
City of Memphis
Police Division
Inspectional Services Bureau

Principal Officer Statement

Officer's Name: Kiehl, Otto	Rank: POLICE OFFICER II
DOB: , DOE: 07/16/2001	IBM: 8991
Assignment: Crump Station - "B"	Shift: Bravo Shift
Statement taken at: 2714 Union Ext. STE 600	Date\Time: 06/21/2016, 9:06 a.m.
Typed By: Detective Dionne Rogers 0881	Date\Time: 06/21/2016, 10:04 a.m.
Questioned By: Detective Dionne Rogers 0881 & Detective Ronald Polk 1320	
Relative to ISB File: I2016-009	

Q. Please state your name and IBM for the record.

A. Otto Kiehl 8991.

Q. Are you aware this statement is being recorded?

A. I am.

Q. Have you read and did you understand the Garrity Advisory Form?

A. I did, and I do.

Q. Ok, did you date and sign the form?

A. I did.

Q. Do you understand that a refusal to answer questions relevant to this investigation constitutes a violation of policy and procedure?

A. I do.

Q. Will you now participate in an interview by the Inspectional Services Bureau of this department?

A. I will.

Q. Were you afforded the opportunity to read the sworn Affidavit of Complaint prior to this statement taking place?

A. I was.

OK

Q. Do you understand that you are a principal and if the facts determine that you are in violation of policy, procedure or directives then appropriate actions will be taken?

A. I understand that.

Q. Do you wish to have an observer, I mean advisor?

A. I do.

Q. Advisor, please state your name and IBM.

Q. Michael R. Williams IBM 5702.

Q. Officer Kiehl, prior to March 13, 2016, have you ever encountered Antonio Strawder?

A. I did.

Q. Where were you?

A. I've encountered him several times at that residence where the ah, this arrest took place as well as ah, while he was driving.

Q. Alright, ah, before we continue are you under the influence of any type of medication?

A. Ah, this morning I only took Ibuprofen.

Q. Ok, ah, in regards to ah, Mr. Strawder, were you aware that his driver's license was suspended?

A. It's revoked.

Q. And how did you learn that?

A. Cause I've encountered him driving on two previous occasions.

Q. Did you issue him any type of paperwork for that?

A. The first time I issued him a warning. Then, the second time I issued him a misdemeanor citation.

Q. What type of warning did you issue?

A. A verbal one.

Q. And what was the date or around the time that you issued the misdemeanor citation?

A. It's approximately three weeks before ah this incident which. I believe it was the 13th of March.

Q. Did you complete that misdemeanor citation and sign it?

A. I did.

Q. And did you turn it in?

A. I did.

Q. Was anybody on the arrest with you?

A. No.

Q. Do you ever remember encountering him back in February?

A. Ah.

Q. Strawder?

A. Yeah I mean, I know who you are referring to. I don't know encountering. I'm sorry I hear what you say. I'm not sure what you mean.

Q. Ok, conducting a traffic stop?

A. Well three weeks before that would be in February.

Q. Ok, on March the 13, 2016, you arrested Antonio Strawder. Did you complete the arrest ticket?

A. I did.

Q. Did you generate it?

A. I did.

Q. Alright, according to your arrest ticket you ah, called Strawder and he went into the house?

A. Correct.

Q. Did you go into 1363 Standridge to....

A. I. I'm sorry...

Q. Ok...

A. Allow you answer, yes.

Q. Thank you. Did you go into Standridge to apprehend Strawder?

A. I did.

Q. Can you briefly elaborate on how you made entry into the home?

A. The door was open, he walked in. I walked in behind him.

Q. Did the home have a wrought iron door?

A. I can't, I can't say one way or the other.

Q. Ok, and can you explain to me why you went in the house?

A. To get Strawder to come back out.

Q. What was your intentions?

A. To issue him a misdemeanor citation.

OK

Q. And ah, when you went into the house did you make any contact with Sandra Humphreys, which would have been his mother?

A. Ah she was there, yes.

Q. Did she ever tell you that you could not come into her home?

A. I can't say one way or the other.

Q. Did anybody give you that impression?

A. There was there was a lot of people there and a lot of different ah, vocalizing going on.

Q. While you were in the house did you remove your taser from the holster?

A. I did not.

Q. While you were in the house, did you remove your gun from the holster?

A. I did not.

Q. How were you able to get Mr. Strawder out of the home?

A. I asked him to come out, he did.

Q. Did you have to use any type of physical contact to remove him from the home?

A. I did not.

Q. When you all were outside, was there a crowd out there?

A. There was.

Q. And, what was the, tell me how the crowd was behaving when you all initially walked out.

A. As I was, they were very very vocal. Ah, about ah, about this.

Q. Were they irate?

A. Yes.

Q. About how many people were out there?

A. Approximately half a dozen.

Q. At any time when you all first initially walked out, did you feel threatened by the crowd?

A. Very much so.

Q. Once you realized the attitude of the individuals that were standing around, which I'm referring to as the crowd, did you immediately request for additional cars to assist you?

A. I did not.

Q. Why did you not?

A. It's an error in judgement. I should have immediately done so.

Q. While you were inside the home, where was your partner, Officer Hartman?

A. Right next, in my immediate vicinity.

Q. Did he enter the home as well?

A. I believe so, I cannot absolutely confirm so.

Q. Ok.

A. We only went by about two or three steps so I can't tell you exactly where he was.

Q. Did you ever use any chemical agent on Strawder?

A. Negative.

Q. What about Officer Hartman?

A. Negative.

Q. Were there any other officers there with you and Hartman when you all first encountered..

A. Negative.

Q. Strawder?

A. No.

Q. Were you wearing a Body Worn Camera that day?

A. No.

Q. Did you have one ah, in your vehicle?

A. No.

Q. After the incident occurred, maybe approximately two days later, you went out sick. Is that correct?

A. Ah, I went out sick on Sunday, whatever ah, don't know that sound approximately right yes.

Q. Ok so, between the time you were out sick until let's say yesterday, have you been on Standridge Street?

A. I have not.

Q. Have you spoken with any citizen that live on Standridge Street about the incident?

A. Negative.

Q. Prior to this interview taking place, did, were you given the opportunity to view a video that was captured on a cell phone?

A. Prior to today or...

Q. Prior to this statement taking place, this morning before...

A. Negative.

Q. Before we..

AL

A. I'm sorry.

Q. That's ok, before I took your statement before we started?

A. Oh, today yes, correct.

Q. Did I give you an opportunity?

A. Yes you did.

Q. I'm going to ask you some questions in regards to the video. Do you need to review it again?

A. I don't believe so.

Q. Alright, what were you doing at the beginning of the video?

A. I was standing ah, in the driveway of 1363 Standridge.

Q. And why were you there?

A. The day before...

Q. Ok wait wait, let me go back. Did you have your taser in your hand?

A. I did.

Q. At that time had you, CEW, and at that time had you...

A. Deployed it.

Q. deployed your CEW?

A. I did.

Q. Ok.

A. I did. I had.

Q. Can you tell me why you deployed your CEW?

A. Ah, in the process of putting Anthony Strawder under arrest for the purpose of issue a misdemeanor citation ah, I needed to put him...I'm sorry?

Q. You called him Anthony, it's Antonio.

A. Oh I'm sorry.

Q. That's ok.

A. Mr. Strawder ah, I needed to put him in the backseat of my car and he was resisting getting into into the car which was why I originally deployed the taser.

Q. At what point did you handcuff, or at what point was Mr. Strawder handcuffed?

A. After the successful deployment of the taser.

Q. How many times did you use the CEW before you felt it was successful?

A. Twice, the first time it ah, there was no no reaction whatsoever. Ah, apparently only either none or one of only one of the probes made contact with him. In order for ah, the taser to work properly you have to have two probes physically make contact. And so after ah, there was no no reaction I changed cartridges which is done with a switch on the side and redeployed. And ah, again only one made contact. But that gave me a total two which which did allow the device to to effect. To do what it needed to do.

Q. Did he fall down on the ground after the first or second stun?

A. After the second.

Q. How much time passed before the first and second stun?

A. A few just long enough for me to realize that there was not effective to change. So, several seconds but you have a a log an electronic log that can tell you exactly. I would just be guessing.

Q. Alright, after the successful, well after um, you were satisfied with the results of the CEW did you and your partner attempt to physically restrain Mr. Strawder?

A. Can you be more specific? What do you mean by physically restrain?

Q. Did you attempt to handcuff him?

A. Yes. I did not. My partner did.

Q. Was he successful?

A. Yes.

Q. After he was handcuffed what happened?

A. We needed to get him into a squad car. And ah, Mr. Strawder was unwilling to get up and due to the large crowd I felt there was a need to get this done quickly. And since he was not assisting us in any way, in order to prevent any inju, further or any possible injury to him and or my partner, I used the button on the side for a very short pulse. And ah, while continuously giving verbal commands to get to get him to comply after the second one, compliance was achieved. He was able to assist my partner in in getting up and we were able to get him into the car.

Q. Officer Kiehl can you explain what happens to a suspect when he or she has as what you consider to be successfully tased. What happens to their body?

A. During the time?

A. Yes, once you tase them or deploy your CEW and it makes proper contact with both prongs, what normally happens?

A. The muscles lock up. Dur, for the duration of of the activation of the device.

Q. Ok, and when you say lock up?

A. It's like you know what a Charlie horse is?

A. I do.

Q. Its imagine having a Charlie horse throughout your whole body.

Q. And that's probably as the ah, for lack of a better term since I am not CEW coup, ah, CEW qualified, is that taking place while you are engaging the shock or?

A. Only specifically while while it is cycling. The moment the energy stops the effects stops instantaneously.

Q. So, how how long, so you said in other words once you let off the trigger of the CEW then the pain or the muscle goes back to the normal state?

A. The effects is instantaneously neutralized. It's not like spray there is not residual effect.

Q. Ok,

A. Did that answer your question?

Q. It did.

Q. Is that what you learned during your CEW training?

A. (laughter) Ah, from my, I've been tased twice during the my tenure on the police department. And that's what I learned first hand and during two different training sessions.

Q. Ok, so just let me clear this up. He was, you used the CEW twice before Strawder was handcuffed?

A. Correct.

Q. After he was handcuffed how many times did you use it?

A. Two more times.

Q. Alright, and you used two additional times because he was unwilling to get up?

A. (Sigh) I used it two more times in order to get him in the car without any injury to him and to yes to to keep him from getting injured.

Q. How, ok did you use any type of empty hand control?

A. I used no control. My partner was the one who physically ah physically on him.

Q. After Strawder was handcuffed was he ah, a threat to anyone?

A. He was still resisting.

Q. How was he still resisting?

A. He was not, he was not complying with our demands to get up.

Q. Was he not complying or was he not able to get up?

A. He was absolutely able.

Q. And who are you to say that? How do you know that he wasn't able?

A. I guess I am not a doctor or something like that, I can't answer that.

Q. Ok, and in the video after you stunned ah, Strawder for the third time you were giving him the command to get up. And he yelled that he was unable to get up off the ground. At that point what is your reason for not using some type of control technique to get him up off the ground? Instead of stunning him again with the taser?

A. I can't answer that. I can't answer that, there's that's a good question.

Q. What do you mean you can't answer?

A. I don't have, I do not have an answer for that.

Q. Ok.

Q. Officer Kiehl Detective Rogers asked earlier ah was Mr. Strawder a threat after he was handcuffed and you responded that he was still resisting. Ok, that's not really an answer to the question that she asked. So, I would like to answer that question again. After he was handcuffed was he still a threat? Ok, we understand that you said that he was still resisting but was he still a threat seeing that he was handcuffed?

A. He was not.

Q. And can you explain to me how he was resisting?

A. (long pause) He was not he was not complying or assisting us in getting him into the car.

Q. Ok.

Q. If if you stated that he was not a threat, why would there be a need to tase him additionally?

A. Becau, as I've said earlier due to the large crowd that was there I felt the need to get him into my squad car soon as possible and the best way to do so was to get him to assist us in getting him in.

Q. And what did you do, you may have already asked this question Detective Rogers. What did you do to address the threat of the crowd?

A. I called for additional cars as soon as I as soon as I could. But I should have done it earlier.

Q. Ok and in the video, excuse me, you can clearly hear and both see the crowd. After Mr. Strawder was handcuffed and you stated he was no longer a threat. But the crowd was still a

threat. If you felt that seeing that he was not a threat could not you have diverted your attention from Mr. Strawder and addressed the crowd if you felt that threatened by the crowd?

A. That's a good point. I should have.

Q. Did you have permission from the homeowner to enter the house?

A. No.

Q. Did you identify who the homeowner was while you were on the scene?

A. I'm sorry can you repeat that question?

Q. Did you ever identify who the homeowner was while you were on the scene?

A. Yes.

Q. And, you stated that you went into the house to get Mr. Strawder to come back outside?

A. Yes.

Q. Was that the only way that you could have him to come outside?

A. There may have been other ways.

Q. So did you pursue Mr. Strawder into the residence?

A. Yes.

Q. And according to the policy of the Memphis Police Department are we allowed to enter homes of suspects for misdemeanor crimes?

A. I don't have the answer to that.

Q. Do you have a Memphis Police Department policy and procedure manual?

A. I do.

Q. Is there any particular reason why you are not familiar with that portion of the policy?

A. The policy is this thick. I am not aware of every single line in that policy.

Q. Ok.

Q. And also according to the Memphis policy and procedure under weapons on page twenty five ah, number six I'm sorry number seven. In determining the need of, for additional exposures, exposed cycles, the officer should be aware that an exposed individual may not be able to respond to verbal commands during or immediately after CEW exposure. In the video Mr. Strawder ah, said that he was not able to get up. Were you, did you address that at on the scene?

A. Can you, I'm sorry I hear what you are say..

Q. After he was disabled by the CEW and you told him to get up to get up now. He yelled that he was not able to get up.

A. He had been flopping around on the ground since the exposure, the initial successful exposure. I believe this to be strictly for the purpose of making a scene.

Q. Ok, so instead of physically controlling your prisoner you made a decision to leave him on the ground and administer additional stuns because you thought he was making a scene for the crowd?

A. Yes.

Q. And what did you base that off of?

A. Based on the experience that I've had with the taser and that every and even though I know what it what you just read, everything that I have ever been told and shown and experienced about the taser said that when the electricity stops the effect stops.

Q. Is that written in policy?

A. No it is not.

Q. So you opted to disregard what the policy said about controlling a prisoner and go off of your on intuition and um, handle it differently based on your belief that he was acting for the crowd?

A. I did what I felt at the time was, was the most logical thing.

Q. Ok let me ask the question in this way Officer Kiehl. Did you follow the Memphis Police Department...

A. I did not.

Q. Let me answer the question sir..

A. Yes sir.

Q. Did you follow the Memphis Police Department manual as it relates to the CEW while you were dealing with Mr. Strawder?

A. I did not.

Q. Prior to the first CEW exposure was your life, your partner's life, or any citizen's life in danger?

A. Prior to the first one?

Q. Yes.

A. No.

Q. Prior to the first CEW exposure was there an immediate threat of serious injury to you, your partner or any citizens?

A. No.

Q. And just for clarity, other than using the CEW you did not utilize any other means to compel compliance on Strawder?

A. That is correct.

Q. Is there a reason he was not transported to Regional One?

A. Ah, you would have to ask the paramedics. I believe he ah, whatever you call it refused. But we, immediately, I immediately called for a. Well let me rephrase it. He was transported to Regional to the MED or whatever it is called now.

Q. Is there a reason why he was not transported to Regional One by ambulance per policy?

A. I have no idea.

Q. How did he make it to Regional One?

A. We transported him.

Q. What was your reason for transporting him there?

A. The policy says he has to go there.

Q. No the policy reads that he is to be transported by the ambulance. But you transported him. So is there a reason why you transported him and he did not go by ambulance?

A. The ambulance got there. They did what they did and they left. I was working on the arrest ticket.

Q. Ok.

A. On the not just the arrest ticket but controlling the whole, the whole thing.

Q. Ok, is there a reason why Mr. Strawder was not transported by ambulance to Regional One. Why was he not transported?

A. I have no idea.

Q. Ok, why did you transport him?

A. Because the policy says that the needs to go.

Q. Was he injured?

A. The jail will not take anybody who has been exposed to among other things a taser and as such he has to have a clearance from the MED.

Q. Ok, did you notify your supervisor prior to exposing Strawder to the CEW?

A. No I did not.

Q. And I was informed during the investigation that your partner received a stun from the CEW.

A. That's correct.

OK

Q. Were you, did you consider your partner's position prior to stunning Mr. Strawder again while he was holding the handcuffs?

A. During the training they told us that somebody holding the holding the person who is being tased would not be affected.

Q. Where, was Hartman's position where he was holding the handcuffs, was it in between the two probes?

A. I could not see where his hands were based on his body position and mine.

Q. So the fact that they told you in, during the training that someone holding a person being tased would not be affected, would you consider that accurate or inaccurate based on what occurred on the scene?

A. It does not appear to be accurate.

Q. Could it be possible also that it could be an inaccurate statement in the training you received that once you released the shockwave a person's muscles or Charlie horse, as you put it, goes back to their normal state?

A. I rather not say what might be possible. It's all kinds of things that are possible

Q. Ok.

Q. Also in the video ah, you told Mr. Strawder that there is no more pain. Is there a reason why you made that statement to him?

A. Because of what I have experienced, as we've discussed if there should be no more pain at that time.

Q. Ok so after he was yelling and screaming you were letting him know that he shouldn't feel any pain? Is that the purpose of that statement?

A. I was trying to explain, not explain. Trying to get him to sue him from continuing to create a scene.

Q. But you, were you aware that he wasn't feeling any pain?

A. (sigh) No I was not.

Q. Did you test your taser prior to getting in service?

A. I did.

Q. Did you instruct Officer Hartman to complete a Response to Resistance Form?

A. The supervisor did.

Q. Ok, because he did complete one I just need to clear up, did he use the CEW that day?

A. No ma'am.

Q. On Strawder?

A. No ma'am. I was the one.

Q. Ok. While you were escorting Mr. Strawder to the vehicle was he physically combative with you?

A. He pulled away from me twice.

Q. And when he pulled away from you, did you do any type of phys, did you try to physically restrain him?

A. My partner, after he, when when he was pulling away from me ah, he said something to the effect of don't don't touch me and ah, and so I let Officer Hartman escort him. He seemed to be less confrontation with Officer Hartman than with me. But right as we were getting close to the car he he started to veer off and based on what his, he was looking around I believed that he was getting ready to try and run.

Q. Ok, so the, is that why you used the CEW?

A. That is correct.

Q. Other than that was there anything about his actions that made you decide to utilize the CEW?

A. No.

Q. How many times have you dealt with Mr. Strawder prior to March 13?

A. Prior to that, either three or four times. Possibly more because we get a lot of calls at . Standridge and he may have been at the scene at times where briefly interacted with him. But where he was not the subject of a call that I can confirm a minimum of three times.

Q. Officer Kiehl could this have been one of those instances where you were familiar with this guy, dealt with him in the past, hi call volume over there it's problematic and just frustrated and kinda of out of frustration..

A. No.

Q. Ok.

A. Because previously even though their call volume at this address was high I had he had always been cooperative before and this day he was totally out of character.

Q. And the use of the CEW, was it ever your intention for it to punitive....

A. No ma'am.

Q. or to coerce him?

A. No ma'am.

Q. Ok, is there anything you would like to add to your statement that will aid in this investigation?

A. No ma'am.

End Statement 9:44 (a.m.)

I will ask you to read the preceding pages of this typewritten statement and if you find the same to be true and correct as a statement given by you, I ask you to initial the bottom of the preceding pages and sign your name on the line below.

 8991
Signature

6-29-16 1108
Date

File Number

19016-009



**Memphis Police Department
Inspectional Services**

Audio Recording Verification Form

I Otto C. Kiehl, have listened to the audio recording of my statement, which was given to ⁰⁸⁸¹ Ryors / ¹³²⁰ AUC of the Inspectional Services Bureau, on 06/21/2016, as represented by my signature below, and it is an accurate and precise representation of my statement. I have been advised and understand that I may receive a transcribed copy of my statement, at a later date, if requested.

 0881
Investigator

 8891
Signature
6.21.16 0846
Date