

## HEARING SUMMARY FORM

### #0639-19

Hearing: 03/08/21 1330 hours  
Date TimeLocation: 170 N Main, RM 12-12Hearing Officer: Deputy Chief P. Wright, Jr IBM #9511Attended by: Officer John Griffin IBM #1765MPA Representative: Sgt. Shannon Bowen IBM #0794Supervisor: Lieutenant Colonel Vincent Beasley IBM #0772

Statement of Hearing Officer: On March 8, 2021 at 1330 hours, Deputy Chief Paul Wright, Jr IBM #9511 held a hearing on Tillman Station "B" shift Officer John Griffin for violations of DR-301 Excessive/Unnecessary Force, DR-301. (Continued on page 2)

**Action Ordered:**

**DR 301 Excessive/Unnecessary Force – SUSTAINED – five (5) days suspension without pay.**  
**Officer Griffin is also required to attend a mandatory 8 hours training for Response to Resistance.**



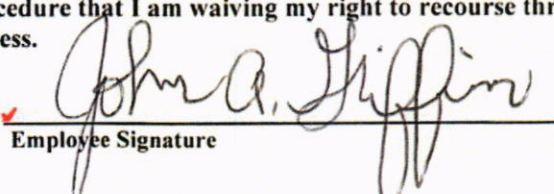
Hearing Officer

Any employee holding a position not exempted from the provisions of Article 34 Civil Service, and not in the initial probationary period, who has been suspended in excess of ten, (10) days, terminated, or demoted, may appeal to the Civil Service Commission within ten, (10) calendar days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five, (5) days within a six-month period, and any subsequent suspension within said period shall be appeal able to the Commission. If the disciplinary action is 10 days or less, the officer may submit to a grievance procedure or an internal appeal, but not to both.

In addition, Chapter I Section 5 page 4 states in part: "Commissioned police officers with a status of suspension, probation, non-enforcement, relieved of duty, or leave of absence are not permitted to engage in any Secondary Employment and/or any Off-Duty Security Employment where the officer's status is dependent on his/her state commissioned status. No commissioned police officer is permitted to engage in any Secondary Employment and/or Off duty Security Employment for a period of thirty (30) days after the final disposition of (1) any sustained Statement of Charges for violation of the Sick Abuse policy or (2) any sustained Statement of Charges resulting in a suspension and/or reduction in rank" Notification will be made to the Secondary Employment Office regarding this suspension. Violation of the above listed policy could result in additional charges.

Appeal: Will JAG Will Not Be Filed ✓Grievance: Will JG Will Not Be Filed ✓

I understand that by requesting the grievance procedure that I am waiving my right to recourse through the Internal or Civil Service Commission Appeal Process.

03-17-21  
Date  
Employee Signature

I, **(Deputy Chief P. Wright, Jr)** read the allegations of the complaint that said in part: On June 21, 2020, at approximately 11:30 a.m., you assisted in the arrest of burglary suspect at Jackson Ave. At the time of the arrest, it was believed the suspect was armed with a handgun. As the suspect lay on the ground, you assisted another officer in placing the suspect in handcuffs. The suspect would not comply or surrender his hands. In your statement to ISB investigators, you stated for officer safety reasons, you placed your knee on the suspect's back to force him to comply and to prevent him from moving.

Body-worn camera footage revealed you did not place your knee on the suspect's back; it revealed that you placed your right foot on the left side of the suspect's face as he lay on the ground. As a result, the suspect received an evident abrasion to the right side of his face/head that required medical attention. At the time of your action, the suspect was surrounded by at least 8 other officers, 3 of which were assisting you in placing the suspect in handcuffs. With that being said, there was no chance for escape. Due to the articulated information that the suspect may have been armed with a handgun, the placement of your foot to the suspect's head/face to prevent movement for the safety of all officers was deemed not to be excessive. However, the same force was deemed to be unnecessary given the fact that there was sufficient officers in the direct area of the arrest that were able to apply hand to hand force to secure the suspect in handcuffs. Therefore, the evidence in this case determined you to be in violation of **Memphis Police Department's DR-301 Excessive/Unnecessary Force**, which states:

#### **DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE**

**Excessive Force/Unnecessary** is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.



**Officer John Griffin IBM 1765**

Officer John Griffin was given the opportunity to respond to the alleged allegations. Officer Griffin admitted that he'd placed his right foot on the left side of Mr. Saul Martinez's face in order to control him during the arrest. This is observed (8 minutes and 7 seconds into Officer Griffin's BWC) Officer Griffin described his encounter with Mr. Martinez as being extremely intense and the threat level was high. Officer Griffin said officers pursued Mr. Martinez, on foot, for several minutes. At one point during the pursuit, Officer Griffin said he heard Canine Officer James Oliver communicated over the radio that Mr. Martinez possibly fired a shot at him. Officer Griffin said when he heard Canine Officer Oliver reporting that shots were fired it added an additional level of stress to an already tense situation. Officer Griffin said he'd made the original burglary scene at Wales and he knew the suspect had taken at least four to five firearms from the residence.

Officer Griffin said when he observed Officer Randall Schmidt struggling with Mr. Martinez at Jackson (Smith Pools), he quickly stepped in to assist with the arrest. He said originally that he didn't realize he'd placed his foot on Mr. Martinez. He said he originally remember kneeling on him. Officer Griffin said he had no ill or malice intent to harm or injure Mr. Martinez, but he did seek to gain control of him because he felt he was possibly armed with a firearm. He said he used the level of force necessary to control Mr. Martinez.

Officer Griffin said because Mr. Martinez was struggling during the arrest, he (Martinez) sustained an injury to the right side of his face. Officer Griffin said the other injuries Mr. Martinez reported were not consistent with his arrest. Officer Griffin said Mr. Martinez was never denied medical attention and he was treated for his injuries. He said that a day or two before this arrest, several officers chased Mr. Martinez on foot, during another residential burglary, and Mr. Martinez allegedly jumped from the window of a two-story dwelling and eluded the officers. Officer Griffin said on the day he arrested Mr. Martinez, Mr. Martinez recklessly jumped several fences in an effort to escape capture. Officer Griffin requested the hearing officer consider the situation when ruling on this matter.

**MPA Representative Sergeant Shannon Bowen IBM 0794** was allowed to comment on the matter. Sgt. S. Bowen said he did not agree with the ISB investigator's opinionated viewpoint of this arrest. He said the investigator was not a part of the arrest and should not make an assumption during an investigation. Sgt. Bowen said ISB Detective John Cobb gave an opinion when he wrote the following statement in Officer Griffin's Statement of Charge:

"However, the same force was deemed to be unnecessary given the fact that there was sufficient officers in the direct area of the arrest that were able to apply hand to hand force to secure the suspect in handcuffs."

Sgt. Bowen said he was on the scene of the arrest and the danger level was high. He said the officers did receive information, via radio, that Mr. Martinez was possibly armed and may have fired a shot at an officer. Sgt. Bowen said when officers were placing Mr. Martinez in custody he was uncooperative and would not show and surrender his hands. He said officers gave him several commands to comply, but he still refused to comply. Sgt. Bowen said there were several officers on the scene, but the Mr. Martinez was still non-compliant. He said the reality of Mr.



Martinez having a weapon and using it against officers was still real. Sgt. Bowen requested this be considered.

Sgt. Bowen also referred that this matter occurred on June 19, 2019, and the hearing may violate the Memphis Police Department's MOU - Article 14, which states in part: "No statement of charges may be issued more than one (1) year following the initiation of an investigation of a non-criminal violation of departmental rules and regulations unless new information or evidence surfaces which was not available at the time of the investigation."

**April 15, 2016  
Side Letter #1**

This is to confirm the understanding and agreement reached at our recent negotiations on April 15, 2016 between the Memphis Police Association and the City of Memphis that both parties agreed that the investigation starts with an Affidavit of Complaint and/or upon generation of a Work Station Complaint.

In response to Sgt. Bowen's concern of Article 14: On June 21, 2019, Mr. Saul Martinez was arrested by Officer John Griffin and others. Mr. Martinez mailed a hand-written letter of complaint from the Shelby County Jail (dated May 11, 2020). The ISB Office received the complaint, via standard US mail, on or about May 20, 2020, at which time an ISB investigation was opened. Taking these facts into consideration, the hearing officer found no violation of the MOU agreement.

**Lt. Colonel Vincent Beasley IBM 0772** was allowed to comment on the matter. Lt. Colonel Beasley described Officer Griffin as a strong worker and he follows orders with no debate. Lt. Colonel Beasley said Officer Griffin is a team player.

The hearing officer convened the hearing at 1410 hours.

**On Friday, March 19, 2020, at 1100 hours, the Administrative Hearing was reconvened.**

The Hearing Officer (Deputy Chief Paul Wright) noted the listed facts from the Administrative Hearing:

On Friday, June 21, 2019, at approximately 10:30 a.m., Saul Martinez was responsible for breaking into an occupied residence at Wales. Taken in the burglary was a .380 caliber handgun. Martinez fled the scene on foot and led numerous officers on a lengthy foot chase. At 11:37 a.m., Martinez was located and arrested at Jackson Avenue by Officers Randall Schmidt, John Griffin, Russell Cathey, and Patric Ferguson. As Officer Schmidt attempted to place Martinez in handcuffs, Martinez refused to place his hands behind his back after given numerous commands to do so. A struggle ensued, and all four officers used physical force to affect the arrest.

Martinez received a visible injury to the right side of his face. Martinez was transported to Tillman GIB and then to Regional One Health for treatment of his injury(s). After being released from the hospital, Martinez was transported to jail. Martinez alleged in his complaint that officers



injured his right eye, broke his right foot, cracked several of his ribs, and dislocated his right elbow. He also stated he was denied proper medical treatment. ISB obtained medical documentation from Regional One Health and the Shelby County Correctional Center revealed Mr. Martinez had no broken bones, dislocations, or cracked ribs as he initially reported.

After considering all the statements made and reviewing the attached documentation pertaining to this investigation, the charges of DR 301 Excessive Force/Unnecessary Force will be **SUSTAINED**.

According to MPD Policy, the Response to Resistance Continuum uses as escalating/de-escalating format to determine how Officers should consider the response to resistance. Officers must quickly react and establish objective reasonableness according to circumstances and the totality of facts known to the officer at the time of the incident. Officers are allowed to escalate their response to resistance in reaction to a particular situation as their experience and training dictate. Officers should also de-escalate their response to resistance when the situation is safely under control and a higher level of force is no longer necessary or reasonable.

Officer John Griffin's decision to use physical force, on a noncompliant, Mr. Martinez was necessary. While on the ground, from several points of view, bodycam footage shows Mr. Martinez concealing his hands. During the hearing, Officer Griffin expressed his concerns about Mr. Martinez having a gun. He also said he used the level of force necessary to prevent injury to himself and other law enforcement officers. Officer Griffin's decision to place his foot on Mr. Martinez's face went beyond the need required to control the individual and it was not part of the Memphis Police Department's training curriculum.

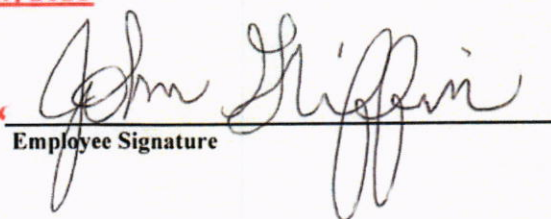
The hearing officer determined that Officer Griffin had a lapse in judgement choosing the proper arrest and control tactic during this situation. The hearing officer found no criminal intent with Officer Griffin's actions, but there was a training concern as it relates his response to resistance.

Officer Griffin's disciplinary resume did not show a history or a pattern of this type violation.

Therefore, **DR 301 Excessive/Unnecessary Force is SUSTAINED and Officer John Griffin is ordered to serve five (5) days suspension without pay. Officer Griffin is also required to attend a mandatory 8 hours training for Response to Resistance at the MPD Training Academy.**

**SWOP DATES: March 18, 19, 22, 23, and 24, 2021**

03-17-21  
Date

  
Employee Signature





**MEMPHIS POLICE DEPARTMENT**  
**MEMORANDUM**  
**UNIFORM PATROL DISTRICT II**



**SUSPENSION LETTER**

**To: Deputy Director M. Ryall**

**Subject: Admin Hearing 0639-19**

**From: Deputy Chief P. Wright**

**Date: March 17, 2021**

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On Friday, June 21, 2019, Saul Martinez was located and arrested at Jackson Avenue after he burglarized the occupied residence at Wales. Martinez fled the scene on foot and led numerous officers on a lengthy foot chase. Several officers attempted to place Mr. Martinez in handcuffs, but he refused to place his hands behind his back. A struggle ensued and four officers used physical force to affect the arrest. Officer Griffin admitted that he'd placed his right foot on the left side of Mr. Saul Martinez's face in order to control him during the arrest. Officer Griffin was administratively charged by the Inspectional Services Bureau for his actions.

On Monday, March 8, 2021, Deputy Chief Paul Wright, Jr IBM #9511 held an administrative hearing, at 170 North Main Room 12-12, with Officer John Griffin IBM 1765 for allegedly violating **DR-301 Excessive/Unnecessary Force, DR-301.**

The administrative hearing reconvened on Wednesday, March 17, 2021.

**DR 301 Excessive/Unnecessary Force was SUSTAINED and five (5) days suspension without pay was ordered. Officer Griffin is also required to attend a mandatory 8 hours training for Response to Resistance.**

The suspension dates will be effective **SWOP DATES: March 18, 19, 22, 23, and 24, 2021.**

Officer Griffin was provided copies of all the appropriate hearing documentation.

Current Assignment: Officer John Griffin IBM 1765 "B" Shift.



**City of Memphis  
Police Division  
Inspectional Services Bureau**

**Administrative Summons**

**Memphis Police Department VS.  
Griffin, John IBM: 1765**

**Date: January 1, 2021  
ISB Case #: I2020-029**

**I. Allegation**

On June 21, 2019, at approximately 11:30 a.m., it is alleged you used Excessive Force/Unnecessary Force against an individual that was being arrested at Jackson Ave.

**II. Rules, regulations or orders violated.**

**DR 301 Excessive/Unnecessary Force: Sustained November 30, 2020**

**III. Hearing**

**Date:** *Monday, March 8, 2021, at 1300 hrs.*  
**Place:** *170 N. Main Room # 12-12 Deputy Chief Wright's Office*  
**Time:** *1300 hours*

**You are entitled to representation during this hearing.**

**Served by:**

*[Signature]* **#8898**  
**Name/Rank/Assignment/IBM**

**Date:** *03-05-21*

**Time:** *0920 am*

**Signature of Officer:**

*[Signature]*

**YOUR ATTENDANCE AT THE HEARING NOTICED HEREIN IS REQUIRED, UNLESS EXCUSED DUE TO A MEDICAL EMERGENCY. FAILURE TO ATTEND WILL BE CONSTRUED BY THE HEARING OFFICER AS A WAIVER OF YOUR RIGHT TO BE HEARD. ATTENDANCE WILL BE EXCUSED DUE TO A MEDICAL EMERGENCY IN THE SOLE DISCRETION OF THE HEARING OFFICER, AND ONLY IF YOU HAVE DELIVERED, OR CAUSED TO BE DELIVERED, TO THE HEARING OFFICER, PRIOR TO THE HEARING DATE, A WRITTEN STATEMENT OF MEDICAL CONDITION, PREPARED AND SIGNED BY THE YOUR TREATING PHYSICIAN, DESCRIBING YOUR MEDICAL CONDITION AND ADVISING THAT YOU ARE NOT ABLE TO ATTEND THE HEARING AS A RESULT OF SAID CONDITION.**

**RECEIVED**

**FEB 09 2021**

**DEPUTY CHIEF  
UNIFORM PATROL- DISTRICT 2**



✓  
DR 301 Excessive/Unnecessary - Sustained

**City of Memphis  
Police Division  
Inspectional Services Bureau**

**Case # I2020-029      Statement of Charges**

**Officer's Name:** Griffin, John

**IBM #** 1765

**Rank:** POLICE OFFICER II

**Assignment:** Tillman Station - "B"

**Date:** January 4, 2021

Notice is hereby given that you are being charged with violation(s) of policy, law or regulations as shown below:

DR 301 Excessive Force/Unnecessary Force

**Date of Occurrence:** June 21, 2019

(5) DAYS Suspension  
Mandatory 8 Hours - Response  
to Resistance

**Statement of Particulars:**

This investigation revealed on June 21, 2019, at approximately 11:30 a.m., you assisted in the arrest of a burglary suspect at Jackson Avenue. At the time of the arrest, it was believed the suspect was armed with a handgun. As the suspect lay on the ground, you assisted another officer in placing the suspect in handcuffs. The suspect would not comply or surrender his hands. In your statement to ISB investigators, you stated for officer safety reasons, you placed your knee on the suspect's back to force him to comply and to prevent him from moving.

Body-worn camera footage revealed you did not place your knee on the suspect's back. However, body-worn camera footage revealed you placed your right foot on the left side of the suspect's face as he lay on the ground. As a result, the suspect received an evident abrasion to the right side of his face/head that required medical attention. At the time of your action, the suspect was surrounded by at least 8 other officers, 3 of which were assisting you in placing the suspect in handcuffs. With that being said, there was no chance of escape. Due to the articulated information that the suspect may have been armed with a handgun, the placement of your foot to the suspect's head/face to prevent movement for the safety of all officers was deemed not to be excessive. However, that same force was deemed to be unnecessary given the fact there were sufficient officers in the direct area of arrest that were able to apply hand to hand force to secure the suspect in handcuffs. Therefore, the evidence



in this case determined you to be in violation of the Memphis Police Department's DR 301 Excessive Force/Unnecessary Force policy.

The primary issued related to this investigation centers upon your actions and whether or not those actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR 301 Excessive Force/Unnecessary Force Policy** which states:

**Graham v. Connor (US 1989)** is the landmark US Supreme Court case that defines reasonable use of force by police officers in the line of duty. As such, this standard was applied in defining the Memphis Police Department's use of force policies, which are contained in the Memphis Police Department Policies and Procedures Manual, Chapter 2, Section 8, Response to Resistance, pages 1-11.

The ruling in **Graham V. Connor** holds that all claims that law enforcement officials had used excessive force --deadly or not-- in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen, are properly analyzed under the Fourth Amendment's "objective reasonableness" standard.

The "reasonableness" of a particular use of force must be judged from the perspective of a **reasonable officer on the scene**, rather than with the "20/20 vision of hindsight."

The test of reasonableness is **not capable of precise definition or mechanical application**. Its proper application requires careful attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of the officers or others; and
3. Whether he/she is actively resisting arrest or attempting to evade arrest by flight.

This "objective reasonableness" standard was applied during the investigation of the 'Aggravated Burglary' by *you at Wales*. The three standards applied in **Graham v. Connor** were used to determine the reasonableness of the use of force applied by *you* and revealed the following:

1. The crime at issue in this investigation is **Aggravated Burglary**, a violent felony in the State of Tennessee.
2. The *suspect* did pose an immediate threat to the safety of *you and other officers when he failed to comply with multiple commands to surrender his hands at the time of arrest. This was under the articulated belief that the suspect was armed with a handgun and had previously shot at an officer.*
3. By failing to *comply with multiple commands to surrender his hands to you and the other officers at the time of arrest, the suspect* was actively resisting arrest.

The facts of this case revealed that you were in violation of the Memphis Police Department's **DR 301 Excessive Force/Unnecessary Force** which states:



**The Memphis Police Department's DR 301 Excessive Force/Unnecessary Force states:**

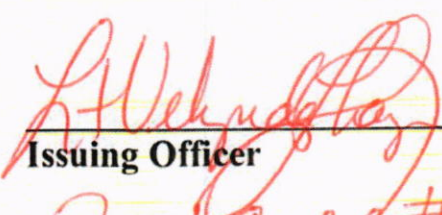
**DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE**

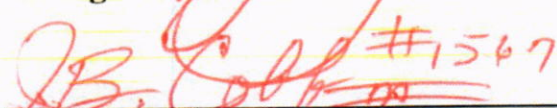
**Excessive Force/Unnecessary** is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

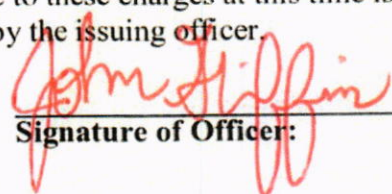
**(The officer's disciplinary resume will be reviewed and become a part of this file)**

 #8898  
\_\_\_\_\_  
**Issuing Officer**

 #1567  
\_\_\_\_\_  
**Charging Officer**

\_\_\_\_\_  
\_\_\_\_\_  
I acknowledge receipt of this notice and understand that further investigation may result in additional charges, amendment of the above charges, or dismissal of these charges.

I further understand that a written response to these charges at this time is at my discretion unless specifically instructed to file same by the issuing officer.

  
\_\_\_\_\_  
**Signature of Officer:**

Written Response Ordered? ☐ Yes ☐ No

Was officer relieved of duty? ☐ Yes ☐ No

Reviewed by: ☒ Dep. Dir. ☐ Dep. Chief ☐ Work Station Commander

Delegated to: ☒ Dep. Chief ☐ Station/Bureau

*PAW-11-9511*  
~~Major/Lt. Colonel/Colonel~~

*D/C Wright*

*District II Deputy Chief*



**City of Memphis**  
**Police Division, Inspectional Services Bureau**  
**Case Summary I2020-029**

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**I) Principal Employee:**

|   |                       |
|---|-----------------------|
| POLICE OFFICER II Randall Schmidt, IBM #13219 | Tillman Station – “C” |
| POLICE OFFICER II John Griffin, IBM #1765     | Tillman Station – “B” |
| POLICE OFFICER II Russell Cathey, IBM #11590  | Tillman Station – “B” |
| POLICE OFFICER II Patric Ferguson, IBM #14162 | Tillman Station – “B” |

**II) Administrative Regulation:**

DR 301 Excessive Force/Unnecessary Force

**III) Allegation:**

Mr. Saul Martinez alleges that on June 21, 2019, at approximately 11:30 a.m., Officer Randall Schmidt and other unknown officers used excessive and unnecessary force against him during his arrest at Jackson Ave. An ISB investigation was opened to determine the identity of any other officers and whether they, and Officer Schmidt, were in violation of any departmental policies or procedures regarding excessive force.

**IV) Background:**

On Friday, June 21, 2019, at approximately 10:30 a.m., Saul Martinez was responsible for breaking into an occupied residence at Wales. Taken in the burglary was a .380 caliber handgun. Martinez fled the scene on foot and led numerous officers on a lengthy foot chase. At 11:37 a.m., Martinez was located and arrested at Jackson Avenue by Officers Randall Schmidt, John Griffin, Russell Cathey, and Patric Ferguson. As Officer Schmidt attempted to place Martinez in handcuffs, Martinez refused to place his hands behind his back after given numerous commands to do so. A struggle ensued, and all four officers used physical force to affect the arrest.

Martinez received a visible injury to the right side of his face. Martinez was transported to Tillman GIB and then to Regional One Health for treatment of his injury(s). After being released from the hospital, Martinez was transported to jail. Martinez alleged in his complaint that officers injured his right eye, broke his right foot, cracked several of his ribs, and dislocated his right elbow. Furthermore, he alleged he was denied proper medical treatment.

NOTE: Saul Martinez was arrested and charged on June 21, 2019. Mr. Martinez's hand written letter of complaint from the Shelby County Jail was dated May 11, 2020. The ISB Office received the complaint via standard US mail on or about May 20, 2020, at which time an ISB investigation was opened.

**V) CAD #:**

CAD #P191720997

**VI) Evidentiary Findings:**

**A) Statements:**

**Principal Officer Randall Schmidt, IBM #13219,** stated on June 21, 2019, he worked overtime for the Bravo shift. His normal shift is the Charlie shift. At approximately 11:30 p.m., he pulled down on a 'burglary in progress' call to Wales where an officer was in foot pursuit of the suspect. The description of the suspect, a tall, thin, male Hispanic, later identified as Saul Martinez, was given out by the dispatcher. The description matched that of a suspect that was responsible for 10 to 15 burglaries in the area. Numerous other officers pulled down to assist.

According to Schmidt, he heard an officer in foot pursuit of the suspect. He soon heard a Canine Officer (K-22-James Oliver) say over the radio that the suspect had fired shots at him. Scene officers advised that a gun had been taken in the burglary at Wales. As Schmidt was checking the area, the suspect ran past him, and another officer, near Smith's Pools on Jackson Ave. The suspect jumped the fence (8 ft.) and Schmidt lost sight of him. Officers had been chasing him for about an hour.

According to Schmidt, at that time, he was unable to see if the suspect had a gun, but knew from earlier radio transmissions that he was possibly armed. Officers soon located the suspect inside the warehouse of Smith's Pools. According to Schmidt, when he entered the warehouse, he saw the suspect jumping from one upper storage shelf to another. As Schmidt approached the door, the suspect jumped approximately 25 feet from the roof area and landed in front of him in a crouched position. Schmidt immediately shoved him to the ground to take him into custody.

According to Schmidt, he was the first officer to make contact with the suspect, but 3 to 4 other officers assisted. One he believed was Officer Griffin, and another was a Canine Officer. At that time, he and the officers still did not know if the suspect was armed, but they could only assume from earlier reports that he was carrying a gun. Schmidt and the officers repeatedly gave the suspect verbal commands to place his hands behind his back, but he kept pushing and shoving to get away. Schmidt and the officers started to get on top of the suspect to try to control his arms and legs so that he couldn't run away.

According to Schmidt, they continued to wrestle with the suspect to control his hands. The suspect continued to kick, squirm, and move his arms to try to get away. Schmidt stated the suspect was aggressive and violent, and it took officers close to five minutes to get him secured in both handcuffs. Schmidt did see blood coming from the suspect's head. He believed that was from the scuffle, but he could not specifically say how the injury occurred. He did not recall seeing any officer hit or kick the suspect. Once the suspect was secured in handcuffs, the resistance stopped.



Schmidt did not recall whether a gun was located, but officers did search the area for one. According to Schmidt, Lt. Switzer made the scene and Schmidt believed an ambulance was called. Schmidt transported the suspect to the MED as routine for such an arrest. The suspect refused to cooperate with medical personnel, but he was complaining that his legs hurt. According to Schmidt, no officers were hurt and the force they used against the suspect was necessary to affect the arrest.

**Principal Officer John Griffin, IBM #1765,** stated he has been assigned to the Tillman Station bravo shift for the past 9 years. On June 21, 2019, he received a 'proowler in progress' call to Wales; the suspect was a male Hispanic known to be Saul Martinez. Griffin and his partner made the scene and took the report. The house had been ransacked and a .380 caliber handgun had been taken.

According to Griffin, he has dealt with Martinez in the past. Martinez was a suspect in 10 to 15 recent burglaries in the Nutbush area. Just the day before, Griffin and officers chased Martinez on foot after he jumped out of a second story window. Martinez ran, jumped several fences, and got away. On this day (June 21<sup>st</sup>), officers recognized Martinez from the day before. A Canine officer saw Martinez jumping fences and gave pursuit.

According to Griffin, as Martinez was being chased by the canine officer, the officer put out a broadcast that he had been shot at by the suspect. The dispatcher also put out over the radio that the suspect was armed and it was believed the Canine officer had been shot at by the suspect. Approximately 20 officers responded. Officers chased Martinez to Jackson where he was located hiding in the upper storage area (Warehouse-Smith Pools) of the business. Martinez jumped from the upper storage area and was apprehended as he ran out of a side door.

According to Griffin, when he first got to him, Martinez was lying on both of his hands. Griffin gave him several verbal commands to give him his hands, but Martinez never complied. Griffin stated he placed his knee on Martinez's back to get him to comply and for him to surrender his hands. Griffin did this for the safety of the officers because he believed Martinez was or may still be armed. An officer grabbed one of Martinez's arms and Griffin grabbed the other. It took 3 to 4 officers to physically get Martinez handcuffed and into custody.

Griffin stated he did not see any other officer use any force against Martinez other than trying to get his hands out from underneath him. After Martinez was secured, he was placed in the back of a squad car. Martinez never complained of any injuries, but an ambulance was called to check him out. Lt. Switzer and possibly Lt. Thayer made the scene. Martinez was taken to Tillman GIB to give a statement. Officers checked Martinez and the surrounding area but were unable to locate the handgun. Griffin did complete a Response to Resistance form because he believed Martinez was armed and Griffin used physical force to get him to comply.

**Principal Officer Russell Cathey, IBM #11590,** stated he has been assigned to the Tillman Station Task Force for the past four years. On June 21, 2019, at approximately 11:30 a.m., he pulled over to a proowler call to Wales. The description of the

suspect was a light skinned male Hispanic or male Black wearing a red shirt and blue jeans. There had been numerous burglaries in the area within the past week or so, and Cathey was familiar with the suspect (Saul Martinez). He had been conducting an investigation on Martinez for the past couple of weeks. Cathey advised a child witnessed the burglary and Cathey knew a handgun had been taken. It was heard over the radio which heightened his awareness. Officer Murden was with him at the time.

According to Cathey, an unknown officer began chasing the suspect on foot. The officer lost sight of the suspect but soon advised shots had been fired. Cathey did not recall if the dispatcher repeated the information. As Cathey pulled into the area, he observed the suspect running southwest on Jackson. Officers were chasing after him. It was mentioned the suspect was jumping fences, but Cathey did not witness this.

According to Cathey, the foot chase lasted about 20 minutes. Officers chased the suspect into a warehouse and Cathey responded. As Cathey made it to the warehouse, officers were entering from the other side. Officers had the suspect on the ground near the fence. A scuffle ensued and officers were having trouble getting the suspect cuffed.

According to Cathey, he assisted in handcuffing the suspect, and it took 30 seconds, maybe longer, to get him secured. It took, give or take, 4 officers to get the suspect secured in handcuffs. The suspect was spitting and hollering and he was bleeding from the side of his face. Cathey assisted in picking him up from the ground. Cathey told him to stop spitting and grabbed him underneath his jaw bone and turned his face away; it was not a choke hold. This was to keep the suspect from spitting and to check the extent of the injury to his face. After that, Cathey and Smith walked the suspect to the squad car and placed him in the back seat.

According to Cathey, he believed Officers Schmidt, Stoneman and his "rookie", and possibly Officer Smith, had the first physical contact with the suspect. Stoneman initially stood nearby as the officers 'kind of' scuffled with the suspect. Cathey described the scuffle as the suspect not wanting to give up his hands and just not wanting to comply. Cathey gave 1 or 2 verbal commands for the suspect to give up his hands. Other officers were shouting, but he did not recall if they were commands.

According to Cathey, he did not observe any officer use any other physical force other than trying to place the suspect's hands behind his back. Cathey advised at the time the suspect was arrested, he did not hear anyone say anything about a gun. Cathey did not find a gun on the suspect at the time of the arrest. The suspect never complained of any injuries, but Lt. Switzer and an ambulance did make the scene. Officers did check the area for a gun, but Cathey did not believe one was found. After the arrest, the suspect was transported to Tillman GIB. Cathey did complete a Response to Resistance form.

**Principal Officer Patric Ferguson, IBM #14162,** stated on the day in question, he was partnered with Officer Stoneman. They pulled down on the call where other officers were chasing a male Hispanic burglary suspect. As they were en route to the area, a Canine officer (James Oliver) advised over the radio that he may have been shot at. The dispatcher relayed that over the radio to the other officers.



According to Ferguson, as they arrived in the area, he saw the suspect running down the street. Ferguson gave chase and caught up with the suspect at an unknown warehouse. As Ferguson entered the warehouse, he observed the suspect atop some storage shelves. The next time he saw the suspect, he was assisting other officers in placing the suspect into custody. He believed those officers were Officers Knowles and Stoneman. Ferguson did not recall if the suspect was physically resisting at that time, and he did not recall whether officers were giving him any verbal commands.

According to Ferguson, after the arrest, he did see the suspect bleeding from his face, and walking with a limp. He did not see the suspect limping during the foot chase. An ambulance did make the scene to clean and bandage the suspect's cut. Lt. Switzer also made the scene. Ferguson stated he never saw the suspect with a weapon or anything in his hands. Ferguson stated he did not recall a lot of the incident because it happened over a year ago.

**Witness Officer Lieutenant Daniel Switzer, IBM #8653,** stated officers got a report of a prowler/burglary to Wales. According to Switzer, the area had recently been riddled with burglaries and they believed this suspect (Saul Martinez) was responsible. Officers had recently spent hours chasing the suspect, but they never caught him. Numerous officers, including him, converged on the area to locate the suspect. At some point it was learned that a firearm was taken in the burglary. One of the Canine officers reported over the radio that he believed the suspect had fired a shot at him as he was pursuing the suspect on foot. The suspect was seen in several different areas and was eventually apprehended at a pool warehouse on Jackson.

According to Switzer, by the time he arrived, the suspect, Saul Martinez, was being placed in a squad car. He did not recall seeing the suspect placed in handcuffs. He believed after reviewing the BWC footage, multiple officers were trying to get him handcuffed. Multiple officers attempted to get the suspect in custody, but the suspect never complied. He would not put his hands behind his back and continued to struggle with the officers. Switzer believed those officers to be Officers Schmidt, Griffin, and Stoneman, and possibly Ferguson who was nearby. Once the suspect was placed into custody, Switzer did see a scratch on the side of one of the suspect's cheeks. He did not see how the suspect received the injury but believed it was from being on the ground (concrete). An ambulance made the scene to treat the suspect, but Switzer believed the suspect refused treatment.

**Witness Officer Sergeant Shannon Bowen, IBM #1438,** stated on the date in question, he was assigned to the Canine Unit Bravo shift. He pulled down to the area of Wales to assist officers that were looking for a burglary/prowler suspect. Bowen remembered officers broadcasted that several guns were laid out on the bed and one was missing; a .380 pistol. He did not recall if he learned that before or after he made the scene.

According to Bowen, he and numerous other officers were looking for the suspect on foot. While he was searching for the suspect, Bowen heard Officer Oliver (K-22) chasing the suspect northbound on foot through the back yards. As Bowen started towards that area, he heard Officer Oliver say over the radio, "I think he shot at me. Somebody's

shooting at me.” Bowen soon arrived in the area and observed the suspect running and holding one of his pockets. As the suspect crossed the street, Bowen could tell something was in the suspect’s pocket by the way he was holding it. The suspect jumped a 6 ft. wooden fence and Bowen lost sight of him. Other than continuing to look for him, Bowen was checking the yards to see if the suspect dropped a pistol. The suspect then ran towards Jackson Avenue. Bowen and 6 to 8 other officers went to the area to try and relocate the suspect. As they searched the area, someone said the suspect was inside a warehouse. He believed an officer pulled his gun on the suspect, but the suspect continued running.

According to Bowen, he came around the corner of the warehouse and was about to release his dog, but officers were coming from the other direction. He saw the suspect partially get on the ground. The suspect got down on his knees, but he attempted to get back up. Several officers got on top of him. The officers wrestled with the suspect trying to get control of him. Bowen saw the suspect on the ground with his right arm under him. The suspect would not get his arm out from underneath him. Bowen stated he and the other officers believed the suspect was armed with a gun. The officers continued to wrestle with him, but the suspect would never put his hands behind his back. Bowen kept telling the officers that the suspect was supposed to have a gun and to watch his hands. Officers continued to struggle with the suspect, but they were finally able to place him into custody. Bowen did not know if the suspect was armed at the time of the arrest but said the suspect had jumped at least 20 fences during the foot chase. Bowen could not recall if the suspect was bleeding or was injured; he had no dealings with him.

**Witness Officer James Oliver, IBM #4826,** stated on the day in question, he was assigned to the Canine Unit Bravo shift. He received a prowler call to       Wales and the suspect left on foot. He recalled the suspect being a male Hispanic wearing a red shirt and blue pants.

According to Oliver, he pulled over on Tant St. to look for the suspect. As he was checking the area, he observed the suspect run northbound across the street. Oliver exited his car and pursued him on foot but lost sight of him as he jumped a 6 ft. fence. As Oliver neared the fence, he heard a gunshot go off just on the other side of the fence. He advised the dispatcher and assisting officers that the suspect had possibly just shot at him. Oliver believed the dispatcher had previously advised cars that the suspect was possibly armed with a firearm.

According to Oliver, he next observed the suspect being placed into custody by 2 or 3 officers. The suspect was on the ground, but Oliver and his dog never had contact with him. Oliver stated the suspect would not give the officers his arms and the suspect continued to resist until placed into custody. Once the suspect was placed into custody, Oliver left the scene. Oliver did not see the suspect with any injuries nor did he hear the suspect complain of any injuries.

**Witness Officer James Stoneman, IBM #10171,** stated on the day in question, he and Officer Patric Ferguson were riding as a two-man car. According to Stoneman, as they responded to the burglary call, other officers had a visual on the suspect. He fit the



description of the burglary suspect. As he and his partner arrived in the area, Stoneman saw the suspect on Jackson Avenue cutting into the Smith's Pools parking lot.

According to Stoneman, he and Ferguson got into a short foot chase with the suspect, but lost sight of him at Smith's Pools. Stoneman entered the warehouse at Smith's Pools and located the suspect on the third upper storage rafter. Stoneman stated he gave the suspect commands to get down, but the suspect refused. The suspect then jumped from the third floor rafter, landed on the concrete floor, and started to run out of the door. Canine Officer Sgt. Bowen and his dog were behind him and ordered Stoneman to back up. As Stoneman looked up, he saw Officer Schmidt taking the suspect to the ground to keep him from running any further. He did not recall who assisted Schmidt, but he believed it was Officers Griffin and Johnson from what he observed on his BWC footage.

According to Stoneman, at the time the suspect was being placed into custody, arresting officers gave him several verbal commands to stop resisting and to give them his hands; he refused. Officers struggled to get the suspect's hands behind his back. As one officer was picking him up, two other officers were trying to get the suspect's hands behind his back. This was the only physical force he observed used by the officers, and that force was not excessive or unnecessary. Stoneman stated he did not see any officer strike or kick the suspect.

According to Stoneman, he did see some minor abrasions to the suspect's body, but he did not recall the locations of those abrasions. He believed the abrasions were as result of the suspect being taken to the ground. Officers gave the suspect water, but Stoneman did not recall him complain of any injuries. An ambulance was called, and the suspect was treated on the scene.

**Witness Officer Brian Knowles, IBM #12141,** stated on the day in question, he was a one-man car on the Tillman Bravo shift. At approximately 11:30 a.m., he received a burglary call to Wales. The suspect responsible was a male Hispanic. According to Knowles, when he arrived at the residence, he saw a rifle style gun laid out on one of the beds. While on the scene, the home owner told him a gun was taken from his closet. He believed his partner put out a broadcast that a gun had been taken.

According to Knowles, he did see the suspect on the ground at the time he was arrested, but he didn't recall which other officers were there. The suspect was already in custody and in handcuffs by the time he saw officers escorting him from the warehouse. Knowles did not know if the suspect had a gun at the time of arrest. The suspect had been responsible for several area burglaries and officers had been looking for him for the last few days. The suspect eluded officers just the day before by jumping out of a second story window of a house.

According to Knowles, he never saw an officer with their foot on the suspect's face, leg, or ankle. He also did not see any officer with their hand on or around his neck or facial area. Knowles did not recall the suspect complain of any injuries, but an ambulance and supervisor did make the scene.

**Witness Officer Keith Murden, IBM #12150,** stated on June 21, 2019, he was riding as a two-man car. At approximately 11:30 a.m., he and his partner (Officer Malcolm Smith) responded to a burglary in progress call to Wales. When he and Smith arrived, the suspect had already left the scene. Murden did not recall if anything was taken in the burglary, but he believed there was a broadcast over the radio that the suspect may be armed with a weapon. This same suspect was responsible for other recent burglaries in the area. Soon after arriving, another broadcast went out that officers had the suspect running through the neighborhood.

According to Murden, officers spotted the suspect near a warehouse at Jackson Avenue. Murden made the scene and he heard someone say the suspect was inside the warehouse. As he and other officers were checking the warehouse, he heard that the suspect was in custody. He then saw one officer escorting the suspect to a squad car. He did not see the actual arrest, and he did not see any physical contact between the suspect and other officers other than the suspect being escorted to the squad car. Murden did not have any verbal or physical contact with the suspect. Murden believed Lt. Switzer and an ambulance made the scene.

**Witness Officer Dandre Johnson, IBM #10598,** stated he responded to the area of Wales to assist other officers that had been dispatched on a prowler call. The dispatcher provided the suspect description as a male Hispanic wearing a red t-shirt and shorts. Johnson thought he heard officers advise over the radio that they had chased the suspect through the neighborhood, over fences, and from various high places inside a warehouse.

According to Johnson, he first saw the suspect (Saul Martinez) lying on the ground outside of a warehouse as officers were trying to get him handcuffed. The surface was possibly a mix of concrete and gravel; it was not a grassy area. Several officers were present. He recalled that Martinez was resisting Officers Cathey and Griffin by lying on his arms to prevent the officers from handcuffing him. Martinez wasn't kicking or fighting; he just refused to put his hands behind his back. Officers, including Johnson, gave Martinez several verbal commands to place his hands behind his back, but he refused to comply.

After Martinez's left hand was cuffed, he continued to resist; however, officers lifted him to a standing position and were finally able to get the right wrist handcuffed. It took Johnson and three other officers about a minute to place handcuffs on Martinez. Once in handcuffs, Martinez no longer resisted officers. As Martinez was escorted to a squad car, Johnson did notice Martinez walking with a limp. He did not recall Martinez complaining of injuries. Johnson didn't remember seeing any officer with their foot on Martinez, but he saw Officer Cathey grab his face. Johnson was focused on Martinez's hands. Someone mentioned that Martinez was possibly armed with a gun. Also, prior to locating Martinez, Johnson heard a Canine officer (K-9) Officer state over the radio that a shot had been fired at him.

According to Johnson, the physical force he and the other officers used was not excessive; however, the force was necessary to get Martinez into custody due to his resistance. Johnson did record the incident on his body worn camera. Johnson did not



complete a Response to Resistance. Saul Martinez was charged with Aggravated Burglary, and he did match the description previously provided in the burglary on Wales. Johnson estimated that from the time the prowler call was dispatched, to the time Martinez was handcuffed, approximately 15 minutes had elapsed.

**Witness Officer Brandon Harris, IBM #12914**, stated on June 21, 2019, at approximately 11:30 a.m., he received a prowler call to Wales. Harris did not recall going inside the residence, but he did recall that a gun was taken. The suspect was a male Hispanic wearing a red shirt. Between the time of the burglary, and the time that the suspect was apprehended, a Canine officer located the suspect and advised a shot was fired by the suspect. Harris did not recall whether that shot was verified.

According to Harris, as he was checking the area, he was informed by a civilian that the suspect was coming his way. Harris saw the suspect, and the suspect started running. At that time, Harris did not recall seeing anything in the suspect's hands. Harris gave chase and he saw the suspect jump 2 fences (At least 6 ft. tall), but he lost sight of the suspect near Jackson Avenue.

As Harris was watching for the suspect, another officer advised the suspect was inside a warehouse. As Harris made it to the warehouse, he observed the suspect on the ground, and several officers were trying to get control of his arms. The suspect would not comply, and it looked like the suspect was reaching into his waistband. Harris assisted and believed he touched the suspect's wrist trying to get the suspect's hands out from his waistband but he was not sure.

According to Harris, officers thought the suspect was armed at the time. He and the officers gave the suspect numerous verbal commands to give them his hands, but the suspect still would not comply. After a period of struggling with the suspect, officers were able to get him in handcuffs.

According to Harris, after the first handcuff was secured, it took officers about 30 seconds to get the second handcuff secured. One of the arresting officers was Officer Griffin, and he believed another officer to be Officer Smith. Harris believed there were at least 3 other officers with him at the time the suspect was placed in handcuffs. Harris believed he and the other 3 officers placed hands on the suspect, but he was not sure. Once the suspect was secured, Harris returned to his squad car.

Harris believed the suspect had been running for about 15 to 20 minutes from the time of the initial burglary, up until the time he was arrested. Harris did not see any officer use any other physical force against the suspect other than trying to gain control of his arms. However, Harris wasn't sure, but he believed he may have seen an officer place his knee on the suspect's back to keep him from getting up and running away. Once the suspect was placed into custody, the suspect complied. Lt. Switzer made the scene, and officers made a countless effort to locate a gun, but one was never located.

According to Harris, the physical force he saw used by the officers to affect the arrest was necessary and was not excessive. Harris stated the suspect matched the description of the suspect responsible for the burglary on Wales. He also noted that the suspect was

responsible for at least 20 other burglaries in the area. Harris did not recall seeing any injuries on the suspect, and he did not hear the suspect complain of any injuries.

**Witness Officer Michael Warren, IBM #7062**, stated on June 21, 2019, at approximately 11:30 a.m., he and Officer Harris responded to a burglary call in the area of Wales. The suspect (Saul Martinez) had already left the scene on foot. Martinez was responsible for other multiple burglaries in the area.

According to Warren, it was unknown if anything was taken in the burglary. Warren and officers searched the surrounding area. Warren witnessed Martinez jump several fences during the foot chase, but Warren could not keep up with Martinez because he was too fast.

According to Warren, he and Officer Harris went to Martinez's residence that was located nearby. Officers obtained a signed 'Consent to Search' from his wife/girlfriend. As they searched the residence, Martinez jumped out of a rear window and fled again on foot. According to Warren, the window was about 10 to 12 feet off the ground. A few minutes had gone by when Warren heard that Martinez was in custody at the pool shop on Jackson Avenue. Warren drove to the location, and when he arrived, he observed Martinez already in handcuffs and being escorted to a squad car.

According to Warren, he never spoke with nor did he have any physical contact with Martinez. He did not see Martinez with a limp, and he did not hear Martinez complain of any injuries. Warren stated Lt. Switzer made the scene, and he believed an ambulance made the scene and treated Martinez.

**Witness Officer Lacy Hardaway, IBM #12229**, stated he has been assigned to the Tillman Station Task Force for the past 5 years. On June 21, 2019, he pulled over on a prowler call to Wales. The dispatcher's description of the suspect (Saul Martinez) fit the description of a burglary suspect wanted for several recent burglaries; Martinez was a male Hispanic. Other Task Force officers attempted to apprehend Martinez a day or two before, but Martinez jumped out of a second story window and was able to get away.

According to Hardaway, the most recent incident occurred some time ago, but he did remember hearing officers chasing Martinez on foot. Officers chased Martinez several times. Hardaway also saw Martinez running, but he did not see Martinez again until he was already in custody at the warehouse. As Hardaway arrived at the warehouse, 5 to 6 officers had Martinez in custody near an overhead door and they were getting ready to stand him up from the ground. Due to the lapse of time, Hardaway could not recall which officers had placed Martinez in custody. He believed he heard officers giving several verbal commands to be still or something to those words. A lot was going on at the time and officers were yelling in all different directions.

According to Hardaway, he did see Officer Cathey with his knee in the lower part of Martinez's back. At that time, the officers were trying to hold him down to get him handcuffed and Cathey was the lowest to the ground. An ambulance was called to the scene, but Hardaway did not know if Martinez was injured. He did not believe Martinez



was transported to a hospital, but believed he was transported to Tillman Station for questioning.

According to Hardaway, he never saw Martinez with anything in his hands, but the dispatcher had put out that he was armed with a silver handgun. He believed he heard other officers warn that Martinez was, or possibly was, armed. Officers checked the area, but they were never able to locate a gun.

**Witness Officer Malcom Smith, IBM #6333,** stated he responded to Wales to assist other officers on a prowler call which was verified to be a burglary. As officers were chasing the suspect, Smith believed someone mentioned that the suspect was armed with a handgun. Smith did not remember hearing about shots being fired or of an officer being shot at. Smith did enter the burglary location and remembered someone providing the suspect description as a male Hispanic.

Officer Smith heard officers advise the suspect was in a warehouse. When Smith arrived, the suspect was already in custody in the backseat of a squad car. Smith recognized the suspect (Saul Martinez) because he had dealt with him at another burglary in the area. Martinez also matched the description of the person that had just burglarized the house on Wales. The only contact Smith had with Martinez was giving him water. It was hot outside that day, and Smith noticed Martinez was sweating. He gave him water to help cool and calm down Martinez.

Smith did not assist with, or observe the arrest of Martinez. He did not observe any officer use physical force against Martinez, nor did he see Martinez resist officers. Smith did not remember Martinez complaining of injuries, nor did he see Martinez walking with a limp. Smith didn't recall if an ambulance responded to the scene. He thought a bravo shift lieutenant was present, but he did not recall which one.

**Witness Officer Frederic Blumer, IBM #11188,** stated he responded to the area of Wales to assist officers on a prowler / burglary call. When Blumer entered the residence, he observed two long guns lying on a bed, and he advised the reporting officer (Knowles) of his observation. He didn't recall any mention of a handgun being stolen. Blumer didn't recall hearing over the radio that the suspect was armed, or possibly armed. He thought there was a Canine officer (K-9) Officer in the area chasing the suspect (Oliver) who advised over the radio that they had been shot at near Mamie and Tant. The only suspect information he remembered hearing over the radio was a tall male Hispanic.

Officer Blumer heard over the radio that the suspect was in the warehouse of Smith's Pools ( Jackson Ave). By the time he arrived, officers were walking the suspect (Saul Martinez) out of the warehouse in handcuffs. He did not witness officers place Martinez in handcuffs. Blumer never observed any officer use force against Martinez, nor did he see Martinez resisting officers. He never observed any injuries on Martinez, or hear him complain of injuries. Blumer never heard any officer mention Martinez was injured. He never heard Martinez allege that officers "beat him," nor did he see Martinez

walking with a limp. Blumer did not remember if an ambulance responded to the scene, but he did recall Lt. Switzer being there at some point.

Officer Blumer had no physical contact with Martinez, nor did he assist with transporting Martinez to GIB or jail. Blumer did assist other officers in searching the area for a weapon; however, to his knowledge a weapon was not located. Blumer recorded the incident on his body worn camera, but he did not recall if he recorded it on in-car video.

**Witness Officer Brian Barnes, IBM #11100,** stated on June 21, 2019, he and Officer Tracy were a two-man unit. They began responding to the area       Wales to assist other officers that had been dispatched to that location on a prowler call. Barnes did not remember it being mentioned that the suspect (Mr. Martinez) was armed or possibly armed, or that shots had been fired. Prior to making the scene, Barnes heard other officers advised the suspect fled and was observed entering a business in the area of Rainey and Jackson (Smith Pools). By the time he and Officer Tracy arrived to that location, Martinez was in handcuffs and being escorted to a squad car. Martinez was walking on his own and without a limp.

Officer Barnes never responded to the scene of the burglary, nor did he know what had been taken. He never observed injuries on Mr. Martinez, nor did he hear Martinez complain of any injuries. Barnes never saw any officers using force on Martinez, nor did he see Martinez resist officers. Barnes advised a supervisor did respond to the scene, and he thought that supervisor was Lt. Switzer. Barnes recorded the incident on his body worn camera.

**B) Physical Evidence:**

None

**C) Forensic Evidence:**

None

**D) Recorded Evidence:**

- 1) Recorded Statements of Principal and Witness Officers
- 2) Written Letter of Complaint – Saul Martinez
- 3) Letter of Acknowledgement – Lt. Neely
- 4) MPD Communications Request Form
- 5) BWC/ICV Request Form
- 6) BWC Audit for CAD #P191720997
- 7) BWC Audit for Officer Brian Barnes
- 8) Outlined Overview of Related BWC Footage
- 9) Medical Release Form – Saul Martinez (Regional One Health)
- 10) Confidential Medical Records (Regional One Health)
- 11) Shelby County Jail Medical Records Electronic Request Form



- 12) Confidential Medical Records – Shelby County Jail
- 13) Signed Audio Recording Verification Forms
- 14) Conformation Email-Officer Tracy Resignation

**E) Miscellaneous Evidence:**

None

**VII) AG Review:**

This case file was not submitted to the Attorney General's Office for review.

**VIII) Analysis:**

The purpose of this investigation was to determine whether or not Officer Randall Schmidt was in violation of the Memphis Police Department's policies and procedures regarding excessive and/or unnecessary force during the arrest of Saul Martinez on June 21, 2019. This investigation was also to identify any other officers involved in the physical arrest of Saul Martinez, and to determine if any of those officers were in violation of the aforementioned policy. A letter of complaint from Saul Martinez was obtained and reviewed. Martinez's allegations came one year after the initial incident occurred leaving the motive of his complaint in question. Confidential medical records obtained from Regional One Health and the Shelby County Correctional Center, were reviewed. Witness officers, along with principal officers, were located and interviewed. Additionally, audible radio transmissions and event chronologies from MPD Communications were obtained and reviewed. Furthermore, officers' body-worn camera footage was also obtained and reviewed.

This investigation revealed at approximately 11:30 a.m., on June 21, 2019, Tillman Station officers responded to a "Prowler in Progress" call to Wales. The suspect, a male Hispanic, Saul Martinez, left the scene on foot prior to officers arrival. Martinez was known to be responsible for numerous other recent burglaries in the same area. Upon making the scene, Officer Christopher Knowles took a burglary report. In that report, a .380 caliber handgun was taken. Numerous other officers responded to the call and began searching the area for Martinez.

Officer James Oliver #K-22, arrived in the area, located the suspect on foot, and initiated a foot pursuit. Martinez ran and jumped over a nearby fence. As Oliver approached the fence, Oliver heard a gunshot coming from just on the other side. In his statement to ISB investigators, Oliver advised the dispatcher that a shot had been fired. With that being said, the dispatcher requested multiple officers to respond. The dispatcher relayed that information via radio to the other responding officers. This was corroborated by audible radio transmissions, statements provided by multiple officers, and from officers' body-worn camera footage.

Sgt. Shannon Bowen #K-9, was the next officer to locate Martinez during the foot pursuit. Bowen broadcasted he observed Martinez holding his pocket as Martinez was running. Another officer got on the radio and asked if the suspect had shot at Oliver. With all of the commotion going on at the time, whether Oliver was actually shot at could not be verified. Bowen then broadcasted that Martinez had taken guns out of the burglary location on Wales. At that time, Martinez was observed by another officer running behind another house. The dispatcher advised officers, "The suspect had something in his pocket and he is going to be armed." This was corroborated by captured radio transmissions, officers' statements to ISB investigators, and audio transmissions captured on body-worn camera footage.

Martinez was located by Officer James Stoneman hiding in the warehouse of Smith's Pools located at Jackson Ave. Stoneman advised Martinez was up high on the third floor storage rafters. Stoneman gave Martinez several verbal commands to come down and to show his hands. Martinez refused and continued to flee. In Stoneman's and Schmidt's statement to ISB investigators, Martinez jumped from the upper rafters, landed on the concrete, and attempted to run out a door before being apprehended. Stoneman's and Schmidt's body-worn camera footage revealed this to be true.

Officer Schmidt was the first officer to have physical contact with Martinez. Schmidt acknowledged pushing Martinez to the ground as several other officers assisted. Body-worn camera footage revealed those officers to be Officers Griffin, Cathey, and Ferguson. Body-worn camera footage revealed officers gave Martinez numerous loud verbal commands to surrender his hands, but he refused to comply. At the same time, other officers are heard continuously telling the apprehending officers to watch Martinez's hands because he was either armed with a gun or may be armed with a gun. However, no handgun was observed or located by any officer.

The officers' main goal was to gain control of Martinez's hands because they understood him to be armed with a handgun. This was corroborated by information given by Officer Oliver that he believed Martinez had fired a gun at him, or at someone else. The dispatcher also relayed this information over the radio to all responding officers. This was further supported by the officers statements to ISB investigators, audible radio transmissions, and from audio transmissions captured on multiple officers' body-worn camera footage. The officers attempted to gain control of Martinez's hands which were underneath him at the time he was taken to the ground. A scuffle for Martinez's hands ensued. Officer Griffin stated he placed his knee on Martinez's back to get him to comply and surrender his hands, but Martinez never complied.

Body-worn camera footage revealed Griffin placed his right foot on the left side of Martinez's face as he lay on the concrete. Body-worn camera footage revealed the placement of Griffin's foot on Martinez's face lasted approximately 18 seconds. At the time, it appeared Martinez was still not complying, and officers did not have full control of both his hands. Body-worn camera footage from Officer Johnson revealed his physical contact with Martinez was minimal and did not require that a Response to Resistance Form be completed.



Martinez had jumped several high fences while fleeing from police, and any other alleged injury by Martinez may have occurred prior to being apprehended. Furthermore, body-worn camera footage revealed Martinez had a slight limp as he was being escorted to a squad car. From reviewed body-worn camera footage, that limp appeared to progress as time passed.

In most of the officers' statements, Martinez was said to have jumped from a second story window just a day or two before this particular incident. Additionally, Martinez jumped several fences prior to his arrest in his efforts to elude police. Martinez also jumped from a high elevation from the upper storage rafters of a warehouse moments before being apprehended. Therefore, there was no evidence to support that officers were responsible for his alleged ankle injury.

Martinez, upon his own actions, may have caused or contributed to his other alleged injuries. Those alleged injuries were a swollen right eye, broken right foot, cracked ribs, and a dislocated right elbow. Furthermore, confidential medical records obtained from Regional One Health and the Shelby County Corrections Center revealed Martinez had no broken bones, dislocations, or cracked ribs as he initially alleged. As far as Martinez's allegation he was denied medical treatment, this was proven to be false. Paramedics were called and arrived on the scene to provide Martinez with medical assistance. This was corroborated by audible radio transmissions and body-worn camera footage.

Furthermore, Martinez was transported to Regional One health by Officer Schmidt. Medical records from Regional One Health revealed Martinez was medically treated and released. Additionally, Martinez was taken to the Shelby County Jail and cleared by the intake nurse before being booked and processed. Any allegations of additional injuries or inadequate medical treatment, from that point forward, would be the responsibility of the Shelby County Sheriff's Department.

Body-worn camera footage revealed Martinez was not bleeding from his face prior to his first physical contact with Officer Schmidt. Nonetheless, the placement of Griffin's foot to Martinez's head/face was deemed not to be excessive for the fact that the safety of all officers was at risk. However, that same force was deemed to be unnecessary given the fact there were sufficient officers in the direct area of arrest that were able to apply hand to hand force to secure Martinez in handcuffs.

This investigation was unable to prove Martinez's alleged injuries were a direct result of excessive and/or unnecessary force by any of the officers. The physical force used by Officers Schmidt, Cathey, and Ferguson, was determined to be necessary to affect Martinez's arrest given the accounts and circumstances behind the arrest. Body-worn camera footage revealed it took multiple officers approximately one minute and four seconds to fully secure Martinez in handcuffs from the time of first physical contact up until he was secured in both handcuffs. That length of time is far greater than it would be to take a compliant person into custody.

The primary issue related to this investigation centers upon the actions of Officers Schmidt, Griffin, Cathey, and Ferguson, and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's DR-301 Excessive Force/Unnecessary Force, which states:

**Graham v. Connor (US 1989)** is the landmark US Supreme Court case that defines reasonable use of force by police officers in the line of duty. As such, this standard was applied in defining the Memphis Police Department's use of force policies, which are contained in the Memphis Police Department Policies and Procedures Manual, Chapter 2, Section 8, Response to Resistance, pages 1-11.

The ruling in **Graham V. Connor** holds that all claims that law enforcement officials had used excessive force --deadly or not— in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen, are properly analyzed under the Fourth Amendment's "objective reasonableness" standard.

The "reasonableness" of a particular use of force must be judged from the perspective of a **reasonable officer on the scene**, rather than with the "20/20 vision of hindsight."

The test of reasonableness is **not capable of precise definition or mechanical application**. Its proper application requires careful attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of the officers or others; and
3. Whether he/she is actively resisting arrest or attempting to evade arrest by flight.

This "objective reasonableness" standard was applied during the investigation of the 'Aggravated Burglary' by ***Officers Schmidt, Griffin, Cathey, and Ferguson, at Wales***. The three standards applied in **Graham v. Connor** were used to determine the reasonableness of the use of force applied by ***Officers Schmidt, Griffin, Cathey, and Ferguson***, and revealed the following:

1. The crime at issue in this investigation is ***Aggravated Burglary***, a violent felony in the State of Tennessee.
2. The suspect ***Saul Martinez*** did pose an immediate threat to the safety of ***Officers Schmidt, Griffin, Cathey, and Ferguson, and other officers when he failed to comply with multiple commands to surrender his hands at the time of arrest. This was under the articulated belief that Saul Martinez was armed with a handgun and had previously shot at an officer.***
3. By failing to ***comply with multiple commands to surrender his hands to Officers Schmidt, Griffin, Cathey, And Ferguson at the time of arrest, suspect Saul Martinez*** was actively resisting arrest.

The facts of this case revealed that Officers Schmidt, Cathey, and Ferguson, were not in violation of the Memphis Police Department's DR 301 Excessive Force/Unnecessary Force. However, this investigation did determine that Officer Griffin was in violation of



the Memphis Police Department's **DR 301 Excessive Force/Unnecessary Force** which states:

**The Memphis Police Department's DR 301 Excessive Force/Unnecessary Force** states:

#### **DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE**

**Excessive Force/Unnecessary** is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

#### **IX) Conclusion:**

Based on the facts of the case, the preponderance of evidence shows that, **Officer Randall Schmidt #13219, IS NOT** in violation of the stated allegation, **DR 301 Excessive Force/Unnecessary Force**. Therefore the allegation against **Officer Randall Schmidt** is **EXONERATED**.

Based on the facts of the case, the evidence shows that, **Officer John Griffin #1765, IS** in violation of the stated allegation, **DR 301 Excessive Force/Unnecessary Force**. Therefore the allegation against **Officer John Griffin** is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, **Officer Russell Cathey #11590, IS NOT** in violation of the stated allegation, **DR 301 Excessive Force/Unnecessary Force**. Therefore the allegation against **Officer Russell Cathey** is **EXONERATED**.

Based on the facts of the case, the preponderance of evidence shows that, **Officer Patric Ferguson #14162, IS NOT** in violation of the stated allegation, **DR 301 Excessive Force/Unnecessary Force**. Therefore the allegation against **Officer Patric Ferguson** is **EXONERATED**.