

I would like to start my comments today by first saying thank you to the investigators in the IMPD Internal Affairs office who conducted a complete and thorough investigation. For the past 3 weeks they have been working long hours to get this done. They interviewed a total of 27 witnesses, listened to the 911 call and all radio traffic associated with this event. They reviewed all of the laptop messages sent or received from all of the officers involved. In my opinion, this investigation was done right.

On Sunday May 16th, officers received a 911 call to 546 Fisher Creek Dr. on a report of a burglary in progress. Officers were given a description of the suspect by the 911 caller. As officers arrived, they observed a person matching the description, later identified as Vincent Johnson. Officers detained Vincent and soon after walked him to an area where the caller could see him from his window. He was positively identified by the caller as the person seen attempting to break into the home. Officers then placed him under arrest and placed him in the back seat of Officer Clouthier's police car. At this time, officers had a legal right to be there, and had a responsibility and a duty to investigate the burglary call. Vincent complied with all orders, was cooperative with police and no force was used.

While officers were continuing their investigation a small crowd began to gather, some questioning and verbally protesting the arrest of Vincent. Sgt. Shaughnessy moved his car a short distance and began talking to them, asked them to go inside, or get an adult since most of the individuals appeared to be juveniles. Brandon Johnson was one of these people. He originally did walk away from the scene, but came back.

When the original call came out and officers responded to the neighborhood, Officer Jerry Piland, who lives in this neighborhood, saw the officers responding. Although off duty, he turned his radio on and drove to the scene to see if he could assist the officers. Officer Piland works this area and with the officers that responded to the scene. He was aware of some recent burglaries, wanted to see who had been arrested and provide assistance.

Officer Piland pulled his car next to Officer Clouthier's and spoke with him. At approximately the same time, Officer Stacy Lettinga placed a young man under arrest. This person was identified as Xavier Lewis. Xavier had been standing on what was later determined to be his own property verbally protesting the arrest and the presence of the police. Officer Lettinga approached Xavier, spoke with him briefly and placed him under arrest. Officer Lettinga placed him under arrest for Disorderly Conduct and resisting, based on his failure to obey her lawful orders to go inside. Xavier cooperated with the arrest, did not resist and no force was used by Officer Lettinga.

Officer Lettinga brought Xavier over to the front of Officer Clouthier's police car. At approximately the same time, Officer Carney observed Brandon in the middle of the street. Officer Carney reminded Brandon that he had asked him to leave and go home. Brandon responded by saying this is my home and that he was not f#@*ing going anywhere. At that time, Officer Carney decided to place Brandon in handcuffs and detain

him for his safety and to help calm the situation by removing Brandon from what was becoming a potentially volatile situation.

As officer Carney approached Brandon he told Brandon to put his hands behind his back. Brandon was talking to a girl who had just handed him a phone. Officer Carney grabbed Brandon's right wrist and as soon as he did, Brandon jerked his arm violently in an attempt to break the officer's grip. Brandon then turned his body, squaring up on Officer Carney. Carney stated that at that moment, he felt Brandon was going to hit him. To counter Brandon's active aggression, Officer Carney delivered an open palm strike to Brandon's face, which was at an upward angle, because Brandon was taller than Officer Carney. Brandon fell to the ground. Brandon immediately grabbed the officer's leg. Fearing Brandon was going to take him to the ground; Carney grabbed him by his hair and delivered another open palm strike to Brandon's face. Officer Carney kept repeating, Stop Resisting! Stop Resisting!

At approximately the same time, a young man dressed in brown was seen running towards the officers by both Carney and Sgt. Shaughnessy. Sgt. Shaughnessy was giving his attention to others who were standing nearby; to make sure they did not join in or engage Officer Carney. As the person in brown got close, Sgt. Shaughnessy removed his taser and pointed it at the individual. The person immediately stopped and retreated to a safe distance from the scene.

Seeing Officer Carney involved with Brandon, Officer Piland left his position where he was talking with Clouthier and drove the short distance to assist Carney. Again, Officer Clouthier was off duty, in plain clothes and had no police equipment on him, other than his issued handgun. Officer Piland ran up to assist Officer Carney who was struggling to handcuff Brandon. He initially observed Brandon resisting by keeping his arms under his body, not allowing Officer Carney to handcuff him. Additionally, Brandon appeared to be attempting to get up. Seeing active resistance, Piland delivered knee strikes to Brandon, possibly to his face or shoulder area. Now on his stomach, and still resisting by trying to get up, Piland held Brandon's head down. At this time, Piland also attempted a pressure point technique... a pain compliance method to encourage Brandon to stop resisting. However, it did not work.

Seeing that Carney was still trying to gain control of Brandon's hand in order to place him in hand cuffs, Piland said he escalated his force by applying two open palm strikes to the left side of Brandon's face. Seeing that Brandon was still trying to get up, Piland delivered another strike to Brandon's face. Carney was still unable to handcuff Brandon at this point.

We believe up to this point, the appropriate amount of force was used to counter the amount of resistance Brandon was giving.

Officer Clouthier left his prior location and came to assist the two officers. Clouthier was able to grab one of Brandon's arms and get it behind his back. However, Brandon was able to slip his arm loose, and Clouthier again struggled to gain control of his hands.

At this point, with three officers involved, two of them attempting to handcuff Brandon, Officer Piland should have discontinued the use of palm and knee strikes. Rather, he should have maintained control of Brandon's head which would have kept Brandon from getting up. Officer Piland delivered more open palm strikes to Brandon's head, and possibly more knee strikes. Officer Clouthier handcuffed Brandon and advised officers that the incident was over.

Based on the facts of this case, I am making the following recommendations.

Officer Lettinga will receive a letter of reprimand for demonstrating poor judgment in her decision to arrest Mr. Lewis. She was not involved in the struggle with Brandon and did not use force.

Officer Carney's actions were within policy, based on the initial level of resistance that he encountered when he tried to handcuff Brandon. At the time he was alone and Brandon is larger than him. When Brandon grabbed Officer Carney's leg, he, Officer Carney believed Brandon was trying to pull him down. Officer Carney struck Brandon and attempted to pin him down until help could arrive. No department charges are being filed against Officer Carney.

Sgt. Shaughnessy's actions were within policy. As the supervisor on the scene, he attempted to deescalate the situation by asking those not involved to leave the area. When observing a person running towards the incident, he removed his taser and was able to deescalate the situation without any use of force. The Sgt. was not directly involved in the struggle with Brandon.

Officer Clouthier's actions were within policy. He joined the struggle, handcuffed Brandon and gave verbal commands that stopped the incident. Not only were Officer Clouthier's actions within policy, they were exemplary.

These four officers will be returned to their street duties immediately.

Officer Piland's initial actions and use of force were within policy as he came to the aid of an officer engaged with a person who was resisting arrest. However, once Carney and Clouthier had Brandon under control, no additional use of force was necessary or appropriate. This morning, I met with Officer Piland and terminated his employment from the IMPD. His termination will be reviewed by the civilian police merit board.

You might ask why weren't some of the tools we give our officers used, like cs spray or the taser. Relatively speaking, this incident was of short duration, and the officers engaged in the struggle were in close proximity to each other. The use of these tools was potentially dangerous to the officers. Finally, there was little time or opportunity to use them as the incident developed very quickly.

From statements taken, the cell phone was in Brandon's hand when Officer Carney originally took him to the ground. At some point it fell out of his hand and was damaged during the scuffle. The owner of the phone, Seanette Finely, stated she had taken pictures of Vincent seated inside the police car but was not filming the incident involving Brandon. The phone was damaged and IMPD personnel were unable to get images from the phone. The phone is currently with the FBI in Quantico Virginia where they are attempting to retrieve any possible images.

Generally, the statements between the citizens and the officers was consistent.

So where do we go from here? We must use this as a learning experience. We will immediately review our use of force policies and our training curriculum. We will be sending members of my executive staff to other agencies throughout the country to observe their use of force techniques as well as how other departments train their personnel. We will develop a panel of citizens who will review our training procedures and act as advisors to the Public Safety Director and me. Furthermore we will add additional in-service training hours dedicated to the use of less than lethal force.

We have 1700 police officers who deliver a high quality of service to our community every day. Our officers are incredibly respectful, sometime under the worst of circumstances. Sometimes we get things right. Sometimes we get things wrong. The public places trust in each of our officers to do the right thing and to use the proper amount of force. Force that we are authorized to use. But I have said since the day I became chief, that I expect all of our officers to treat people with dignity and respect. I have also said that I will not tolerate foul language or excessive force. Clearly, this incident is not reflective of our department as a whole, our mission to reduce crime in this city, or our relationship with the community.

As an agency, we regret that this incident occurred. We have promised an open, honest and transparent investigation and we have accomplished that. Let me be clear. The IMPD has a zero tolerance policy regarding the use of excessive force.