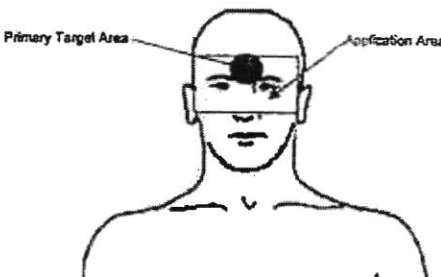
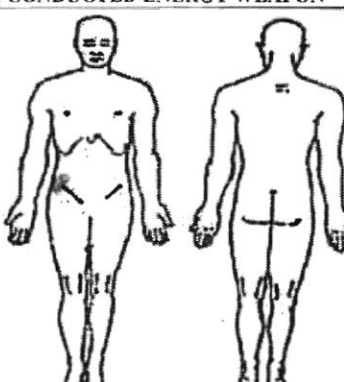




ARLINGTON HEIGHTS POLICE DEPARTMENT
RESPONSE TO RESISTANCE - SUPERVISOR'S INVESTIGATION REPORT

Date 12/17/20 23	Time 22:42 Hrs.	Location Private Information	Beat 1112	Case Report No. 23-027437		
Subject's Name Personal information within		DOB Personal	Height 6'00	Weight 225	Sex M	Race W
Subject's Address (Number, Street, City, State, Zip) Private Information					Phone No. (Include area code) Private Information	
REASON FOR RESPONSE (CHECK ALL THAT APPLY):						
<input checked="" type="checkbox"/> To Effect an Arrest <input checked="" type="checkbox"/> To Defend another Officer <input checked="" type="checkbox"/> To Prevent a Violent Felony <input type="checkbox"/> Field Force Operation						
<input checked="" type="checkbox"/> To Defend Self <input checked="" type="checkbox"/> To Defend another Person <input type="checkbox"/> To Restrain for Subject's Safety <input type="checkbox"/> Other:						
No. Subjects that Resisted: 1		No. Officers Present: 18			Supervisor Notified/Time: 12/17/23 @ 22:29	
AT THE TIME OF ARREST, THE OFFICER STATED THEY REASONABLY BELIEVED THE SUBJECT WAS:						
<input type="checkbox"/> Under the Influence of Alcohol or Drugs <input type="checkbox"/> Mentally Impaired						
<input checked="" type="checkbox"/> Suspected Under the Influence of Alcohol or Drugs <input checked="" type="checkbox"/> Other: Personal information within public						
LEVELS OF RESISTANCE:						
<input checked="" type="checkbox"/> Psychological Intimidation (Explain): (Non-verbal cues indicating the subject's attitude or physical readiness) Exited residence yelling and swearing; threw belt to the ground						
<input checked="" type="checkbox"/> Verbal Non-Compliance (Explain): (Verbal responses or threats of non-compliance to officer's directions) "What the fuck, are you kidding me?"; "There's 100 cops here."; "Are you fucking kidding me?"						
<input type="checkbox"/> Passive Resistance (Explain): (Dead weight or clinging to objects in an attempt to prevent the officer from gaining control)						
<input checked="" type="checkbox"/> Active Resistance (Explain): (Pushing or pulling away from the officer to avoid control, however, not attempting to harm the officer) Tensed muscles, refused to put hands behind back.						
<input checked="" type="checkbox"/> Active Aggression (Explain): (Physical actions of assault) Attempted to throw punch.						
<input type="checkbox"/> Aggravated Active Aggression (Explain): (Assaults with the intent & apparent ability to cause death or great bodily harm)						
RESPONSE TO RESISTANCE TECHNIQUES UTILIZED:						
<input checked="" type="checkbox"/> Verbal Direction Response to Resistance (Explain): (Commands of direction or of arrest) "You're under arrest."						
<input type="checkbox"/> Active Pointing (Explain):						
<input checked="" type="checkbox"/> Empty Hand Control (Explain): Officers utilized physical control techniques to handcuff offender.						
Location: Ground, in front of residence.						
<input checked="" type="checkbox"/> Intermediate Weapons (Explain): Taser 7 discharged.						
(Check all appropriate) <input type="checkbox"/> OC Spray <input type="checkbox"/> Primary Impact Weapon (ASP) <input checked="" type="checkbox"/> Conducted Energy Weapon <input type="checkbox"/> Less Lethal Impact Munitions						
<input type="checkbox"/> Other:						
RESTRAINT METHOD USED:						

☒ Handcuffs ☐ Flex Cuffs ☐ Hobble
☐ Leg Restraints ☐ Spit Shield ☐ Other:

<p style="text-align: center;">OC SPRAY TARGET AREA</p> <div style="text-align: center;">  </div>	<p> <input type="checkbox"/> LESS LETHAL MUNITIONS IMPACT AREAS <input checked="" type="checkbox"/> CONDUCTED ENERGY WEAPON </p> <div style="text-align: center;">  </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Circle impact areas for less lethal munitions or conducted energy weapon on diagram</p> </div>
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EFFECTS OF OC SPRAY:		EFFECT OF LESS LETHAL MUNITIONS OR CONDUCTED ENERGY WEAPON DEPLOYMENT:	
What effect did OC spray have:	Were further control methods needed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Effective: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Were further control methods needed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number of times sprayed:	Approximate distance from subject (ft):	No. of times conducted: Energy Weapon Used: TSR 7	Serial No. of fired Energy cartridge: X4923FHKY
Eyes: <input type="checkbox"/> Closure <input type="checkbox"/> Tears <input type="checkbox"/> No effect	Skin: <input type="checkbox"/> Redness <input type="checkbox"/> Burning <input type="checkbox"/> No effect	No. of L.L. rounds deployed:	No. Hits: No. Misses:
Nose: <input type="checkbox"/> Discharge <input type="checkbox"/> Irritation <input type="checkbox"/> No effect	Chest: <input type="checkbox"/> Coughing <input type="checkbox"/> Labored breathing <input type="checkbox"/> No effect	Approximate distance from subject (ft):	No. of L.L. munitions recovered and collected as evidence:

POST INCIDENT OBSERVATION OF PHYSICAL AND MENTAL CONDITION OF SUBJECT:

Immediately following final control technique:

Aggitated, swearing.

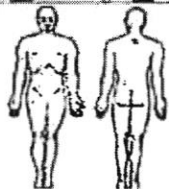
15 minutes following final control technique: Aggitated and aggressive. Kicked AHFD Paramedic in head.

30 minutes following final control technique: Hospitalized

Was subject injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Transported by: AHFD	Destination: <div style="background-color: black; color: white; text-align: center; padding: 5px;">Personal information within public records</div>	Photos taken by: OFC. B. Erri #369
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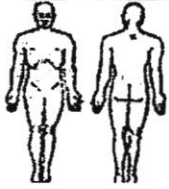
SUBJECT'S INJURIES (CHECK ALL THAT APPLY):

☐ Bruising ☐ Unconsciousness ☐ Other Minor ☐ Other major ☐ Death



Describe the extent of subject's injuries and circle location on the diagram:
No visible injuries. Offender reported he was not injured.

WAS OFFICER INJURED? * ☐ Yes ☒ No If yes, complete diagram below Officer Name (s):



Describe the extent of officer's injuries and circle location on the diagram:

SUPERVISOR'S RESPONSE TO RESISTANCE-CONTINUED

Case Report No. AHP23-027437

WITNESS OR PERSON WITH KNOWLEDGE	ADDRESS	PHONE OR CONTACT NO.
1. Section 7(1)(d)(iv) Exemption (Protection of Witnesses and Confidential Sources)		
2.		
3.		
4.		

SUPERVISOR'S SYNOPSIS OF FINDINGS	Number Of Officers Applying Response:
1-Officer applying response (name): SGT. P. Gacek #578	2-Officer applying response (name): SGT. T. Scanlan #581
Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3-Officer applying response (name): OFC. B. Lacey #367	4-Officer applying response (name): OFC. K. Matthopoulos #365
Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Did the officer follow Departmental policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Was officer response appropriate to incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Supervisor's Synopsis of Investigative Findings:
 SGT. P. Gacek's use of his Taser 7 to subdue an offender during a tense, uncertain, and rapidly evolving situation, was within the bounds of Arlington Heights Police Department General Orders. The offender committed an Aggravated Battery to a Police Officer, an Aggravated Assault on a second Police Officer, and was actively resisting attempts to effect an arrest. Though the deployment of the Taser was justified, this investigation uncovered a number of significant shortcomings at the scene that contributed to the use of a Taser. See NARRATIVE CONT.

Signature: <u>COMMANDER T. JASPER #640</u>	Personal information within public records	Date: <u>12.28.23</u>
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REVIEWING BUREAU COMMANDER N/A ☒

Remarks:

Signature:	Date:
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REVIEWING DIVISION DEPUTY CHIEF

Remarks: WHILE IT IS IMPORTANT TO NOTE THE TACTICAL FAULTS IDENTIFIED WITHIN THIS REPORT, I ALSO AGREE WITH COMMANDER JASPER'S ULTIMATE ASSESSMENT, ID THAT, THE RESPONSE TO RESISTANCE WAS COMMENSURATE WITH THE ACTIONS TAKEN BY THE SUSPECT. THE USE OF CONDUCTIVE ELECTRONIC WEAPONS (TASER), AS WELL AS OPEN HAND TECHNIQUES, ARE GENERALLY ACCEPTED IN RESPONSE TO ASSAULTIVE BEHAVIOR.

Signature: <u>SHAWN GYORNE #716</u>	Personal information within public records	Date: <u>12/28/23</u>
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CHIEF OF POLICE

☒ Received

After final review, forward to Deputy Chief of Administrative Services Division for filing

Signature:	Date: <u>1/2/2024</u>
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NARRATIVE CONTINUATION (SPECIFY SECTION):**WITNESS OR PERSON WITH KNOWLEDGE (CON'T)**

SGT. J. Kryca #575
OFC. A Rochkus #383
OFC. M. Williams #368
OFC. B. Erri #369
OFC. T. Schoeny #366
OFC. B. Parkison #372
OFC. K. Adams #350
OFC. K. Zaremba #391
OFC. W. Parker #390
OFC. B. Tagney #357
OFC. P. Binder #379
OFC. J. Chojnowski #322

Officer applying response (name): (CON'T)

OFC. D. DiLorenzo #381
OFC. O. Yusypyuk #340

**Incident Summary:
(AHP23-027437)**

On 12-17-2023, at approximately 22:28 hours, Arlington Heights Police Department Officers responded to **Private**
Private Information Arlington Heights, for the report **Personal information within public records**

Personal information within public records

Personal information within public records

OFC. J. Chojnowski, OFC. O. Yusypyuk, OFC. K. Adams, OFC. K. Matthopoulos, OFC T. Schoeny, OFC. B. Lacey, OFC. A. Rochkus, OFC. M. Williams, OFC. D. DiLorenzo and SGT. P. Gacek responded to the scene. SGT. Gacek assumed command of the scene and instructed responding Officers to establish a perimeter around the home.

OFC. J. Chojnowski spoke to **Person** who was waiting for Police in the driveway. **Person** was still inside the home. **Personal information within** was inside the home, alone, and was intoxicated. **Personal information within** in the kitchen, "grunting", with knives in each of his hands. **Person** attempted to communicate with **Person**, but he was incoherent and did not respond. **Person** **Personal information within public records** but did not appear to have injured himself. **Person** reported she was not injured and no crime occurred in the home. **Personal information within public records** needed help.

Officers maintained a perimeter around the home and attempted to observe **Personal** actions inside the residence. Officers reported seeing **Person** go into the basement with a belt in his hand. SGT. Scanlan arrived on scene and had a brief conversation with SGT. Gacek. SGT. Scanlan told SGT. Gacek that since no crime occurred and **Person** was inside the house alone, Officers needed to immediately withdraw from the perimeter and monitor the residence from a safe distance.

Officers withdrew from the perimeter and took positions in the driveway and street directly in front of the residence. SGT. Scanlan told [Person] to phone [Personal] and instruct him to exit the residence.

[Perso] made telephone contact with [Personal] who exited the residence at her request. When OFC. Williams saw [Persona] exit the front door he yelled for [Person] to show his hands. [Personal] began swearing profanities, threw an unknown item to the ground, and yelled about the number of Police Officers present (ie, "What the fuck, are you kidding me?" "There's 100 cops for me?" "What the fuck, are you fucking kidding me?"). OFC. J. Chojnowski approached [Person] in the driveway and attempted to engage him in conversation. [Person] walked past OFC. J. Chojnowski and walked directly towards SGT. Gacek, who was standing on the sidewalk, between two parked vehicles.

SGT. Gacek extended his right hand in front of him and ordered [Person] to stop. [Persona] threw an "upper cut" style slap at SGT. Gacek, striking SGT. Gacek's extended right hand. SGT. Gacek immediately informed [Personal] he was under arrest and gave [Person] an order to put his hands behind his back, while simultaneously pointing his Taser at [Persona]

Almost immediately after SGT. Gacek informed [Persona] he was under arrest, OFC. J. Chojnowski briefly grabbed [Personal] right wrist, in an attempt to gain control over [Personal] but disengaged when no other Officer provided assistance. After OFC. J. Chojnowski disengaged, SGT. Scanlan, OFC. Lacey, OFC. Yuspyuk and OFC. Matthopoulos engaged [Persona] and attempted to take him into custody.

[Personal] immediately resisted by tensing his muscles, refusing to put his hands behind his back, closing his fists and attempting to throw a punch at SGT. Scanlan. While the three Officers and one Sergeant were attempting to take [Personal] into custody, SGT. Gacek announced "TASER! TASER! TASER!" (indicating imminent deployment of his Taser). SGT. Scanlan immediately yelled "NO! NO! NO! I got him". SGT. Gacek deployed his Taser in the direction of [Person] whom was still actively resisting the Police personnel attempting to effect his arrest.

The Taser emitted a loud, rapid, audible "clacking" noise, indicating an ineffective deployment. [Personal] was taken to the ground and handcuffed. An inspection of [Personal] person indicated he was only struck by one Taser probe, which struck the metal rivet near his right pant pocket. The probe did not penetrate the rivet. The second probe did not strike [Personal information] reported to Officers that he was uninjured.

[Personal] was subsequently transported to the Emergency Department at Northwest Community Hospital, by Arlington Heights Fire Department ambulance due to his [HIPAA] OFC. Schoeny and OFC. Matthopoulos rode in the ambulance due to [Personal] combativeness on the scene.

[Personal] continued to yell profanities inside the Emergency Department and kicked one of the Fire Department paramedics in the head, when he was being transferred from the Fire Department's gurney to a hospital bed. The paramedic reported he was uninjured and declined to pursue criminal charges.

OFC. Erri, a Forensic Technician, responded to the Emergency Department to photograph [Personal information] who was eventually [HIPAA] [HIPAA]

AXON Taser 7 Data:

SGT. Gacek's Taser 7 (serial number X4000KA1H) log showed a trigger pull at 22:41:36.328, electricity discharged at 22:41:46.359 and an Audible Alert: Discharge Auto-Shutdown, indicating no completed circuit and an ineffective deployment.

Body Worn Camera (BWC) Footage:

I reviewed BWC footage relevant to this Response to Resistance investigation. Related BWC footage was categorized to ensure proper retention.

Northwest Central Dispatch System 911 call recordings:

On 12-19-23, I submitted an Interdepartmental Audio Recording Request to Northwest Central Dispatch System, for a copy of the recorded 911 call placed by [Personal] received the recorded call (via email) the same day.

I reviewed [Personal] 911 call, during which (in relevant summary) [Personal information within public records]

[Personal information within public records]
[Personal information within public records] (Confidential Sources)

The 911 recordings were uploaded to evidence.com and tagged under this case report number.

[Personal information within public records]

[Personal information within public records]

[Personal information within public records]

Officer Interviews

SGT. P. Gacek (in summary)

SGT. Gacek provided a brief overview of the call for service. His account was supported by previously reviewed BWC footage. SGT. Gacek reported when [Personal] emerged from the residence, he was agitated and aggressive. [Personal] was yelling at Officers and making dramatic gestures with his arms. OFC. J. Chojnowski attempted to engage [Personal] in conversation, but [Personal] walked past OFC. J. Chojnowski, locked eyes with SGT. Gacek, and walked directly towards him.

SGT. Gacek stated [Personal] was considerably larger than him. [Personal information within public records] of anger and aggression, SGT. Gacek extended his right arm towards [Personal] and ordered [Personal] to stop. SGT. Gacek reported his order to [Personal] was not intended as a seizure, but an attempt to maintain a safe distance from him.

[Personal] closed the distance with SGT. Gacek and threw an aggressive "upper cut" style strike, that struck SGT. Gacek's outstretched hand. SGT. Gacek pointed his Taser 7 at [Personal] and told [Personal] he was under arrest. [Personal] began to actively resist when other Officers attempted to take him into custody. [Personal]s active resistance became

assaultive, as he balled his fists, looked directly at SGT. Scanlan, who was attempting to control [Personal] left arm and began to throw a punch at SGT. Scanlan. OFC. Lacey was able to catch and control [Personal] right arm before the punch was thrown.

At about the same time OFC. Lacey was able to control [Personal]'s right arm, SGT. Gacek announced "Taser! Taser! Taser!" and discharged his Taser at [Personal]. The Taser deployment was unsuccessful, as only one probe struck [Personal information] was taken to the ground and handcuffed.

SGT. Gacek advised the staged Arlington Heights Fire Department ambulance to come to the scene. SGT. Gacek briefed the paramedics, who subsequently transported [Personal] to Northwest Community Hospital.

SGT. Gacek added that his encounter with [Persona] was one of the only times in his career he had been scared of someone.

SGT. T. Scanlan (in summary)

SGT. Scanlan reported when [Personal] exited his house, he stared directly at SGT. Gacek. It was immediately apparent that he was going to attack SGT. Gacek. SGT. Scanlan saw SGT. Gacek extend his hand and order [Personal] to stop. [Personal] struck SGT. Gacek's hand. SGT. Gacek told [Personal] he was under arrest.

OFC. J. Chojnowski took control of [Personal] right hand, but disengaged when no other Officers immediately moved in to assist. SGT. Scanlan took control of [Personal] left hand. [Personal] looked directly at SGT. Scanlan, balled his right fist and raised his arm, as if preparing to punch SGT. Scanlan. SGT. Scanlan advised he told [Personal] "Don't do it". OFC. Lacey was able to control [Personal]'s right arm before the punch was thrown. SGT. Gacek deployed his Taser, but it was ineffective.

SGT. Scanlan intended to communicate with [Personal information within public records] was in need of [Personal information within public records]

OFC. J. Chojnowski (in summary)

When [Persona] exited his residence, OFC. J. Chojnowski tried to make contact with [Personal] when no other Officers on scene volunteered to do so. OFC. J. Chojnowski reported that even though [Persona] was agitated and yelling, she did not feel he was dangerous and was not concerned for her safety. After [Persona] struck SGT. Gacek, she heard SGT. Gacek inform [Personal] he was under arrest. OFC. J. Chojnowski grabbed [Person]'s right wrist. [Persona] offered no resistance. OFC. J. Chojnowski released her grasp of [Personal] wrist, after observing that no other Officers were immediately approaching [Personal] to assist with taking him into custody. SGT. Scanlan and a couple other Officers approached [Personal] and attempted to take him into custody. [Personal] actively resisted and Sgt. Gacek deployed his Taser.

OFC. O. Yusypyuk (in summary)

OFC. Yusypyuk reported he saw [Persona] "swat at" someone, but did not see who. OFC. Yusypyuk stated he heard SGT. Gacek tell [Personal] he was under arrest. OFC. Yusypyuk reported [Person] nearly punched SGT. Scanlan, but OFC. Lacey caught his arm before he was able to do so. SGT. Gacek deployed his taser, but it was not effective. OFC. Yusypyuk assisted with handcuffing [Personal information] was taken to the ground by SGT. Scanlan, OFC. Lacey, and OFC. Matthopoulos. OFC. Yusypyuk reported one of the Taser probes struck a metal rivet on [Personal] jeans, but did not penetrate the rivet or any part of [Personal]. The second probe missed.

OFC. K. Matthopoulos (in summary)

OFC. K. Matthopoulos reported he saw [Personal] swing his arm in a slapping motion and heard what sounded like [Personal] hand making contact with something, but did not see [Personal] strike SGT. Gacek. OFC. K. Matthopoulos heard SGT. Gacek tell [Personal] he was under arrest. OFC. K. Matthopoulos assisted with the arrest process, after the unsuccessful Taser deployment. OFC. K. Matthopoulos controlled [Personal] right arm during handcuffing. OFC. K. Matthopoulos reported [Personal] did not offer much resistance during handcuffing.

OFC. D. DiLorenzo (in summary)

OFC. DiLorenzo reported he saw [Personal] strike SGT. Gacek and heard SGT. Gacek inform [Person] he was under arrest. OFC. DiLorenzo reported he assisted with restraining [Personal information within] was taken to the ground.

The other listed Police Department personnel on scene played a support role and did not participate in the Response to Resistance or physical arrest of [Personal]. Those Officers were not interviewed for this Response to Resistance - Supervisor's Investigation Report.

Supervisor's Synopsis of Investigative Findings (CON'T)

This investigation revealed a number of shortcomings on scene that ultimately resulted in a physical confrontation between [Personal information] and Police Department personnel. Though the Taser deployment was justified, improved scene management, identification of the problem at hand (criminal v. non-criminal), communication, and planning may have significantly reduced, *but would not eliminate*, the risk of a violent encounter.

The shortcomings I identified are as follows:

- Afternoon shift Officers and a Sergeant were dispatched to the call for service. SGT. Kryca, a midnight shift Sergeant, unassigned to the call for service, issued the following order via radio "Units from 90, back off." SGT. Kryca had no first-hand knowledge of what was occurring on scene and his order, which was either transmitted from the Patrol Operations Office or the Roll-Call Room, created momentary confusion on which supervisor would be in command of the scene. SGT. Gacek subsequently announced, via radio, he was assuming command.

- Once on scene, SGT. Gacek had Officers create a perimeter around the residence. It was learned within minutes that no crime had occurred and [Person] was inside the residence, alone. [Personal information within public records] SGT. Gacek did not announce via radio, nor otherwise communicate to Officers on scene, that no crime had occurred and [Personal] the sole occupant of the house, was not a criminal suspect.

- SGT. Scanlan arrived on scene, recognized the incident was a [Personal information within public] not an active criminal investigation, and instructed SGT. Gacek to pull the Officers a safe distance away from the call. Though SGT. Scanlan made the correct assessment of the scene, there was no communication or plan of action developed or communicated to personnel on scene.

- The entire midnight shift self-deployed to the scene. SGT. Gacek, the scene commander, was suddenly tasked with managing an additional eight personnel, bringing the total number of Police personnel at the scene to eighteen. This was ultimately more than was necessary and lent itself to an overly complicated "span of control".

- Officers on scene were not given specific tasks or responsibilities, nor was any plan of action communicated to them. (OFC. Lacey was captured on BWC stating "Oh, I thought this was criminal.") The lack of communication created confusion amongst officers.

- SGT. Scanlan instructed [Personal information within public] via phone, and have him come to the door. The intent was to establish communication with [Personal] and determine if he needed medical attention. [Person] however, told [Personal] to

come outside. An Officer on scene should have called [Personal] in order to assess his condition and give him clear instructions on what to do.

-While [Person] was on the phone with [Person], SGT. Gacek was asking Officers "I need one point person to talk to him if he steps out. Who's beat is this? I need one point person." SGT. Gacek should have assigned an Officer, rather than seek volunteers. OFC. J. Chojnowski eventually volunteered.

-When [Personal] showed himself at the front door, one Officer yelled "Let me see your hands, show your hands!" OFC. J. Chojnowski approached [Personal], with a calm demeanor, and attempted to speak to him. It was evident the Officers on scene were not on the same page. I learned, through interviews, that Officers did not know [Person] was going to be called out of the house. Furthermore, some Officers still believed a crime had been committed and [Personal] was being called out to surrender. There was no communication and no plan to deal with [Personal] when he came outside.

-SGT. Gacek deployed his Taser at [Person] while at least four Officers were attempting to gain physical control of [Person]. [Personal information] was actively resisting, SGT. Scanlan yelled "NO, NO, NO, I got him!", after hearing SGT. Gacek yell "TASER! TASER! TASER!". SGT. Gacek deployed his Taser in the direction of the Officers, placing them at risk of being struck by an inaccurate shot. It would have been safer for SGT. Gacek to close the distance with [Person] and take a close contact shot at a preferred target area, or take no shot at all.

[Personal information within public records]. After reviewing this incident, it was determined [Person] would not be charged with any criminal offense. The presence of eighteen Police Officers surrounding [Personal] residence, the exhibition of rifles and less lethal shotguns, use of preemptive controlling language, and overall Police response could cause a reasonable person to believe they were seized (under arrest) prior to [Person] committing the listed criminal acts. That said, even if [Personal] believed he was under arrest when he exited his residence and was, therefore, subject to an unlawful detention, does not justify assault, battery, or resistance to arrest.

Despite the tactical errors leading the listed assault and battery, the response to resistance was commensurate with the crimes committed and level of resistance offered by [Personal].

Attachments:

- Northwest Central Dispatch System Incident Details (CAD sheet) Report #AHP23-027437
- INCIDENT/OFFENSE REPORT Case Report Number AHP23-027437
- INCIDENT/OFFENSE REPORT Case Report Number AHP23-023114
- INTERDEPARTMENTAL AUDIO RECORDING REQUEST
- Body Worn Camera footage can be viewed on Evidence.com
- Northwest Central Dispatch System 911 recordings are available on Evidence.com