334456, Supplement 2, dated November 5, 2011, that falsely asserted, as **DEFENDANT** well knew, in sum and substance, among other things, that:

- a. **DEFENDANT** used force against K.C., M.M., and J.A. (the “victims”) in self-defense in the course of an altercation instigated by the victims;
- b. the victims surrounded **DEFENDANT** in a bar and threatened him;
- c. a security worker at the bar warned **DEFENDANT** that the victims waited outside the bar for **DEFENDANT**;
- d. K.C. threatened **DEFENDANT** and swept **DEFENDANT**’s hand away from him on the sidewalk outside of the bar;
- e. M.M. and J.A. threatened **DEFENDANT** and advanced on **DEFENDANT** to assault **DEFENDANT** in a closed alleyway; and
- f. after J.A. was first knocked to the ground by **DEFENDANT**, J.A. attempted to get up to assault **DEFENDANT** two more times, and **DEFENDANT** responded by striking and kicking J.A.

36. All in violation of Title 18, United States Code, Section 1519.

COUNT 7
(Perjury at Civil Deposition)

37. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

38. On or about May 29, 2013, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

having duly taken an oath, in a case in which a law of the United States authorizes an oath to be administered, that is deposition in a civil lawsuit, that he would testify and depose truly, did willfully and knowingly and contrary to said oath state material matters which he did not believe to be true, that is to say:

a. “[Bouncers] . . . were actually physically carrying [I.R.]. He’s trying to break through. We walked halfway up the thing. They let him go. If he kept trying to turn around they would push him and then they would say, ‘Keep going. Don’t stop. He really is a cop.’”

b. “[I.R.] came charging down the stairs. He already had his hands up. [. . .] He had just told me he was going to kick my ass and right after that he came charging down the stairs towards me”

39. All in violation of Title 18, United States Code, Section 1621.

COUNT 8

(Perjury at Civil Deposition)

40. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

41. On or about March 27, 2013, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

having duly taken an oath, in a case in which a law of the United States authorizes an oath to be administered, that is deposition in a civil lawsuit, that he would testify and depose truly, did willfully and knowingly and contrary to said oath state material matters which he did not believe to be true, that is to say:

a. “As I was standing [inside the Loop Bar] . . . I got violently shoved from behind. [. . .] [J.A.] pushed me about five, ten feet forward.”

b. “They’re standing on the seats pointing over to me and yelling . . . they jumped down out of the booth and completely encircled me, and the larger white male is all the way in my face and he’s leaning in, ‘I’ll kick your ass, I’ll kick your fucking ass’”

c. “When I reached the front door, the bouncer put his hand on my chest and said, ‘[D]on’t go out there, they’re waiting for you.’ And I look out and they’re waiting right by the door.”

d. “[J.A. and M.M.] . . . got me in an . . . L-shape ambush technique, so one guy is in front of me, one guy is slightly behind me . . . and he is just crawling, he’s down to the ground”

e. “[J.A.] is trying to assault me.”

f. “[M.M.] was attempting . . . [to assault me.]”

42. All in violation of Title 18, United States Code, Section 1621.

COUNT 9
(Perjury at Civil Trial)

43. The grand jury hereby incorporates and realleges paragraphs 1 through 22 of this Indictment.

44. On or about December 10 and December 11, 2013, in the State and District of Minnesota, the defendant,

MICHAEL LEWIS GRIFFIN,

while under oath as a witness in a case then being tried before the United States District Court for the District of Minnesota, Doc. No. 12-CV-1019 (DSD/AJB), did knowingly make a false material declaration, that is to say:

a. “I was pushed from behind . . . [h]ard enough to push me forward about five feet or so . . .” by J.A.

b. J.A. and K.C. “came down out of the booth and surrounded me . . . and [M.M.] . . . came immediately up to my face and started yelling about how he was going to kick my ass and do all this stuff to me.”

c. A bouncer “put his hand on my chest and he stopped me and he goes, ‘don’t go out there. They’re waiting for you.’”

d. J.A. “tried to punch me.”

e. **DEFENDANT** kicked M.M. in the chest “[b]ecause I felt it was necessary to defend myself because they were trying to jump me.”

f. **DEFENDANT** took K.C. to the ground “[b]ecause he threatened he was going to kick my ass, and then I felt it was necessary to restrain him to arrest him when I told him to stay back and he refused to.”

g. **DEFENDANT** punched and kicked J.A. “[b]ecause I felt it was necessary to defend myself as they were trying to attack me, and I wanted to defend myself.”

45. All in violation of Title 18, United States Code, Section 1623.

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON