

POLICE CIVILIAN REVIEW BOARD

Investigation Report

Internal Affairs Case Number C 2020-0070

Complainant: (Race/Gender)	C- [REDACTED] (W/M)
Alleged Policy Violation:	Improper Use of Force
Subject Officer: (Race/Gender)	Off. Val Brown (W/M)
Subject Officer's Years of Service:	2 years
Date of Alleged Incident:	5/30/20
Date Investigation Requested:	5/31/20
Date Filed with Internal Affairs	6/2/20
Date Investigation Completed:	7/29/20
Panel Members:	Rebekah Myers Teresa Garrett Kevin Parke Turner Bitton Amber Liechty
Date of Panel Meeting:	7/31/20
Interviews Conducted:	7

It should be noted that the narratives contained in this report are summaries that have been paraphrased from interviews. They should not be interpreted as verbatim transcripts. The narrative is intended to accurately communicate the substance of the major points in each interview.

Synopsis:

This is one of two complaints filed against the Public Order Unit (POU), who were deployed during the unrest occurring in late May and early June of 2020.

On the day in question, the first day of protests this summer, a large gathering of over 1500 protesters gathered in the downtown area to protest police violence. The gathering was generally in the vicinity of the Washington Square area, but it expanded and contracted throughout the day.

The heaviest concentration of protesters was on 200 East between City Hall and the SLC Library, but other groups existed including one near 400 S and 300 East, near the Police Department, and a splinter group which vandalized the 7-11 on the north side of 400 S between 200-300 East.

More than an hour prior to the deployment of the POU, an officer was driving eastbound on 400 S, roughly 220 E, when her car was stopped by protesters. The officer called for immediate assistance due to the actions of the protesters and was removed from the scene by responding officers. Her car was left behind and in it was a fully operational AR-15 carbine. At some point, the police car was turned over and set afire by the protesters. The police car was fully engulfed by the fire and completely destroyed. The police car remained smoldering when the POU was deployed.

The POU was deployed mid-block between 200 E and 300 E, on the south side of 400 S with instructions to “push” the crowd back from the burning police vehicle and hold their position on 400 S, facing west, at the intersection of 200 E. As explained later in this report, the officers believed they were to secure the now destroyed police car and not allow the crowd access to 400 S, eastbound.

The POU arrived in an MRAP, a surplus Military Armored Personnel Carrier, thought to belong to another agency and driven by an officer from that agency. The POU had never deployed from an MRAP in any previous training. There were two units of 7 members of the POU deployed from different MRAPs. Officers in the first MRAP were not aware of the second MRAP at the time. The officers interviewed all referenced their extreme anxiety due to the large number of protesters and each had knowledge of the crowd’s already violent actions, i.e. the burning police car and the actions at the 7-11 which was at the intersection of 400 S and 300 E. This 7-11 would be at their 4-5 O’clock as the POU was to form a skirmish line facing west upon exiting the MRAP.

Upon exiting the MRAP, the front unit of 7 POU officers were to form a skirmish line, facing west, and push the protesters westward to the intersection of 400 S and 200 E, a relatively short distance of perhaps 25 yards.

S exited the MRAP and along with another officer observed 2 men on the street side of the small fence separating the library sidewalk from the street. One of these men was C. C is a late middle-aged man who was using a cane to walk. The officers deployed and immediately began to give multiple commands to “get back”. S too issued multiple commands. Both men did not appear to hear or understand the commands but in any case, they did not follow the orders of the officers and stood relatively still. As S and another officer, W3, advanced at the two men, neither man promptly turned his back as to walk westward, complying with the given orders. S advanced on the men, and used his shield and made contact with C, who then fell to the ground. C was helped to his feet by the other officer.

The SLCPD policy says the following, in part:

Public Order Unit

343.1 PURPOSE AND SCOPE

This policy provides guidance for the use and deployment of the Salt Lake City Police Department's Public Order Unit (POU).

343.1.1 DEFINITIONS

Deployment - A POU Deployment occurs when members of the POU stage for, or respond to, an event or incident of civil unrest (this can be with or in their individual Kit).

Kit - The specific physical accouterments worn by members of the POU to provide enhanced protection beyond their level 2 or 3A body armor.

High Threat Event - An event where the potential for civil unrest is elevated, and a specific indication, intelligence, or foreshadowing exists to believe such unrest will occur.

Low Threat Event - An event where the potential for civil unrest is present, but no specific indication, intelligence, or foreshadowing exists to believe such unrest will occur.

POU Commander - The POU Commander is the Special Operations Division Motor/Special Events Lieutenant.

Presence - A POU presence occurs when members of the POU staff an event.

POU Assist - A POU Assist occurs when another agency's POU (or equivalent) requests the Salt Lake City Police Department's POU augment their own deployment strategy by sending any number of its members to a location not owned or operated by the City.

Mutual Aid Deployment - A Mutual Aid Deployment occurs when an outside agency that does not have a POU (or equivalent) formally requests assistance from the Salt Lake City Police Department's POU.

Shared Interest Deployment - A Shared Interest Deployment occurs when the Salt Lake City Police Department's POU deploys as a joint team with another agency's POU (or equivalent) in a geographical area that has overlapping jurisdiction (e.g., University of Utah, State Capitol Building, etc.).

Scheduled Event - Events where no specific indication of civil unrest is present but events where the potential of such exists; more so than any other event or secondary employment detail.(i.e., LDS Conference, Twilight Concert series, Dignitary Detail/Assignment, "Town Hall" meetings, etc.).

Serial - A serial is a standard working component of the Public Order Unit. A serial is comprised of 33 members. A POU deployment can be comprised of multiple serials.

343.2 POLICY

The Public Order Unit (POU) has been established to provide specialized law enforcement support to help facilitate citizens' first amendment rights to free speech while keeping the public's interest of safety and order during planned or spontaneous events. The Public Order Unit will also serve as a response option to general instances of civil unrest.

343.3 PUBLIC ORDER UNIT STRUCTURE

The Public Order Unit is under the command of the Operations Bureau. The chain of command is as follows:

- Chief of Police
- Assistant Chief of Police
- Operations Bureau Deputy Chief
- Special Operations Division Captain
- Motor/Special Events Lieutenant
- POU Sergeant(s)
- Officer(s)

The Public Order Unit consists of squads of six officers and one sergeant. Twenty-eight officers, four sergeants, and one commander make up a complete serial. A serial is a standard working component of the Public Order Unit and shall be the deployment used on a High Threat Event. Although the default deployment strength of the POU is at least one serial, situations may arise where POU staffing is desired, but a full serial is not needed (for example, for presence and/or monitoring of Low Threat Events). In these circumstances, the POU Commander may allow for a less-than-complete deployment of a serial, recognizing that this option is the exception rather than the rule, as well as understanding that formal POU action will be hindered and/or not possible if the need arises...(Portions not included)

343.9 GRENADIER

Public Order Unit officers designated as grenadiers should be crossed trained in the two forms of less lethal armament the Department has approved for use by the Public Order Unit. POU is authorized to use the following less lethal systems:

- (a) 40 mm launcher
- (b) FN 303 Launcher

Public Order Unit grenadiers shall abide by the Department's Use of Force Policy when deploying these less lethal weapon systems.

343.10 USE OF FORCE

All Public Order Unit officers will abide by this department's Use of Force Policy.

Every officer is responsible for the documentation of force used on individuals regardless of crowd size. Given the dynamic nature of civil unrest/violent protests it is not always feasible to detain individuals when force is used on them. Officers should make every reasonable attempt to obtain the pertinent information of the subject force was used on, to include type of force and injury sustained from the force. All POU officers will write a supplemental report documenting their individual actions taken during a POU deployment.

██████████ referred to C, is the Complainant in this matter and stated:

C was interviewed telephonically and stated:

C lives very close to the intersection of 400 S and 200 E and became aware of a burning car near the library. He walked down to the scene to take pictures of the car and was not really aware of the protesters although he did recall seeing some people holding signs and chanting. *(Note: although not asked during his interview about the route he took to get to the library, it is likely he walked north on either 300 or 400 E and would not have encountered the large gathering on 200 E)*

Once he arrived, he began to take pictures of the burning car from various angles when he noticed “two armored personnel carriers” coming towards him down 400 S. (*Note: C is a [REDACTED] military veteran and naturally such actions would interest him.*) C was not present to protest only to capture the events on film.

As the MRAPs came to a stop, C recalled heavily protected officers exited the vehicles and immediately began to yell “Get back, get back”. As this unfolded, an officer “rushed me” and “knocked me down”. C recounted that his arm was hurting as two officers helped him to his feet. C recalled that a couple of citizens then began to help him, and they called for an ambulance, but one never could get to them. Thinking it may be easier for the ambulance to pick him up near the Leonardo, C and the helpful citizens walked there. Again, the ambulance did not come, and C had his son come pick him up and took him home. C recalled that his arm was bandaged and packed in ice until he could go to the VA hospital for examination. He stated that the doctor told him he may have injured, or reinjured, his rotator cuff. C said that although he has been dealing with arthritis for some time, he did not see any record of a pre-existing rotator cuff injury within his online medical records. C said his shoulder, arm and ribs all hurt in the days following the incident but currently, other than some lingering pain, he has no long-term injuries as a result of this incident. In his words he is “All healed up, just sore”.

When asked why he didn’t move when he heard the officer’s shouted orders to do so that he “hardly moved, was in shock”.

When asked what should happen to S, in his opinion he said, “A short suspension, don’t want to ruin a guy’s career.”

Off. Val Brown; referred to as S, is the subject of this matter and provided the following:

S stated:

He was assigned to the POU on the day in question and was recalled and staged to deal with an anticipated protest downtown. Once staged, S was briefed on developments by Lt. D. He then said he was briefed by his element Sergeant, W4, who told them that they were going to “push people out of the area and form a hard line.”

S was shown his body camera footage and identified others in his MRAP who were on his POU element. S can be heard to yell either “get back” or “move” 9 times prior to contact with C.

S recalled being briefed by his Sgt, W4, who expanded their mission to “taking back the car and pushing people away”. (*Note: the referenced “car” was the burning/smoldering police car.*) S had been told there was active rioting at the scene and “looting” at the 7-11.

Upon arrival, S recalled seeing “rioting” in front of him and knew of the looting across the street which he could not see. As he exited the MRAP, he saw C but did not note his advanced age or the cane he was using. As he began giving commands, C did not react or move. So, as S explained, he went forward and gave him a “tap” with his shield. This action caused C to take a single small step backwards and stop. S then applied a second “tap” with the shield which caused C to take a step backwards, trip and fall to the ground. S said he and W2 helped C to his feet, no injuries were visible, and C did not voice any complaint. As he helped C up, he then noted his age but still did not see the cane.

S recalled that the police car was smoldering upon arrival and noted the large crowd to his west. He could see projectiles being thrown by the crowd. S said that many of his peers used the “shield bump”, which is not a full thrust of the shield but a controlled bumping action with limited extension.

██████████ referred to as W, is a witness and stated:

W did not provide a statement on this matter.

██████████ referred to as W1, is a witness and stated:

W1 provided, to the media, a video of the incident but did not provide a witness statement.

██████████ referred to as W2, is a police officer, witness and stated:

W2 stated the following: W2 described his entire workday including aborted deployments and changing staging areas. Finally, they gathered at East HS and staged prior to their deployment downtown to secure the burned-out police car. His understanding of their objective was to “...secure the car that was burned...they had ten minutes to come up with a plan...” W2 said his POU unit was not happy due to the short time they had to plan and since they were to be deployed badly understaffed. W2 was told that the burned police car contained a rifle.

The plan, as he knew it and was told by his Sgt, W4, was to “...push people away from the car”. W2 did not recall any mass brief for his POU unit saying “...it was a mess.” He further added that this was the first time POU had ever deployed from a MRAP and “thought that was stupid.” It would have been helpful to be briefed again on their use of force enroute.

When he exited the MRAP, he felt that there were “thousands here and hundreds here”. Later, W2 indicates that the larger crowd was to the west and the smaller crowd to their rear, the east. People were yelling “fuck you” at them and later projectiles were being thrown. Later that day, W2 was knocked out while working, likely from a projectile. W2 admitted as he deployed, he was “pissed, scared and stressed.”

Overall, he believed he was to move people out of the area with their given tools.

W2 saw S interact with C. W2 said S was following his training and used his shield properly by pushing C backwards. W2 said that when S contacted his shield, on C, that C stepped backwards and his heel contacted a scooter, resulting in his fall to the ground. *(Note: this memory is inaccurate and is not supported by the videos. There was a scooter present, but it was leaning against the small library fence, was upright, and C did not make contact with it.)* W2 said that S did not do anything improper. W2 said he did not note C’s age or the cane until after C was on the ground. He explained that he assisted C to his feet and located and returned the eyeglasses to C.

W2 said that he has been an officer for 16 years and is a long-time veteran of POU. He said they have never trained to operate in such small numbers and never trained in deploying amidst a disturbance, instead of outside of the disturbance and pushing the crowd in a single direction. Knocking someone to the ground is not a taught technique and in fact is counterproductive to what they are attempting to achieve.

W2 said he was unaware that there was a second MRAP on the scene.

██████████ referred to as W3, is a police officer, witness and stated:

W3 stated he was a member of the POU on the day in question and was partnered up with S during this portion of his workday. He believed that his 7 person POU element were the only deployed POU members but upon exiting the MRAP, saw a second MRAP. His understanding of their objective was to retake the police car and pushing people back. W3 said that he had never trained in deploying from a MRAP.

Upon exiting the MRAP, W3 saw a large crowd ahead of him (west of the destroyed police car) and a significant number of protesters behind the small library, half fence. He was aware of the damaged 7-11 across the street. W3 admitted that he was “pretty stressed”.

Upon deployment, the crowd began to yell at them and he recalled objects were being thrown including water bottles and objects that sounded like glass as they hit the ground. *(Note: there is no video evidence of thrown objects at this point but there was well documented evidence of thrown objects later during the protests. It is likely W3 is confused on when specific events occurred as it appears that POU was actively deployed for over 2.5 hours.)*

As W3 left the MRAP, he saw two males ahead of them, not reacting. W3 went to the male to the right, south, of C and along with his partner S, began to give commands to get back. W3 recalled that his male began to move west so he just continued to give commands and was aware that S was dealing with C so W3 shifted his attention to other protesters. W3 did not see S make physical contact with C and did not see C again until C was already on the ground. W3 said that he was taught to give commands and if they were not followed, to use the shield to get the people moving in the desired direction. W3 feels that S used his shield properly, as they all were trained to do. W3 also felt they were not staffed sufficiently, i.e. they did not deploy with enough POU members.

██████████ referred to as W4, is a police officer, witness and stated:

W4 stated that he was the Sergeant of the six member POU unit, in the first MRAP. He said he had never deployed from a MRAP in training. As the commander of this small unit, he was told that their mission was to “secure” the destroyed police car, create space around it, due to the worry about police weapons inside of the car. He briefed his subordinates of their mission.

He arrived to find a crowd he described as “large” and hostile. He offered the fact that the crowd was screaming at them, attacking with skateboards and throwing objects. *(Note: these described actions occurred during the course of the protest but there is no video evidence that it was occurring when POU deployed, with the exception of the yelling/screaming by the protesters.)* W4 recalled that it was “chaos” when they arrived amidst a crowd in all directions. The police car was overturned and was “smoldering”. W4 did not believe they were sufficiently staffed to deal with the crowd size and with protesters basically in all directions.

W4 said he did not see the shield contact from S onto C but did notice when C went to the ground. W4 went to assist C and got him moved away from the crisis site. W4 does not recall using his own shield at this time and described the shield as a “useful tool” to get people moving in the direction desired. He explained that people either comply with verbal instruction or members of the POU use their shields to get them moving.

Evidence:

Multiple Videos, including body camera footage, exist of this encounter. They are:

E: S's body camera captured the scene as they were driving to the scene in the MRAP. The 4 easily seen officers are all sweating heavily. (*Note: not only was it a very hot day but being confined in close quarters inside of the MRAP and the fact that the POU had only "winter" clothing, causing them to be very hot. This was noted during the interviews too.*) As the POU deploys, S is the second officer to exit the MRAP.

When S exited and by viewing his video, the main crowd, to the west, appeared to be estimated at around 250 visible protesters. The MRAP parked facing west on 400 S, on the eastbound side of the road with the overturned and smoldering police car roughly 20 yards to the WNW, their 1 o'clock position. Immediately south of the deploying officers were 20 or so protesters with the bulk of them being behind the waist high mini fence which separates the sidewalk from the road. A few are on the street side of the fence including C and another similarly aged W/M. Later, as C scans the area, a group of what appears to be 25+ protesters are due east of S and his team and are being confronted by the crew of the 2nd MRAP. The protesters are yelling and pleading with the officers, but no projectiles are seen on this video, during the time of this incident.

As S exits the MRAP, he is following an officer thought to be W2. C is seen leaning against a light pole and the older male is standing next to him, to C's right, slightly closer to the deploying officers. S began to give commands upon exit to "get back" and neither man moves. S engages the other male, pushing him 3 times which initially had no discernable effect on making him move but after the 2nd push with the shield, this male turned and began to walk westward. S then engaged C, pushing him with his shield with the first push having no effect on C, but after the 2nd push, C turns to the west and a third push makes contact with him and causes him to stumble forward and land on the pavement, face down. It appears that W2 and another unknown officer go to attend to C, helping him to his feet and moving him eastward, away from the crisis site. C is seen in glimpses being attended to by officers while leaning against the small library fence.

The pushes with the shield do not appear to be full on/full strength pushes based not only upon viewing them but also based upon the lack of effect on either C or the other male, at least for sure the 1st push on both individuals. (*Note: The pushes do not appear to be excessive in that they are not full, or close to full strength pushes and do not appear to be designed to inflict pain or administer punishment. The need for the pushes is the central issue and the crux of this investigation.*)

W2's body camera: W2's camera captured the drive to the scene in the MRAP and the initial deployment of the POU. W2 exits 3rd or later as other officers are seen ahead of him when he makes it onto the road. W2 scanned the area and captured the same views reported earlier with more focus to the area behind his unit than S's camera captured. As W2 focuses to the west, their area of responsibility, commands can be heard, and S is observed engaging C who is leaning against the light pole. Due to the distance, it is hard to know if W2 captured the 1st push by S but the final push is clearly seen. Nothing is noted different than the account above from S's camera.

As C is pushed the 3rd time, he stumbles forward and falls to the ground, face down. W2 immediately goes to assist him as C rolls onto his left hip. W2 helps him from the ground, locates the dislodged glasses of C and passes him off to another officer who takes C to "the rear" to attend to him.

W1 cell phone video: W1, who was not interviewed, provided cell phone video to a local media outlet. In this very short clip, that does not have audio, S can be seen engaging C. This angle, from a greater distance, shows the shield pushes from S on C. This angle shows the limited amount of force used which appeared to be constant in all three pushes. The final push occurred as C had reacted to the situation and was turning to the west prior to falling down. *(Note: it has been alleged that C tripped on an electric scooter that was reportedly on the ground. After viewing all 3 videos, the only scooter seen is standing upright on the small library fence and was not on the ground.)*

W4's body camera: W4 exited the MRAP to the rear, facing east while the rest of his team appeared to exit from a side door, to the south. W4 is heard deploying his POU unit and giving commands. The commands from other officers are also heard. When W4 turns to the west, towards the direction that the majority of his officers are deployed, and towards their objectives, C appears to be already on the ground. In reviewing this footage, it does not appear that W4 captured any of the pushes by S.

Allegations:

The allegation is that S used Improper Force while acting as a member of the POU.

Definitions

Unfounded: The reported incident did not occur.

Exonerated: The employee's actions were reasonable under the circumstances.

No determination is possible: There is insufficient evidence to support a conclusion as to whether or not the employee violated policy.

Sustained: The employee's action(s) are in violation of the policy or procedure of the Police department.

Analysis and Recommendation:

[REDACTED]

In reviewing the situation that lead to this incident, it has become clear that the POU was deployed between multiple groups of protesters who had amidst them, several individuals who were acting violently. The 7-11 and Trax stations were attacked with windows smashed while obviously neither entity was involved in the root cause of the protest. Some protesters broke windows at Police Headquarters, sprayed graffiti there and elsewhere, and finally, overturned and lit a police car on fire.

Police leadership seems to have mis-deployed it's POU between at least two groups of individuals who were, or had been, engaged in more than routine public protest, as guaranteed by the 1st Amendment. As listed above, and from the SLCPD's policy manual on POU it says in part:

The Public Order Unit consists of squads of six officers and one sergeant. Twenty-eight officers, four sergeants, and one commander make up a complete serial. A serial is a

standard working component of the Public Order Unit and shall be the deployment used on a High Threat Event.

Although the default deployment strength of the POU is at least one serial, situations may arise where POU staffing is desired, but a full serial is not needed (for example, for presence and/or monitoring of Low Threat Events). In these circumstances, the POU Commander may allow for a less-than-complete deployment of a serial, recognizing that this option is the exception rather than the rule, as well as understanding that formal POU action will be hindered and/or not possible if the need arises.

The policy manual states that this “serial” of 33 officers is the standard deployment unit and this demonstration certainly would have been considered a *High Threat* matter as defined in the policy manual as:

High Threat Event - An event where the potential for civil unrest is elevated, and a specific indication, intelligence, or foreshadowing exists to believe such unrest will occur.

In this case, only two elements of 7, totaling 14 officers, were deployed between two distinct groups of protesters. This tactically unusual deployment resulted in an understaffed group of 14 facing a very large group to their front with a less formidable group to their rear. Both groups had elements within them that had gone beyond peaceful protesting. This unsound deployment had the effect of making the officers more concerned than normal about their own wellbeing.

Had there been a situation requiring an “Emergency Action Plan”, as in a hostage rescue situation or the concern about a breach of a location that contained arms, then obviously the Police would enter situations that are not ideal and/or even dangerous. But in this case, the mission objective for the POU appeared to be the protection of a fully destroyed police car with the presence of an AR-15 inside of it and to push the larger crowd of protesters back 25 or so yards.

It would appear, that as this situation was unfolding, that someone noted the presence of the AR in the burned-out police car. A bit more analysis would have revealed the highly likely fact that the weapon itself would have been destroyed by the fire, as it was, and that all ammunition within that weapon, and the car itself for that matter, would have “cooked off” rendering the weapon, had it survived the fire, as a non-threat in the short term. Lastly, with the police car continuing to smolder as the POU arrived, it seems clear that no one could access the police car due to the ongoing minor fires and heat retained by the surviving metal chassis.

RECOMMENDATION: CRB strongly recommends that SLCPD decision makers review the policy and procedures about the use of, and tactical issues related to the deployment, of POU. It could be of great value that senior decision makers take time to host a few Table Top Exercises (TTXs) involving the use of POU and other specialized units.

RECOMMENDATION: CRB strongly recommends that while enroute to any crisis involving the POU, that the senior POU member or supervisor, remind their subordinates of what the tactical objective is and to remain calm, as their purpose is to protect the public. This could allow newer officers to relax and stay composed as they exit their transport vehicles and is of critical importance as policing actions are about to commence. The use of specialized units within the Department is very rare and thankfully so. So, by mere deployment, leadership is signaling that what is occurring is more threatening than officer’s normal duties. Furthermore, on-scene

commanders need to be authorized the flexibility to re-deploy POU units if in a tactically unsound situation.

It appears that all POU training involved deploying from vans rather than APCs of any type. Above and beyond the lack of knowledge about how to do so by POU members, the use of the MRAPs would have the additional effect of ratcheting up the stress levels of the members and the public. As the saying goes, you perform how you train, and with the introduction of MRAPs vs vans, leaders must recognize the psychological effect this will have on the members, not to mention the lack of familiarity in the vehicle itself.

RECOMMENDATION: CRB recommends that the POU not utilize a militarized vehicle, be it a MRAP and/or APC, as the visual created by such vehicles when a Public Order Unit is being used is a contradiction.

Lastly, the officers interviewed indicated that the objective was to secure the smoldering police car. It could be argued that this was a poor reason to put a severely understaffed POU unit(s) into harm's way. Leadership must always consider the risk/reward portion of every decision unless it is an Emergency Action plan wherein action is mandated.

As to the underlying allegation facing S, there is no doubt that he contacted C with his shield. S admits so and the videos confirm it. In reviewing the body camera footage and the statement of C, his description of S "rushing" him is an apt description. S did not sprint towards C, but neither did he take the methodical steps and short thrusts with the shield that are taught to POU members. To be clear, the pace S took was rapid, but not a sprint while his thrust with the shield appeared to be IAW taught techniques. The shield, as demonstrated by S in his interview, is extended roughly four or so inches with an accompanying short step and a command to "get back". S's shield thrust appeared to be exactly that as he did not use both hands and he did not fully extend the shield as if to knock someone completely off their feet. As the videos show, there was not an object already laying on the ground that was reported to be one of the commercial electric scooters seen everywhere in the downtown area. It is apparent that the reason C fell to the ground was due to the push and the additional factors are the age of C and his use of a cane to assist him while he walks.

S stated he was not aware of C's age as he turned to engage him, nor did he notice that C was using a cane. S said his vision through his visor was not great and since he was just seated in the fully buttoned up, dark MRAP and left it to find himself facing the direction of the bright sunlight, S's vision was likely not as good as it would become once his eyes adjusted to the bright sunlight.

So, the facts are not in dispute, S contacted C with his small, round shield and C was pushed backwards and fell to the ground. C sustained minor injuries which were treated and there is no indication of a lasting injury. The issue at hand is: were S's actions a reasonable and necessary use of force?

Panel Findings:

As to the allegation that S used "Improper Force", the Panel makes a finding of "Sustained".

The Panel makes a finding that this matter is in the public eye and therefore recommends that this report be made public.

Panel Chair-Rebekah Myers
By Richard Rasmussen

7/31/20