



**OFFICE OF PROFESSIONAL ACCOUNTABILITY**  
**INVESTIGATIVE SUMMARY**

Personnel: Ofc. Joshua Lippert #876569  
Investigator: Sgt. Ben Bryner #580818  
File Number: LA2017-00008  
Incident: 2017-0132239  
Date: March 27, 2017

**Statement of Complaint**

On Friday, February 10, 2017, Officer Lippert was involved in an on-duty shooting at Summer Place and South 6<sup>th</sup> Street during a traffic stop. The suspect, Jocques Clemmons, died from gunshot wounds sustained from the incident. Cold Case Homicide Detective Danny Satterfield was the lead detective investigating the incident for the Metro Nashville Police Department and the Tennessee Bureau of Investigation conducted its own investigation. I was assigned to conduct the Department's administrative investigation to determine if Officer Lippert violated any Departmental policies during the encounter.

**Relevant Provisions from Policy**

If sustained, the following charges would constitute violations of MNPDP policy:

1. **MNPDP Manual 4.20.040 (A) Adherence to Policy & Rules of the Metropolitan Government**

To Wit:

**MNPDP Manual 11.10 Use of Force**

**11.10.120 Use of Deadly Force in Self Defense**

Authorized employees may use deadly force when they have a reasonable belief that the action is immediately necessary to prevent imminent death or serious bodily injury of a human being, including the employee.



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2. MNPD Manual 4.20.040 (A) Adherence to Policy & Rules of the Metropolitan Government

To Wit:

MNPD Manual 15.10 Crime Scene Protection and Investigation

**15.20.010 General Provisions**

**A. Field Operations Bureau Responsibilities**

The first officer to arrive at the scene of an incident shall ascertain the condition of any victims present and take appropriate action, as well as apprehend any suspects still present. The officer will then secure the scene and not allow any unauthorized persons to enter the area until the arrival of investigative personnel that are actively involved in the investigation (Refer to 15.20.010(D)(13). After securing the crime scene, the Incident Commander may cause an area near the crime scene to be taped off and used as a holding area for all personnel not involved in the investigation.

The first arriving officer dispatched to the crime scene will generally be the Incident Commander unless otherwise designated by the responding field operations supervisor. The Incident Commander shall assume responsibility for the scene, and shall remain responsible for scene security until relieved. **A Field Operations Bureau supervisor shall respond to all major crime scenes.** Major crime scenes are those crimes requiring a supervisory response which shall include, but are not limited to, all calls for service involving serious bodily injury or death or the potential for serious bodily injury or death.

**Event Summary**

- See *LA Trak Profile Report(s)* for detailed case log summary: **TABLE OF CONTENTS SECTION: B**



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### Witness Interviews



Ofc. Joshua Lippert

Officer Joshua Lippert has been employed with the Metro Nashville Police Department (MNPD) since January 1, 2012. At the time of this incident he was assigned to A-Flex at East Precinct. Officer Lippert was interviewed by MNPD Detectives Danny Satterfield and Matt Filter, who work in the Homicide Cold Case Division, on February 10<sup>th</sup>, 2017, at approximately 1652 hours following the shooting. Attorney John Brown was present and represented Officer Lippert.

*For a complete review of the statements given by Ofc. Lippert, see Section D of case file for a transcript of the interview with Detective Satterfield.*

Officer Lippert gave a second interview on Monday, February 13<sup>th</sup>, 2017, at approximately 1509 hours with Detective Danny Satterfield and Sergeant Charles Rutzky. Attorney John Brown was present and represented Officer Lippert.

*For a complete review of the statements given by Ofc. Lippert, see Section D of case file for a transcript of the interview with Detective Satterfield.*



Ofc. Greg Lyons

Officer Greg Lyons has been employed with the Metro Nashville Police Department since June 6, 1996. Officer Greg Lyons is a Field Training Officer (FTO) on day-shift patrol at East Precinct. Officer Lyons was interviewed by MNPD Detectives Jill Weaver, who works in the Homicide Cold Case Division, and Investigator Randy Martin, from the District Attorney's office, on February 10<sup>th</sup>, 2017, at approximately 1651 hours following the shooting.

- Officer Lyons and his training partner, Officer Montgomery, were attempting to serve a warrant at 608 Sylvan Street, which is the next cross street just south of Summer Place off of South 6<sup>th</sup> Street. Prior to serving the warrant, Officer Montgomery had just spoken to Officer Lippert who was on Sylvan Street. They did not get a response at the door on Sylvan Street and within a few minutes Officer Lyons heard three gunshots. Officer Lyons got on the police radio and advised there were shots fired in the area.
- Officer Lyons call sign was 211A.
- Officer Lyons then heard Officer Lippert (2F13) over the radio say he had shots fired. Officer Lyons and Officer Montgomery got back into their patrol car and went to 700 South 6<sup>th</sup> Street. Officer Lyons observed Officer Lippert in the MDHA employee parking lot at Summer Place/S. 6<sup>th</sup> Street in between two cars. Officer Lyons pulled in behind Officer Lippert's car and noticed his blue lights were activated. He stated Officer Lippert's car was pulled behind a gray Chevy Tahoe with the driver's door open and it was running.
- Officer Lyons went directly to Officer Lippert and asked him what happened. Officer Lyons looked down between the two cars and observed a male black [Clemmons] lying on his back. Mr. Clemmons was still breathing and was moving back and forth. Officer Lyons asked if he [Lippert] was involved in a shooting and Officer Lippert said, "Yes." He then asked Officer Lippert if he hit him and he said, "Yes." Officer Lyons then asked if he had called for an ambulance and he stated he had not. (Radio transmissions show Officer Lippert actually did call for an ambulance prior to Officer Lyons requesting one.)
- Officer Lyons advised dispatch to have the ambulance to Signal 10, which means to rush to the scene due to the need of immediate medical attention. Officer Lippert then told Officer Lyons he had Mr. Clemmons' gun in his pocket. Officer Lyons then had Officer Montgomery move the patrol car to block off the entrance to the parking lot coming from



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- S. 6<sup>th</sup> Street to secure the crime scene. They then started to protect the crime scene by putting up crime scene tape. Officer Lyons again requested the ambulance to Signal 10.
- Officer Lyons stated Officer Lippert was talking to the suspect saying, "Keep with me, keep with me." Officer Lippert kept talking to Mr. Clemmons while he rolled back and forth on his back. Officer Lyons stated Mr. Clemmons was still conscious and breathing.
  - The ambulance arrived and transported Mr. Clemmons to the hospital. Officer Lyons had Officer Montgomery ride in the ambulance with Mr. Clemmons to the hospital.
  - Officer Lyons observed a hat, a phone, a pair of sunglasses and what appeared to be an ID laid upside down at the scene. He also observed three shell casings on the ground behind a vehicle near where Mr. Clemmons was lying.
  - Sergeant Mike Fisher, East Precinct Community Coordinator, arrived at the scene and took Officer Lippert to his car.
  - Officer Lyons never heard Mr. Clemmons make any statements.

Officer Greg Lyons was interviewed a second time on February 16<sup>th</sup>, 2017, at approximately 1037 hours by Det. Satterfield and Det. Filter.

- Officer Lyons's statements were consistent with his first interview.
- Mr. Clemmons was not handcuffed and was never handcuffed. Officer Lyons believed Mr. Clemmons had jeans on with a t-shirt and possibly a hoodie.

*For a complete review of the statements given by Ofc. Lyons, see Cold Case's case file for audio and video of the interview with Detective Weaver and Investigator Randy Martin.*



Ofc. Paxton Montgomery

Officer Paxton Montgomery has been employed with the Metro Nashville Police Department since January 1, 2012. Officer Paxton Montgomery had Officer Greg Lyons as his Field Training Officer on day-shift patrol at East Precinct. Officer Montgomery and Officer Lyons were a two man car riding together. Officer Montgomery was interviewed by MNPD Detectives Danny Satterfield and Matt Filter who work in the Homicide Cold Case Division on February 16<sup>th</sup>, 2017, at approximately 1004 hours.

- After attempting to serve a warrant on Sylvan Street, Officer Montgomery heard approximately three gunshots coming from S. 6<sup>th</sup> Street. They got into the patrol car and drove towards where they heard the shots fired. They drove to the area of S. 6<sup>th</sup> Street and Summer Place and blocked off the parking lot. Officer Montgomery observed Officer Lippert in between two cars with Mr. Clemmons. Officer Montgomery stated it looked like Officer Lippert was trying to take off Mr. Clemmons t-shirt or administer some type of first aid. He noticed Officer Lippert was saying something to Mr. Clemmons, but all he could make out was Officer Lippert telling Mr. Clemmons that help was on the way.
- Mr. Clemmons' shirt was taken off, but Officer Montgomery did not see how or who took it off. Officer Montgomery did observe a gunshot wound to Mr. Clemmons' lower left abdomen.
- Officer Montgomery stated Officer Lippert seemed genuinely concerned for Mr. Clemmons.
- Mr. Clemmons was not handcuffed and Officer Montgomery never saw him handcuffed.
- Per request of Ofc. Lyons, Officer Montgomery put up crime scene tape to secure the crime scene. He believed Officer Thomas assisted him.
- Officer Montgomery then knelt with Mr. Clemmons. He grabbed Mr. Clemmons hand and kept telling him to squeeze his hand. He tried to keep Mr. Clemmons conscious. Officer Baldoni arrived and stayed with Officer Montgomery trying to keep Mr. Clemmons conscious.
- Mr. Clemmons never spoke, but tried to sit up at least once and tried to roll to his side a few times.
- The ambulance and the fire department arrived and tended to Mr. Clemmons. Officer Montgomery was then instructed by Officer Lyons to ride in the ambulance to the hospital

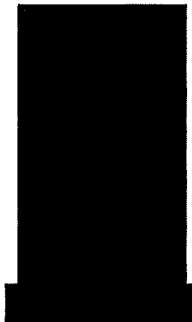


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with Mr. Clemmons. During the transport, Mr. Clemmons tried to get up and tried to take off his mask. There was not any conversation other than personnel telling Mr. Clemmons to stay still and that they were trying to help him.

- o At the hospital, they rushed Mr. Clemmons into surgery then moved him to a different floor. Officer Montgomery waited until he spoke with a doctor who advised Mr. Clemmons had died.

*For a complete review of the statements given by Ofc. Montgomery, see Cold Case's case file for audio and video of the interview with Detective Satterfield and Detective Filter.*



██████████ is a resident at ██████████ in Davidson County. She was interviewed by Detectives Danny Satterfield and Matt Filter on February 13<sup>th</sup>, 2017, at 1824 hours. During her interview, ██████████ disclosed the following:

- o ██████████ was working the day of the shooting and went home for lunch around 12:30 on February 10<sup>th</sup>, 2017. She stayed at her residence for about twenty minutes then went to her car which was parked in the parking lot at S. 6<sup>th</sup> Street/Summer Place where the shooting took place. As she walked to her car she didn't notice anything out of the ordinary and she stated she was aware of her surroundings due to the area she lives in.
- o ██████████ started her car and noticed two people run behind her car. She saw them in her rear view mirror. At first she thought it was just two kids playing until she turned around to check behind her before she pulled out and saw it was an officer [Lippert] and a man [Clemmons]. She saw the officer throw the man to the ground.
- o Her windows were not down but she could hear Officer Lippert shouting commands to Mr. Clemmons to stop and put his hands up several times. ██████████ stated she observed Mr. Clemmons resisting Officer Lippert. Officer Lippert also told him to stay down. Mr. Clemmons got back up and proceeded to run in the opposite direction. Mr. Clemmons somehow stumbled and ██████████ saw his [Clemmons] gun fall. She was not sure where it fell from and could not recall what he was wearing. She said the gun was silver and black.



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- After the gun fell, she observed Officer Lippert try to kick the gun but Mr. Clemmons was still able to reach down from a standing position and get ahold of the gun. Mr. Clemmons then put the gun in his pocket, but she was unsure which pocket and he was able to continue to run. Officer Lippert again told him to "stop" and "put his hands up" but Mr. Clemmons didn't and, within five seconds, [REDACTED] heard three gunshots. She did not see the actual shooting because they ran out of her view. She was turned to her left looking but after Mr. Clemmons picked up the gun and started running she lost sight of them. The gunshots went bang bang, (slight pause) bang.
- Following hearing the gunshots, [REDACTED] got out of her car to look and stood next to it for about 15-20 seconds. She stated the officer was still screaming at the suspect to put his hands up. [REDACTED] stated it took all Mr. Clemmons had to put his hands out. She didn't say anything to the officer and he didn't say anything to her, so she got back in her car and left. As she backed out of the parking spot, she noticed Summer Place was blocked by a police vehicle so she pulled back in the parking spot and backed out the other direction and left the parking lot from S. 6<sup>th</sup> Street.
- [REDACTED] did not see Officer Lippert approach Mr. Clemmons after the shooting while he was on the ground.
- [REDACTED] stated she had not been interviewed until this interview. She tried to return home later in the evening after work around 5:15pm to 5:20pm, but the roads were still blocked so she picked her kids up at her mother-in-law's and stayed there until she could go back home after police left.
- [REDACTED] did not know Mr. Clemmons and did not see the police officer's face until after he had shot Mr. Clemmons. She stated after the shooting Officer Lippert looked right at her. After finding out who Mr. Clemmons was on social media, she stated she has seen him walk his dog around the neighborhood but has never talked to him.

*For a complete review of the statements given by [REDACTED] see Cold Case's case file for audio and video of the interview with Det. Satterfield and Det. Filter.*





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## Conclusion of Facts

On February 10<sup>th</sup>, 2017, Officer Joshua Lippert worked A-Flex at East Precinct. The A-Flex team typically worked 0630-1500 hours, but during the month of February, 2017, A-Flex worked a modified shift (1200-02030 hours) on several days to target crime in the James Cayce public housing area at the request of East Precinct Commander Imhoff due to a rise in crime. The team was told to be proactive and remain in the James Cayce public housing area during their shift.

At approximately 12:55:08 pm on February 10<sup>th</sup>, 2017, Officer Joshua Lippert observed a gray SUV fail to stop at a stop sign as it approached the intersection at Summer Place/S. 6<sup>th</sup> Street. The traffic infraction was caught on video surveillance from the Metropolitan Development and Housing Authority office on S. 6<sup>th</sup> Street. Officer Lippert was parked on S. 6<sup>th</sup> Street watching the stop sign and observed the violation. The gray SUV (2002 GMC Yukon, 4dr, TN V8644N), traveled across S. 6<sup>th</sup> Street and immediately parked in a handicapped parking spot in the parking lot at Summer Place.

Officer Lippert placed his unmarked flex car, which is a black Chevy Impala equipped with blue emergency lights, at an angle on the rear driver's side of the SUV and initiated his blue emergency lights as he pulled up. The driver of the SUV, Jockes Clemmons, exited the SUV after he parked and left the driver's door open as he walked in Officer Lippert's direction. Officer Lippert quickly exited his vehicle, dressed in a full MNPD Flex uniform, and made verbal contact with Mr. Clemmons.

**It is important to note,** that Officer Lippert stayed at the scene until his first interview was conducted. There was video surveillance of the incident inside the MDHA office, but Officer Lippert did not view any video prior to his first interview with detectives on February 10<sup>th</sup>, 2017.

During the first interview with Homicide Detective Danny Satterfield, Officer Lippert stated it was clear Mr. Clemmons grasped an item in his waistband and adjusted it immediately after he got out of his SUV. Officer Lippert asked Mr. Clemmons to step back in his vehicle and Mr. Clemmons only nodded his head and did not comply. Mr. Clemmons then reversed direction and fled through the parking lot on foot towards Sylvan Street. Due to the fast pace in which this occurred, Officer Lippert stated he was unable to call in the traffic stop over the radio. (Radio transactions showed he did notify dispatch that a subject was running from him.) Officer Lippert gave verbal commands for Mr. Clemmons to stop and he refused to stop. Officer Lippert gave chase and caught up to Mr. Clemmons at the other end of the parking lot. Officer Lippert stated Mr. Clemmons ran into a vehicle at the end of the parking as he tried to fake in one direction and run in the other direction. There was a physical altercation between Mr. Clemmons and Officer Lippert at that vehicle then Mr. Clemmons went to the ground. As he fell to the ground items fell from his person including a gun.



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Officer Lippert remembered having his Taser out at some point and remembered he holstered it when he saw the gun. Officer Lippert stated he shouted commands at Mr. Clemmons, "Don't go for it! Don't go for it!" Officer Lippert tried to kick the gun or Mr. Clemmons hand, whichever he could get to, in an attempt for him to not grab the gun. Officer Lippert stated Mr. Clemmons was able to grab the gun and, with gun in hand, Mr. Clemmons looked right into Officer Lippert's eyes. Mr. Clemmons moved back towards parked cars and Officer Lippert stated he gave repeated commands for him to drop the gun. Mr. Clemmons refused to obey his verbal commands. Mr. Clemmons then turned away from Officer Lippert and raised the gun up about waist high in the direction of Officer Lippert. Officer Lippert stated he saw the gun in his right hand and fired about three times with his handgun until the threat was stopped. Officer Lippert stated he truly believed Mr. Clemmons was going to kill him. Mr. Clemmons fell into a vehicle then on the ground in between two vehicles. The gun dropped from Mr. Clemmons right hand and landed next to him on the ground. Mr. Clemmons was still moving his hand, so Officer Lippert reached down and grabbed the gun. Officer Lippert placed the gun in his pant pocket for safety. The gun was later identified as a Stainless Nickel Ruger .357 Magnum revolver with 5 live rounds in it.

Officer Lippert stated he unzipped Mr. Clemmons hoodie and cut his shirt looking for wounds. Officer Lippert remembered seeing two wounds, but could not recall where they were on his body. The autopsy report concluded Mr. Clemmons had two gunshot wounds to his back and one to his hip. Officer Lippert stated he grabbed ahold of Mr. Clemmons' hand and tried talking to him, "Stay with me. What's your name?" He stated he was trying to render aid or some kind of comfort to Mr. Clemmons. Mr. Clemmons was going in and out of consciousness and Officer Lippert could hear wheezing. Officer Lippert stayed with Mr. Clemmons until Officer Montgomery arrived. He told Officer Montgomery to stay with Mr. Clemmons and he [Lippert] backed away from Mr. Clemmons. An ambulance responded to the scene to treat and transport Mr. Clemmons.

- Officer Lippert did not recall seeing anyone else in the SUV when he stopped it. He also did not see anyone in the parking lot before or during the foot chase or the shooting.
- Officer Lippert was asked if there was any physical contact between him and Mr. Clemmons when they first exited their vehicles and he stated, "No. Not that I recall at least."
- Officer Lippert stated he never drew his gun until Mr. Clemmons grabbed his pistol off the ground.
- Officer Lippert sustained a minor injury to his left quadriceps muscle when he tried to kick the gun.

On Monday, February 13<sup>th</sup>, 2017, Officer Lippert was interviewed for a second time. He was interviewed by Det. Satterfield and Sgt. Rutzky. Attorney John Brown was present and represented Officer Lippert. It is important to note, by this time detectives had viewed video surveillance that



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came from a Metropolitan Development and Housing Authority (MDHA) building on South 6<sup>th</sup> Street. The video footage had been released to the media and Officer Lippert had viewed the video prior to his (2<sup>nd</sup>) interview. Officer Lippert stated there were a few small details he recalled after watching the video.

Officer Lippert stated he did not recall it at the time, but after reviewing the video Mr. Clemmons had charged at him after exiting his SUV. He stated from the video Mr. Clemmons "body checked" him before running off. Officer Lippert yelled for him to stop and chased after him. At the other end of the parking lot, Officer Lippert was able to get his hands on Mr. Clemmons. Mr. Clemmons fell to the ground and Officer Lippert stated he got his Taser out. He knew it was his Taser due to him having to draw it out from across his body on his non-dominant hand side. Officer Lippert did not tase Mr. Clemmons. When asked why he didn't tase him, he stated he tried to use the minimum force necessary to affect the arrest. Officer Lippert gave more verbal commands for Mr. Clemmons to stop, but could not remember what specific commands he gave. Mr. Clemmons still did not comply and stood to his feet. Officer Lippert stated Mr. Clemmons went to the ground a second time, but he didn't initially recall that. He only knew because of looking at the video. It was not from his recollection of the incident.

Officer Lippert specifically remembered hearing a distinct sound of a pistol hitting the ground in the parking lot. The first time he saw the pistol was when Mr. Clemmons reached to the ground to pick it up. Officer Lippert gave verbal commands, "Don't grab that. Don't do this. Don't do this." Officer Lippert distinctively remembered it was a silver revolver with a black grip. At some point, Officer Lippert remembered putting his Taser in its holster and drawing his handgun. After Mr. Clemmons grabbed the gun off the ground from a standing position, Mr. Clemmons and Officer Lippert made eye contact. Officer Lippert explained Mr. Clemmons's appearance as, "It's me or you look in his eye." Officer Lippert stated he believed Mr. Clemmons turned to run, reacting to Officer Lippert pointing his handgun at him and he [Clemmons] turned back to Officer Lippert looking over his [Clemmons] left side and raised his gun towards Officer Lippert. Officer Lippert stated he saw the barrel of the pistol coming towards him. Officer Lippert stated he shot to keep from being shot and felt he did everything he could to keep from shooting Mr. Clemmons. Officer Lippert recalled firing his gun three times as fast as he could. He stated he saw his front sights and only a silhouette of Mr. Clemmons. Officer Lippert stated he fired until the threat was stopped. He stated the threat was stopped as soon as Mr. Clemmons started to go to the ground. Officer Lippert said his back drop was the parking lot and empty cars.

Attorney John Brown asked Officer Lippert how quick he fired the three shots and Officer Lippert replied he was not sure but he fired as fast as he could. Attorney John Brown asked Officer Lippert if he would be able to freeze frame the video and determine where and when he fired the three shots and Officer Lippert replied he would not be able to because it was a dynamic situation.



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After being shot, Mr. Clemmons fell between two cars and the pistol fell out of his hand. Officer Lippert stated Mr. Clemmons was still moving and still a threat so he reached down and secured the pistol by picking it up and placing it in his pant pocket for his safety.

- Sgt. Rutzky showed Officer Lippert video of the traffic stop from the MDHA building and asked Officer Lippert if he remembered Mr. Clemmons running into him during the first part of the traffic stop. Officer Lippert replied, "I do now, but I didn't initially. It was a pretty traumatic experience. I'm trying to piece it together the best I can. I'm sorry I don't have the whole story." Officer Lippert explained he vaguely remembered Mr. Clemmons charging at him. Officer Lippert did not specifically remember the contact and only stated there was contact due to looking at the video.
- While reviewing the video during the interview, Officer Lippert was unable to determine when exactly he fired his weapon, but stated he was done firing before Mr. Clemmons fell between the vehicles. He also stated the shooting was over before he "sliced the pie". "Slicing the pie" is a term related to a strategy of looking around corners and other obstacles searching for potential threats while minimizing your body exposure to those threats.
- Officer Lippert wanted to reiterate Mr. Clemmons was considerably larger than him. He estimated Mr. Clemmons to be approximately 6'2" and 250 pounds. Office Lippert stated he [Lippert] was only 5'10" and between 190-200 pounds.
- Officer Lippert stated after the shooting he assessed Mr. Clemmons's wounds.

On Tuesday, February 14<sup>th</sup>, 2017, MDHA obtained new video of the initial confrontation between Officer Lippert and Mr. Clemmons. They submitted the video to the Metro Nashville Police Department and that video was released to the public media. The different angle shows there was not any initial physical contact between Officer Lippert and Mr. Clemmons. Instead it appeared Mr. Clemmons tried to run by Officer Lippert but turned and ran the other way away from Officer Lippert just after he exited his vehicle. It is important to note that Officer Lippert initially never stated there was physical contact between them after Mr. Clemmons exited his vehicle. After the first interview and before his second interview, Officer Lippert viewed publicly released video and stated he observed contact but did not recall it. The initial camera angle made it appear there was contact between them, but the different angle showed there was not any initial contact.

After reviewing the MDHA video of the incident, detectives observed a vehicle leave the parking lot just after the shooting. The vehicle was parked on the opposite row and just across where the shooting took place. Detectives identified the driver of the vehicle as [REDACTED] [REDACTED] was located and interviewed on February 13<sup>th</sup>, 2017, at 1824 hours by Detective's Danny Satterfield and Matt Filter.



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██████ lives in the area and was on her lunch break. After leaving her apartment she went to her vehicle in the parking lot where the shooting took place. She stated after she put her seat belt on she noticed what she thought were two kids running behind her vehicle. She caught a glimpse of them in her rear view mirror. She then looked back and saw Officer Lippert throw Mr. Clemmons to the ground. Her windows were not down, but she could hear Officer Lippert shouting commands for Mr. Clemmons to put his hands up several times. She stated Mr. Clemmons was resisting. Officer Lippert was telling Mr. Clemmons to stay down but he got back up and proceeded to run back in the direction they originally came from. Mr. Clemmons stumbled and ██████ saw his [Clemmons] gun fall from his person. She could not recall where it fell from off of his person but stated the gun was silver and black.

After the gun fell, she observed Officer Lippert try to kick the gun away from Mr. Clemmons. Mr. Clemmons was still able to get the gun and ██████ stated Mr. Clemmons picked the gun up and put it in his pocket, but she was unsure which pocket on his person. She then heard Officer Lippert tell him again to stop and put his hands up, but Mr. Clemmons didn't and within five seconds ██████ heard three gunshots. ██████ explained she was not able to see the actual shooting because they ran out of her view. ██████ was seated in the driver's seat of her vehicle originally looking over her left shoulder watching Officer Lippert and Mr. Clemmons, but as they progressed back towards Summer Place she had to turn to look over her right shoulder. It is believed when she turned was when the shots were fired. She stated the shots went bang, bang, (slight pause) bang.

After the gunshots ██████ got out of her vehicle, which can be seen from the video, watched and stood there for about 15-20 seconds. She stated Officer Lippert was still screaming at Mr. Clemmons to put his hands up and stated it was all Mr. Clemmons could do to put his hands out. ██████ didn't say anything to Officer Lippert and he didn't say anything to her, so she got back in her vehicle to leave. She stated she backed out of the parking spot and the entrance/exit on Summer Place was blocked by a police vehicle so she pulled back in the parking spot and went out the opposite direction towards Sylvan Street, which was confirmed by the video. Before leaving, ██████ did not see Officer Lippert approach Mr. Clemmons.

Officer Greg Lyons and his training partner, Officer Paxton Montgomery, were the first officers to arrive on the scene moments after hearing the gunshots. Officer Lyons and Officer Montgomery were on Sylvan Street attempting to serve an arrest warrant when they heard the nearby gunshots. Officer Lyons remembered pulling in behind Officer Lippert's vehicle and observed its blue lights were on and the car was running. He then went to Officer Lippert as he stood between two parked cars and asked if he was involved in a shooting. Officer Lippert confirmed he was involved and that Mr. Clemmons was injured. Officer Lyons asked Officer Lippert if he had called for an ambulance and Officer Lippert stated he had not, but radio transmissions showed he [Lippert-2F13] did request for an ambulance over his radio. Officer Lyons also requested an ambulance over the radio and



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requested them to respond quickly (Signal 10). Officer Lyons stated Mr. Clemmons was still moving back and forth but never said anything. Officer Lippert told Officer Lyons he had Mr. Clemmons' gun in his pocket. Officer Lyons told his partner, Officer Montgomery, to move their patrol car to block the parking lot from S. 6<sup>th</sup> Street. Officer Lyons stated Officer Lippert was talking to the suspect saying, "Keep with me, keep with me."

Officer Montgomery secured the scene with crime scene tape at the request of Officer Lyons. Officer Montgomery noted Mr. Clemmons' shirt was off, but didn't know who, if anyone, took it off. Officer Montgomery knelt beside Mr. Clemmons and grabbed his hand telling him to squeeze his hand in an effort to keep Mr. Clemmons conscious. He stated Mr. Clemmons tried to sit up once and would try to roll over. Once the ambulance arrived and transported Mr. Clemmons, Officer Montgomery rode in the ambulance to Vanderbilt Hospital. During the ride, Officer Montgomery stated Mr. Clemmons tried to take his oxygen mask off and tried to get up. There was not any conversation except for medical personnel trying to speak to him. Once at the hospital, Officer Montgomery stated they took Mr. Clemmons back for surgery and he waited at the hospital until a doctor later notified him that Mr. Clemmons died from his wounds.

After viewing released video from MDHA of the incident, there was a front seat passenger with Mr. Clemmons that walked away during the shooting. The subject did not come forward and was only identified after the news media posted pictures of him asking for the public's help to identify him. On or around March 5, 2017, News Channel 5 reported the TBI had identified and interviewed the passenger due to a tip called in. Metro Police were not given his information and were unable to interview the passenger.

In reviewing the video from the Metropolitan Development and Housing Authority, it showed the gray SUV driven by Mr. Clemmons failed to stop for the stop sign at South 6<sup>th</sup> Street and Summer Place at 12:55:08 pm. The vehicle crossed South 6<sup>th</sup> Street and parked in a parking lot at Summer Place. Mr. Clemmons opened the driver's door, exited the SUV, he then appeared to reach back into the vehicle before walking towards Officer Lippert at 12:55:40 pm. Mr. Clemmons appeared to have tried to run by Officer Lippert, but Officer Lippert cut him off due a chain link fence surrounding part of the parking lot. Mr. Clemmons then ran towards the north end of the parking lot (12:55:44) while Officer Lippert gave chase. The front seat passenger got out of the SUV (12:55:52) and walked away towards Summer Place.

At the end of the parking lot, Officer Lippert was able to grab ahold of Mr. Clemmons and Mr. Clemmons went to the ground (12:55:54). Officer Lippert drew his Taser and aimed it at Mr. Clemmons, who quickly got back on his feet (12:55:57). Officer Lippert holstered his Taser as Mr. Clemmons started to run back southbound towards Summer Place. After a few steps he [Clemmons] stopped, looked down at the ground and reached down (12:56:00) with his right hand.



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Mr. Clemmons appeared to have picked up an object that was between him and Officer Lippert. According to the eye witness [REDACTED], Mr. Clemmons grabbed a gun that fell from his person. Mr. Clemmons was then tripped or fell to the ground (12:56:01) after Officer Lippert tried to kick the gun or Mr. Clemmons' hand away from the gun. Officer Lippert drew his firearm and aimed it at Mr. Clemmons. He [Clemmons] rolled over on the ground and got back to his feet (12:56:03). Mr. Clemmons and Officer Lippert were facing each other when he got up. Mr. Clemmons turned clockwise (12:56:04) away from Officer Lippert with his hands at his waist area. Mr. Clemmons then started to run between two vehicles when his knee went to the ground (12:56:05) as he fell between the vehicles. Officer Lippert "sliced the pie" with his weapon drawn (12:56:07) and approached Mr. Clemmons who was laying on his back. Officer Lippert leaned down (12:56:15) next to Mr. Clemmons, stood back up and moved to the rear of a vehicle. According to Officer Lippert, he observed the silver handgun lying next to Mr. Clemmons so he reached down next to Mr. Clemmons, grabbed the gun and secured it in his pant pocket for their safety. Officer Lyons and Officer Montgomery arrive to the scene at 12:56:58 pm. The witness, [REDACTED] pulls out of her parking spot to leave at 12:57:05 pm. She was parked directly behind where the shooting took place.

The clarity of the video was too grainy to tell when the shots were actually fired. According to Officer Lippert, Mr. Clemmons stood up with the gun in his hand and they made eye contact (12:56:03). Mr. Clemmons then turned away from Officer Lippert and raised the gun up about waist high in the direction of Officer Lippert (12:56:04). Officer Lippert stated he fired three times until the threat was stopped. He stated he was done firing before Mr. Clemmons fell to the ground in between the vehicles. Officer Lippert stated he could not determine when he fired the shots from the video due to it being a dynamic incident.



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### Timeline of Events

12:55:08-Mr. Clemmons failed to stop for stop sign.  
12:55:23-Mr. Clemmons pulled into parking spot and opened door.  
12:55:39-Mr. Clemmons walked towards Officer Lippert.  
12:55:44-Officer Lippert gave chase to Mr. Clemmons to the other end of the parking lot.  
12:55:52-Front seat passenger exited SUV and walked away.  
12:55:54-Mr. Clemmons and Officer Lippert had first physical contact at the end of the parking lot.  
Mr. Clemmons went to the ground.  
12:55:55-Officer Lippert displayed his Taser.  
12:55:57-Mr. Clemmons back to his feet, Officer Lippert holstered Taser.  
12:55:58-Mr. Clemmons turned to run back from the direction they came.  
12:56:00-Mr. Clemmons grabbed gun from ground.  
12:56:01-Mr. Clemmons fell to ground.  
12:56:03-Mr. Clemmons stood back up facing Officer Lippert.  
12:56:04-Mr. Clemmons turned clockwise away from Officer Lippert, hands at waist high.  
12:56:06-Mr. Clemmons fell between two parked vehicles.  
12:56:15-Officer Lippert secured Mr. Clemmons' gun on his person.

### Video

*Video viewed from the incident can be located in the Cold Case/Homicide case file.*

It is important to note, that, while not visible by video, officers stated Mr. Clemmons was never handcuffed. The MNPD Manual states: 18.50.020 Restraints- (B) For the safety and protection of all concerned a member shall use handcuffs to restrain persons arrested for any offense. A person being arrested for any violation shall be thoroughly searched and handcuffed behind their back, in accordance with training and established policy and procedure, *unless there are extenuating circumstances* or physical limitations. Once Officer Lippert took the gun from the ground next to Mr. Clemmons, his medical necessity could be perceived as an extenuating circumstance to refrain from handcuffing him.

Pursuant to MNPD Manual 11.10.140 Administration of First-Aid (A) Whenever an employee is involved in a use of force incident in which a person sustains injuries or requests evaluation and/or treatment, the appropriate first-aid shall be administered either by the employee or others at the scene, by transporting the injured person to the hospital, and/or *by summoning emergency medical personnel*. Officers Lippert and Lyons both called for an ambulance over the dispatch radio following





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the incident. Officers Lippert and Montgomery both stated they tried to render first aid or comfort to Mr. Clemmons while waiting on the ambulance. The video shows officers kneeling next to Mr. Clemmons while waiting on the ambulance.



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## Recommendations

In view of the foregoing set of facts and circumstances, the following recommendations are made in regard to potential policy violations by Ofc. Joshua Lippert:

1. MNPD Manual 4.20.040 (A) Adherence to Policy & Rules of the Metropolitan Government

To Wit:

### MNPD Manual 11.10 Use of Force

#### 11.10.120 Use of Deadly Force in Self Defense

Recommendation: **EXONERATED**

Absent any new information, exoneration with regard to Officer Lippert's use of force is recommended. MNPD policy provides that an officer may use deadly force when there is a reasonable belief that the action is immediately necessary to prevent imminent death or serious bodily injury of a human being, including the employee. Here, video and an independent witness to the incident appear to support Officer Lippert's account of the incident: Mr. Clemmons ran after the traffic stop, Officer Lippert gave chase, a gun fell to the ground, Officer Lippert attempted to kick Mr. Clemmons hand or the gun but Mr. Clemmons retrieved the gun, all while Officer Lippert was ordering Mr. Clemmons, "Don't go for it! Don't go for it!" Officer Lippert stated, with the gun in hand Mr. Clemmons looked right into his eyes. Officer Lippert stated he gave repeated commands for him to drop the gun. Refusing to obey the commands, Mr. Clemmons turned clockwise away from Officer Lippert to run away, looked back over his [Clemmons'] left shoulder, and raised the gun up about waist high in Officer Lippert's direction. Officer Lippert fired at Mr. Clemmons. Three seconds elapsed from when Mr. Clemmons stood in front of Officer Lippert with a gun in his hand, until the time Mr. Clemmons was shot and fell between the cars. The autopsy results, which revealed Mr. Clemmons sustained two gunshot wounds to his back and one to his hip, are consistent with the video and Officer Lippert's statement that Mr. Clemmons' back was to Officer Lippert as he looked over his shoulder at Officer Lippert. Officer Lippert, having been face to face with Mr. Clemmons who not only failed to drop his gun but also retrieved it after it fell, could reasonably have been in fear of his life or of serious bodily injury when, within three seconds, he shot Mr. Clemmons.



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2. MNPD Manual 4.20.040 (A) Adherence to Policy & Rules of the Metropolitan Government

To Wit:

MNPD Manual 15.10 Crime Scene Protection and Investigation

15.20.010 General Provisions

Recommendation: **EXONERATED**

Following the shooting, Officer Lippert stated the gun Mr. Clemmons had fell next to his side as he was lying between the cars. Officer Lippert stated he retrieved the gun and put it in his pocket for their safety. Officers Lippert, Lyons, Montgomery and [REDACTED] all stated Mr. Clemmons was moving at the scene. According to MNPD Manual: Crime Scene Protection and Investigation, 15.20 (D) Investigative Components Responsibilities: No items of evidence will be removed until members of the investigative units have had the opportunity to observe such evidence in its original location and condition, unless it is necessary to preserve life or property or to preserve the condition of the evidence itself. It is reasonable Mr. Clemmons could have used the firearm against himself or others if it was not secured.

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