

**Case File Summary**  
**2013-C-0305/2014-X-0002**  
**Appeal Hearing – August 6<sup>th</sup>, 2014**  
**Summary Prepared – July 22<sup>nd</sup> – 24<sup>th</sup>, 2014**

**Involved Persons**

Appellant  
Officer A  
Sergeant B  
Officer C  
Sergeant E  
Witness 1  
Witness 2  
Witness 3  
Witness 4  
Witness 5  
Witness 6  
PPI Witness A  
PPI Witness B  
PPI Witness C  
PPI Witness D  
PPI Witness E

**Allegations**

Allegation 1 – Officer A placed himself in a position where the use of force became necessary. (FORCE) (Directive 1010.20 Physical Force)

Allegation 2 – Officer A used inappropriate force by punching Mr. Lopez in the face and kneeling him in the back. (FORCE) (Directive 1010.20 – Physical Force)

Allegation 3 – Officer A used inappropriate force when he deployed pepper spray. (FORCE) (Directive 1010.20 – Physical Force)

**Synopsis of the Complaint**

On October 1<sup>st</sup>, 2013, a number of Portland Police Bureau (PPB) officers and security officers from Portland Patrol Inc. (PPI) met under the west end of the Morrison Bridge for the purpose of waking a relatively large group of homeless individuals that had slept overnight beneath the bridge; a relatively common occurrence. The area was to be cleaned once the people had vacated the area. As this was occurring, some of the members of the group became upset with Officer A took hold of one of the members dog that was off leash. The resulting commotion became physical between some of the officers and the homeless individuals, which culminated in the deployment of pepper spray by Officer A and the arrest of two homeless individuals.

## **Summary of Appellant, Officer and Witness Interviews**

### Appellant

The Appellant was interviewed on October 17<sup>th</sup>, 2013 at the IPR office. He acknowledged a history of conflict with Officer A, while he also feels that Officer A targets him.

The Appellant explained that the confrontation began when Officer A grabbed a dog belonging to one of transients camping underneath the bridge, and it was in this action which prompted the crowd to protest. He said at this point he was not aggressive, but began to yell at the Officers for the treatment of the dog. He explained that after the dog was removed from the situation, Officer C pushed him, which caused him to stumble. He acknowledged he tried to push the officers hand off of him when the officer was making physical contact with him.

The Appellant explained that Officer A then returned after removing the dog and began to pepper spray him, his girlfriend and another teenage bystander. At this point he states that he just wanted to get out of there because the pepper spray was blinding him. He said he took cover behind his friend Witness 2, and that is when Officer A grabbed him, swung him around and tossed him on top of one of the patrol cars. He stated he was then thrown to the ground, his hands were put behind his back, and Officer A then kned him and punched him in his face, then placed his knee on his head and kept rubbing his face into the ground.

### Witness 3

Witness 3 felt that Officer A was purposely antagonizing the Appellant. In his interview, she stated that when the officers came down to wake the up, Officer A came in with a bad attitude and told the appellant that he needed to pack his things up. Witness 3 said that she was already picking her belongings up along with a few of the other campers when the officers arrived. She remembered Officer A asking the appellant a question, in which the Appellant ignores. Witness 3 felt that Officer A was antagonizing the Appellant at this point in an effort to get him to talk to him. She stated that Officer A kept on antagonizing him.

Witness 3 also felt that the incident began when Officer A grabbed the dog. She stated that the dog was a service animal to Witness 6 who has seizures, and he was yelling at the police to convey this, though the message was not received.

She then noted that he saw the Appellant get pepper sprayed but did not see the Appellant do anything to the officers prior to being sprayed. She stated that she was then pepper sprayed and felt that Officer A had done this intentionally. She said that when the Appellant got out of the way after being sprayed, Officer A pointed it at her and sprayed, hitting her and her friends standing nearby. At this point she fell to the ground grabbed for anything she could to wipe her face. She also stated that she was not given a verbal warning that they were going to be pepper sprayed, nor did she witness anyone attempt to push the officers or advance to break their barrier over Officer A.

### Witness 5

Witness 5 visited IPR on October 2<sup>nd</sup>, 2013 and provided video documentation of the incident by him and Witness 2. Witness was camping underneath the Morrison Bridge when the officers came to remove the group. He specifically focused on the interaction between the Appellant and Officer A.

The video shows Officer A asking the Appellant for his name and telling him that he will go to jail if he doesn't comply. The discussion that follows appears to be focused on the ownership of a red fold up chair that is at the site. Officer A then questions the ownership of another item on the ground, and more discussion follows between Witness 5 and Officer A. Moments later, Officer A is seen bending over. A dog barking is heard at this point and Officer A turns away from the

crowd while other officers and PPI security guards form a wall around Officer A and the dog. People are yelling in the background stating that the dog is a service animal and to get off the dog. Witness 5 captures Officer A kneeling down and pinning the dog to the ground. A short while after, Officer A is seen standing up and begins deployed his pepper spray. Witness 5 is heard yelling on the video that Officer A is spraying people for no reason. About 30 seconds later, Officer A is seen walking away from the area to apprehend the appellant who is bent over. The Appellant is grabbed and intent to arrest the Appellant by Officer A has begun. Within 30 seconds of Officer A attempting to arrest the Appellant, Lopez is secured on the ground by Officer A and another officer.

Witness 5 noted that no verbal warning was given that Officer A was going to deploy pepper spray, and that Officer A was targeting the Appellant that day because of a failed attempt to arrest Lopez the previous day.

#### Witness 2

On October 2<sup>nd</sup>, 2013, Witness 2 visited IPR to provide information on video he had taken of the incident. He explained he was away from the incident when the dog was apprehended by Officer A and arrived shortly after when he began to video record the incident.

His video starts off showing the wall of officers standing shoulder to shoulder. Witness 6 is seen confronting the wall of officers about taking his dog. About 30 seconds into his video, an officer is seen with a capture pole making his way behind toe wall of offices. The Appellant is seen leaving the area at the about 15 seconds later, then returning to the area roughly 8 seconds after that wearing a ski cap. Video pans away for a few seconds, then returns and the Appellant is seen standing in front of an officer, and Officer A is seen standing up from securing the dog in the background.

The officer in front of the Appellant makes a motion towards the Appellant that is fluid and smooth and is done while talking to Witness 6, with eyes on witness 6 and not on the Appellant. An officer standing to the right of the officer motioning towards the Appellant but speaking to Witness 6 is seen looking towards the Appellant, but not making any movements or making any verbal commands to the Appellant. Shortly after, the same officer in front of the Appellant is speaking to individuals off to the right of to the Appellants right. At this time, Officer A can be seen staring directly at the Appellant. Within six to seven seconds of Officer A standing up from securing the dog, the Appellant can now be seen stepping back while Officer A is seen extending his arms towards the Appellant who then deploys the pepper spray into the Appellants face.

Officer A then turns his spray to his right when two additional people are shown covering their face. The appellant is standing in front of Officer A at this time, and Officer A turns back to face the Appellant and continues to spray him. With the Appellants back towards Officer A, a people can be seen coming into the frame grabbing a hold of the Appellant. Officer A then moves towards the Appellant in an attempt to grab him, and the Appellant slips away.

About 20 seconds after the pepper spray was initially deployed, it appears someone has thrown something at Officer A who then reacts and deploys more pepper spray. He then puts his pepper spray away and walks from the area to pursue the Appellant, The video shows three officers securing the appellant on the ground, then lifting him to his feet and walking away from the area. What happens to Lopez after this cannot be seen.

#### Witness 1

Witness 1 visited the IPR on October 11<sup>th</sup>, 2013 to report his experience during the incident. He explained that he was protesting what was happening to the dog. He said people were shouting for the officer to get off of the dogs neck, and that people said they would but they wanted the officer to get off of the dog.

Witness 1 was asked if there was any shoving or pushing going on before the pepper spray was deployed, and he said it was more so the cop. Witness 1 said he (Assumed reference to the Appellant) was stepping over a line that the cop was saying not to do, and the cop pushed the Appellant back.

#### Witness 4

On October 18<sup>th</sup>, 2013, Witness 4 came into the IPR to share her recounts of the incident. She stated she was awoken by a whole bunch of yelling, and saw cops asking people to pick up their beds. She said then they were complying and picking their beds up when she looked over and saw Witness 3 on the ground after being pepper sprayed without warning. She stated the Appellant and Witness 3 were both moving the beds like they were being asked to, and Witness 3 got pepper sprayed, while the Appellant was punched in the face and thrown to the ground and arrested. She stated five or six other people were pepper sprayed that day.

#### Witness 6

Attempts to contact this witness were unsuccessful. He had visited IPR to follow up on a request for interview, however the visit was not scheduled in advance and all investigators were unavailable at the time. The witness left a phone number for contact, but attempts to reach him went unanswered.

#### Officer C

Officer C arrived as backup while the other officers were already in the process of removing the group campers from under the Morrison Bridge. He said the campers were very angry and hostile towards the officers.

Officer C noted the dog was running back and forth, in and out of the crowd. He said he heard someone say "Somebody get the dog" or something to that effect. When no one did, he said Officer A took hold of the dog. He also noted that he felt the crowds' reaction to the dog being held represented a safety threat.

Then Officer C explained that he recognized the Appellant and his girlfriend from past interactions. He said the Appellant was kind of aggressive and posturing, and that from his training he was taught to ignore what the person was saying, but to watch their body language and look for key indicators. He said the Appellant was giving his key indicators such as clenching of the fist, blading of the body, standing on the balls of his feet, a furrowed eyebrow and a stare that was a precursor that the appellant might want punch him, and this is how he perceived it. He stated the appellant was physically aggressive, but wasn't throwing punches at anybody, but that he was "amped up".

Officer C stated that while the crowd was protesting, it was looking pretty hostile to him. He then noticed the Appellant, who he says was staring at Officer A and looked like he was going to go for Officer A, but was being told to get back by the other officers. Officer C then noticed Witness 3 with the same threat indicators. He looked back and then saw the Appellant continue to come back in towards the wall that the officers had formed, and was told to get back again and was shoved by Officer C with one arm. He said when he shoved the Appellant; the Appellant then slapped his arm off his chest. He said at this point, the shove was minimal in an effort to avoid inciting the crowd. Officer C noted that when the Appellant slapped his hand down, he noticed Sergeant B arrive with the dogcatcher pole.

At this point, Officer C stated the Appellant was continuing to be aggressive, walking back towards him with the same threat indicators. Right after that, he notices Officer A beside him yelling get back and then pepper spraying the Appellant. He said this really began to piss off the

Appellant. The Appellant then took his shirt off after either the first or second time being pepper sprayed and came back towards the officers again, puffing up his chest in the air. After being hit again in the face with pepper spray, the Appellant then stopped his aggressive nature and began to go back to a defensive stance trying to clean out his eyes.

Officer C noted that he believed the Appellant was the only one intentionally pepper sprayed. He also noted that he heard Officer A yell to the Appellant that he was under arrest, and he deployed an arm bar takedown, bring the Appellant to the ground. He then helped with the arrest of the appellant by stepping on his legs to prevent the kicking and flailing that was occurring. Officer C was present until handcuffs were placed on the Appellant. He stated that he never saw Officer A punch the Appellant in the face, nor did he see anyone deliver knee strikes to him either.

#### Sergeant B

Sergeant B responded to the scene as a request for a vehicle to block one lane of travel on Naito Parkway. Upon arrival, he remained seated in his vehicle for a moment and observed what was occurring. He heard someone on the radio yelling about a dog, which prompted him to retrieve his dog pole that is carried in his trunk. As he walked into the crowd, he observed Officer A holding down the dog on the pavement. He noted it looked like the neck/shoulder area of the dog was being held down, and the snout was being partially blocked. He also noted that Officer A was bending down from the waist for the most part, kind of kneeling, but trying to keep himself back and just use his hands on the dog at this point. He also saw nothing that suggested Officer A had abused the dog in the manner that was reported to the IPR. He had later learned that the dog had bitten Officer A, but assumed this was the case when he initially saw the officer holding the dog down.

Sergeant B secured the dog with the pole, and secured it in his vehicle. When returning to the area, people were visibly upset about the dog and because pepper spray had been deployed. He described the crowd as "hostile" but not observe any members of the crowd make physical contact with PPB or PPI officers, except when the Appellant was taken into custody. He ordered people to stand back, just as other officers were.

Sergeant B did not witness the pepper spray being deployed, and initially thought it had occurred before he arrived with the dog pole. After the arrest of the Appellant, Sergeant B noted he may have assisted in flushing the Appellants eyes with water. He had no knowledge of Officer A either punching or kneeing the appellant during the arrest, and only later became aware that he had walked by the arrest in progress of the appellant through review of Witness 2's video. At the scene, Witness 3 had informed him that her and the appellant had been pepper sprayed without warning.

#### Sergeant E

Sergeant E observed a dog moving through the crowd of officers, which appeared friendly and was not barking. He said he heard a sort of yelping noise, and turned around seeing Officer A with his hands around the neck or collar of the dog, but also noted it was hard to tell with both the dog and officer moving around. He recalls seeing Officer A use his body weight and hands around the collar area to control the dog, and shortly after the struggle between the Officer A and the dog ceased as the dog was staying put as it was held down on the ground. Simultaneously, he a lot of people were upset about the treatment or perceived treatment of the dog, so his focus was shifting between the crowd and what was happening with Officer A and the dog. He noted he saw nothing to suggest Officer A was abusing the dog in the manner reported to the IPR.

Sergeant E also noted there were a few of the campers they knew from prior contacts, one of which being the Appellant and his girlfriend. He said the Appellant had taken somewhat of a leadership position for the group that was under the Morrison Bridge, and the Appellant became the focus of anger at Officer A. The Sergeant stated that the Appellant was increasingly vocal and

angry, screaming profanity to the point where you could see the bottom of his ears turning red. He stated that the screaming was directed at Officer A, and that because of that, he wasn't going to allow the Appellant anywhere near Officer A. Sergeant E noted the Appellant came towards him screaming, and he directed the Appellant to get back or he could be arrested. At one point, Sergeant E said he pushed the appellant back, using his left hand in an open manner on the Appellants chest as the Appellant was trying to get in and around the wall of officers. He stated the Appellant threatened to physically assault him, saying that Sergeant E couldn't touch him and asking him if he wants to "go", while in a boxers stance bouncing around. At his point, the Sergeant noted that the Appellant is slapping his hands on his face screaming, appearing to get himself amped up. At this point the Sergeant pushes him back again, this time with a closed fist, noting also that it wasn't a punch, but a push with a closed fist, in an effect to prevent the Appellant from grabbing his fingers. He was hoping at this point that he wouldn't need to use any further force against the appellant.

Sergeant E did not witness Officer A deploy pepper spray but became aware of it when he smelled the odor in the air. Officer A was to his right upon detecting the scent. He looked back at the Appellant and his girlfriend, both appearing to be affected by the pepper spray. He also noted he did not see Witness 3 attempt to "unarrest" the Appellant. He thought he may not have seen these event because he had momentarily left the area to assist Sergeant B secure the dog in the police vehicle.

While Officer A was attempting to takedown and arrest the Appellant, he noted the Appellant was "kind of dancing out of it, and running underneath it", referring to the arm bar that Officer A was using on the Appellant. He said the appellant was still verbally aggressive during the takedown. After he and Officer A placed handcuffs on the Appellant, they got him to his feet in an attempt to get him out of the street and into a patrol car. Sergeant E could not recall whether he had placed a knee anywhere on the Appellant while he was on the ground, but was certain no officer had placed a knee onto the Appellants head at the time, nor had any officer delivered any knee strikes or punches, including Officer A.

Sergeant E was then shown the video that Witness 2 brought into IPR, which he stated he had not seen before. After reviewing the portion of the video where the pepper spray is being deployed, the Sergeant realized that he had been present when those events had occurred. When asked if he still believed he had left momentarily with Sergeant B, he said "*Just – just for a second. Year. And I might have not even gone all the way to his car, but I have a really good recollection of at least following Sergeant B through the edge of the crowd there, so he could get the dog to his car, because if you have a dog on a catch pole, you really can't use and of the tools on your belt.*"

After reviewing the video, Sergeant E learned he had placed one of his knees onto the Appellants hip during the arrest while man was on the ground.

#### Officer A

Officer A was asked to explain his actions involving the dog.

He noted he was standing back while everyone was packing up their things, and he sees a dog come down and run past him, turn around and come back past him again. He doesn't see a leash on it, and doesn't see anybody taking ownership of the dog. His intentions by taking hold of the dog were to stop it from running up and down the sidewalk, to hold onto it until they could figure out who the owner was, and to prevent the dog from running into traffic or biting anyone. Officer A was asked what he anticipated would happen by taking hold of the animal. To him, the dog seemed pretty passive, and he thought that the dog would just sit there and let him hold it until the owner came to get it. It was not his intention to take the dog, but just to find the owner and potentially cite that owner for having a dog at large. He said the dog bite was a complete surprise.

In describing the manner in which he took hold of the dog, Officer A said that when the dog passed him a second time, he reached down and placed two fingers through the collar. This startled the dog, and in reaction the dog turned quickly and bit Officer A on his right forearm, breaking the skin in two places. He denied ever twisting the dog's collar, strangling the dog or places his full weight on the dog with his knee. He stated as soon as he was bitten, he transitioned to using both hands on the scruff on either side of its neck, grabbing the fat and skin and letting go of the collar, pinning it to the ground. He stated he was not reaching around for its throat or squeezing its throat, but had just control of the scruff and skin on the sides of the neck and pinned it to the ground to prevent the dog from biting him again.

Officer A was read aloud an After-Action report written by a Sergeant in which it said the dog bite to the officer could have been avoided. It said that Officer A should have ignored the dog until he had proper resources available to him to deal with the animal appropriately. In hindsight, Officer A acknowledged that it probably would have been smarter to leave the dog alone.

Officer A was then asked if he believed he violated PPB Directive 1010.20 regarding Physical Force. He stated that he believe he did not violate the directive. He felt that the crowd, mainly because of the Appellants actions when they first arrived, there were a few people already aggressive towards them. He felt that Sergeant E, his partner at the time, himself and the PPI officers were remaining very calm, and were simply asking people to pack up their things and leave the area. He noted he wasn't angry or in a bad mood. He also didn't think by grabbing a hold of the dog, he was going to incite the crowd in any way.

Once Officer A had the dog pinned to the ground, he begins to describe the crowd's reaction to him taking hold of the dog. He states he could hear the Appellants voice in the background, yelling something to the effect of "hey, he's choking the dog, he's killing the dog", and the crowd immediately becomes very angry. He says probably a half dozen campers were clumped together close to where he was, and the only thing keeping campers from jumping on top of him were fact that PPB and PPI officers made a sort of body wall between him and the people who were upset. While on the ground, he could hear multiple officers telling the crowd to stop back, but he specifically recognized Officer C and another officer's voice.

At this point, Sergeant B arrives with the dog pole and removed the dog. Officer A assumes the Sergeant placed the dog in his police vehicle. Unsure if it was when he was standing up or was already fully standing, Officer A remembers when he first faced the crowd was the Appellant shoving or pushing Officer C (to what he perceived as violently). He sees the Appellants right hand shove towards Officer C, in a manner in which he describes the Appellant as irate, angry and with a contorted face. He said he quickly grabbed his pepper spray out of his vest with his left hand and stretches it out in front of home. Seeing he has a good target (the eyes, nose and mouth) he sprays the Appellant in the face. He says he got a pretty square shot of his face. He also notes that he did not give a warning that he was going to pepper spray because he believed the appellant would have ducked and he wouldn't have a target. He states pepper spray is has been designated to use in physical resistance to control a little bit, and at that point the Appellant was aggressively physically resisting them and making physical contact towards an officer. In his mind, it was the totality of the circumstances that led him to believe pepper spray would be a good tool to use at that point. He said in the past it has been a very effective tool for him and other officers when crowds are at near rioting conditions.

Officer A stated he made the decision to arrest the Appellant at the moment he observed the latter push Officer C and directly before the deployment of the pepper spray.

He also estimated the distance between himself and the Appellant at the time he deployed the pepper spray was 3-4 feet. He said he was surprised that the pepper spray did not immediately affect the appellant.

*“And so I spray him, he becomes irate, he still has his eyes open, staring at us, screaming at us. He kind of moves to the north a little bit, just a couple of steps, he picks up this suitcase...and he, he chucks it towards the line of officers...It kind of went off to – to the north of me, to my left, so I didn’t see it hit, because I’m focused on the Appellant...And finally, after he throws that and screams a little bit more, I see him use his hands to his eyes and then bends over at the waist.”*

After seeing that the pepper spray was having its desired effect on the Appellant, Officer A told Sergeant E and Officer C that the Appellant was under arrest. He noted the pepper spray had caused the crowd to part, and he then walked through that opening to towards the Appellant, grabbing his right hand and assuming he’s going to make a simple arrest not involving any force. About a second later, Officer C grabs the left arm and the Appellant begins to pull away and struggle. They eventually put him on the hood of the patrol car, and then bring him to the ground as the appellant continues to struggle.

Officer A says he knelt down in the prone cuffing position that they teach. He states he has the Appellants right are barred so its locked between his knees, and his inside closest shin is kneeling on the outside of his shoulder, pinning it to the ground so he couldn’t get up off the ground. He says at this point he is actually supporting himself in a catcher position on the balls of his feet, with very little pressure on the Appellant, but just enough to keep him pinned to the ground. He states that this happened fairly quickly, and as soon as the cuffs were, they step up off of the Appellant.

Officer A denied punching the Appellant in any part of his body, and specifically, the face, and did not see any other officer do so. He also denied using his knee to strike the Appellant in any part of his body or placing a knee on the Appellant’s head while on the ground. He could not recall if he had told the Appellant that he was under arrest.

After viewing the video from Witness 2, Officer A realized he pepper sprayed the Appellant twice.

Directly after pepper spraying the appellant, Officer A also sprayed a women identified as the Appellants girlfriend. He said he did this because the woman had taken hold of the Appellant directly after he had been sprayed and attempted to pull him away. Officer A believed the woman was trying to save the Appellant from being arrested.

In the video, Officer A was seen extending his left arm after he pepper sprayed the Appellant and witness 3, presumably towards other members of the crowd. He was asked about this and he said he was only point it at people, and did not spray anyone else.

### **Timeline**

<b>CHRONOLOGY OF CASE PROCESSING</b>	<b>DATE</b>
Date complaint filed with IPR	10/4/2013
Date IPR Initial Investigation completed	11/19/2013
Date complaint referred to IA	12/6/2013
Date assigned for IA investigation	12/16/2013
Date IA investigation completed	3/19/2014
Date completed IA investigation to IPR for review	3/20/2014

Date IPR approved the investigation	3/27/2014
Date completed IA investigation assigned to RU Manager for recommended findings	4/2/2014
Date RU Manager's recommended findings to Branch Chief for recommended findings	4/24/2014
Date recommended findings received by IA Captain for recommended findings	5/1/2014
Date recommended findings sent to IPR for recommended findings	5/1/2014
Date of IA recommended findings	5/2/2014
Date of IPR of recommended findings	5/13/2014
Date of IA Disposition Letter	5/20/2014
Date of IPR closing cover letter	5/27/2014
Date appeal received	5/30/2014
Date appellant waived mediation in lieu of appeal	5/30/2014

<b>TIMELINESS OF CASE PROCESSING</b>	<b>TIME ELAPSED (Calendar Days)</b>	<b>BENCHMARK (Calendar Days)</b>
Time from date complaint received in IPR to the date the IPR Director refers the case to IA (dates)	63 days	21 days
Time from date received in IA to completion of investigation (dates)	93 days	67 days
Time from date IA investigation sent to RU Manager to date of RU's recommended findings received by Branch Chief for recommended findings (dates)	22 days	14 days
Time from date recommended findings received by Branch Chief to date referred to IA Captain for recommended findings (dates)	7 days	7 days
Time from date recommended findings received by IA to date IA made recommended findings (concurrent with IPR review) (dates)	1 day	7 days
Time from date recommended findings received by IPR to date IPR made recommended findings (concurrent with IA review) (dates)	12 days	7 days
Time from date of completed findings recommendations to mailing of the disposition letter (dates)	12 days	14 days
<b>Totals</b>	210 days	137 days

### **Findings and Definitions of Findings**

The possible findings in a case are:

*Sustained:* an incident alleged in a complaint did happen and does constitute a violation of policy.

*Unproven:* while the incident may have happened, there is no preponderance of the evidence to determine how it happened or whether there was a violation of policy.

*Exonerated:* while the incident may have happened, the preponderance of the evidence shows that there was no violation of policy.

Any of these findings could be accompanied by a debriefing, which would involve the superiors of an involved officer talking about the incident and providing instruction as to how the situation might have been handled better.

*Allegation 1 – Officer A placed himself in a position where the use of force became necessary.*

*Finding: **Sustained***

*Allegation 2 – Officer A used inappropriate force by punching Mr. Lopez in the face and kneeling him in the back.*

*Finding: **Exonerated***

*Allegation 3 – Officer A used inappropriate force when he deployed pepper spray.*

*Finding: **Exonerated***

#### **Options Available to the CRC**

At the appeal, the CRC has the following options available to it:

- 1) The CRC can affirm the finding, meaning that it believes that a reasonable person can make the same decision based on the available information, whether or not the committee agrees with the decision; or
- 2) It can challenge the finding; meaning that the committee believes a reasonable person would have reached a different finding based on the available information. The CRC can recommend a debriefing as part of any challenged finding; or
- 3) It can refer the case to Independent Police Review division or Internal Affairs for further investigation.

Respectfully Submitted,

David Green  
CRC Member