



Shannon Johanni
Interim Director

Office of Accountability and Transparency

Monitoring Report
Incident OAT22-004

On October 27, 2022, a use of force incident occurred at a QuikTrip near 5900 West Buckeye Road when two Phoenix Police Department officers took a civilian into custody after he fired a gun at the officers as they attempted to exit the parking lot in their marked police vehicle.

This report contains OAT's review of the administrative investigation completed by the Department following the incident and provides recommendations to improve future investigations.

July 31, 2024

STATUTORY HISTORY AND AUTHORITY

The City of Phoenix created the Office of Accountability and Transparency (OAT) in 2021 to perform independent civilian oversight of the Phoenix Police Department (Department). OAT reviews Department administrative investigations of critical incidents involving sworn personnel and provides community members a way to freely communicate complaints, commendations, and concerns about officers and the Department without fear of retaliation. Phoenix City Code (P.C.C.) §§ 20-6 and 20-7 give OAT the authority to review Department administrative investigations.¹

Specifically, P.C.C. § 20-6, requires OAT to review administrative investigations of:

- officer-involved shootings;
- deaths in-custody;
- any duty-related incidents resulting in serious bodily injury;
- incidents in which Department personnel are under investigation for or charged with offenses against persons under Arizona law; and
- incidents in which a Phoenix police officer is under investigation for any misdemeanor or local law violation where use of force or threatened use of force is an element in the crime.²

P.C.C. § 20-7, gives OAT discretionary authority to review:

- Department administrative investigations of any incidents that result in a Department administrative investigation in which OAT believes it is in the City's best interest for OAT to be involved, and
- Department administrative investigations when requested to do so by the City Manager.³

¹ [P.C.C. Chapter 20 can be found here.](#)

² P.C.C. Sec. 20-6.

³ P.C.C. Sec. 20-7.

EXECUTIVE SUMMARY

On October 27, 2022, the Involved Civilian shot at the Involved Officers as they backed out of a parking spot at the QuikTrip (QT) at 5900 W. Buckeye Road. The Involved Officers were uninjured, although their vehicle was struck near the driver's seat. The officers pursued the Involved Civilian into the QT and used substantial force in the process of arresting him, even though the Involved Civilian was no longer armed and appeared to be complying with the Involved Officers' orders. The force used by the Involved Officers included kicks to and/or near the Involved Civilian's head and upper back area, including one that occurred after he was handcuffed, as well as multiple jabs and strikes to the body and head with the muzzle of their firearms.

A QT employee recorded the arrest on their cellphone and shared the video online shortly after the incident, where it was picked up by local news outlets.⁴ OAT learned about the incident through this news coverage. Exercising its discretionary authority, OAT sent the Police Chief and the City Manager a Monitoring Notice on November 17, 2022.

The Department's Professional Standards Bureau (PSB) conducted an administrative investigation of the incident, finding that both officers utilized excessive force in violation of Department policy. One of the Involved Officers received a 240-hour unpaid suspension, and the other officer received a 40-hour unpaid suspension. The findings were finalized on January 9, 2024, after each Involved Officer signed a settlement agreement waiving the right to appeal their suspension.

⁴ Gonzalez, J. R. (2023, January 30). *Video surfaces reportedly showing Phoenix police officers beating man; investigation underway*. The Arizona Republic. <https://www.azcentral.com/story/news/local/phoenix-breaking/2022/11/02/video-reportedly-shows-phoenix-police-officers-beating-man-arrest-investigated/8244647001/>; 12News. (2022, October 31). *Two Phoenix officers on leave after video shows aggressive arrest*. <https://www.12news.com/article/news/crime/two-phoenix-police-officers-placed-on-leave-after-video-released-of-arrest/75-7e204d88-d5ea-43c8-b973-df4a87e6abd6>; Crenshaw, Z., Blasius, M., & Klapper, C. (2022, October 31). *Two Phoenix police officers placed on leave after viral arrest video*. Oct. 31, 2022. ABC15 Arizona. <https://www.abc15.com/news/region-phoenix-metro/central-phoenix/two-phoenix-police-officers-placed-on-leave-after-viral-arrest-video>.

OAT concludes that the Department's administrative investigation was sufficiently thorough and complete. OAT's conclusion is based, in part, on the fact that information and evidence obtained as part of the criminal investigation of the Involved Officers' actions by the Maricopa County Attorney's Office (MCAO) was fully considered, evaluated, and incorporated by the Department in its administrative investigation. Recommendations for future investigations are included on pages 7 and 8.

FACTUAL AND PROCEDURAL HISTORY⁵

- October 27, 2022 – Incident
- November 17, 2022 – OAT sent Monitoring Notice to the Department
- January 26, 2023 – MCAO grand jury declined to indict Involved Officer A
- January 30, 2023 – MCAO declined to prosecute Involved Officer B
- April 26, 2023 – OAT received initial administrative investigative materials from PSB
- September 6, 2023 – OAT received additional administrative investigative materials from PSB
- September 29, 2023 to December 1, 2023 – OAT received outstanding PSB documents from Department via public records request process
- January 9, 2024 – Negotiated discipline settlement agreements finalized for both Involved Officers
- March 13, 2024 – OAT received copies of the negotiated settlement agreements, confirming that the Department's administrative investigation was closed
- July 31, 2024 – OAT released Monitoring Report

⁵ See Appendix A (p. 10) for a detailed list of the information and materials OAT received from PSB and through the public records request process.

I. **Incident**

On October 27, 2022, at 11:50 p.m., two Department officers, dressed in full police attire and driving a marked police vehicle, stopped at a QT convenience store near 5900 W. Buckeye Road. Shortly after arriving, the Involved Officers heard an emergency call for additional officers over the police radio. The officers responded to the call and told dispatch that they were available and enroute to the location. The officers exited the QT and were walking toward their marked police vehicle when they were approached by the Involved Civilian. The Involved Civilian told the Involved Officers that he needed their assistance with a non-urgent matter. As they entered their police vehicle, the Involved Officers told the Involved Civilian that they were unable to help him because they were responding to an urgent matter. The Involved Civilian then pulled a firearm from his waistband and, from approximately 10 feet away from the patrol vehicle, fired once into the ground and again at the Involved Officers in the reversing vehicle.

Involved Officer B pulled the police vehicle forward, partially into the parking space the vehicle previously occupied, and both Involved Officers exited the vehicle and pursued the Involved Civilian inside the QT with their guns drawn. Involved Officer A was armed with a rifle and Involved Officer B was armed with a handgun. Upon entering the QT, the Involved Officers saw that the Involved Civilian was standing behind a counter in an employee food prep area and commanded him to show his hands and get on the ground.

The Involved Civilian responded immediately to the Involved Officers' commands by raising his empty hands in the air and lowering himself to his knees. The Involved Officers approached with their weapons pointed at the Involved Civilian, while and continuing to issue commands for the Involved Civilian to get on the ground and show his hands. When the Involved Officers reached the Involved Civilian, they both used force against him multiple times, including after he was handcuffed. Specifically, both

Involved Officers kicked the Involved Civilian in the head, struck him with their firearms in his head and shoulder, knelt on his back, pressed the rifle muzzle into his back while he was handcuffed on the ground, and struck him with the firearm muzzle after he was brought to his feet.

The entire incident, from when the Involved Civilian fired his weapon at officers to when he was detained and searched, was one minute and 23 seconds. The Involved Civilian sustained several injuries during the incident, including swelling and abrasions to his nose, swelling and bruising around his eyes, and a laceration to his lower lip. This use of force was the subject of the Department's PSB investigation.⁶

II. **The Phoenix Police Department's Investigation**

On October 28, 2022, the Department commenced both criminal and administrative investigations into the uses of force by the Involved Officers. Criminal investigations into officers' actions in critical incidents are conducted separately from PSB's administrative investigation. Consistent with state law and Department policy, the Department's administrative investigation was suspended during the criminal investigation and prosecutorial decision-making process.⁷

The Department's criminal investigation unit submitted charges to the Maricopa County Attorney's Office on both officers: aggravated assault (two counts against Involved Officer A, one count against Involved Officer B) and misdemeanor assault (one count against each officer). On January 30, 2023, MCAO announced that a grand jury declined to indict Officer A on the aggravated assault count. MCAO did not seek a grand jury indictment against Officer B, citing no reasonable likelihood of conviction.

⁶ See Appendix C (p. 13) contains a detailed timeline of the incident based on OAT's review of the provided evidence.

⁷ A.R.S § 33-1107(D)(1) (2023). The Department's administrative investigation determines only whether an officer's actions violated Department policy, not whether the actions were criminal. As part of its administrative investigation, however, PSB may consider evidence gathered during the criminal investigation.

As part of its administrative investigation, PSB reviewed QT's video surveillance footage, the cellphone video recorded by the QT employee, body worn camera footage of the Involved Officers as well as two other officers who arrived at the scene following the Involved Civilian's arrest; interviewed the Involved Officers and other officers who responded to the scene; and created a detailed timeline of the incident.

Based on the totality of the circumstances, PSB concluded that Involved Officer A's: (1) strike to the back of the Involved Civilian's head with his right foot, which caused the civilian's face to strike the ground; (2) strike to the Involved Civilian's upper right back/shoulder area with the muzzle of his rifle, and; (3) kick to the middle of the Involved Civilian's back while the Involved Civilian was handcuffed, were excessive force actions in violation of Department policy.

PSB also concluded that Involved Officer B's: (1) strike to the Involved Civilian's head with his left foot, which forced the Involved Civilian back to the ground after he had pushed himself up following the kick to the head from Involved Officer A, and; (2) strike to the back of the Involved Civilian's head with the muzzle of his handgun while attempting to gain control of the Involved Civilian's left arm, were excessive force actions in violation of Department policy. According to the Department's Discipline Policy, the Involved Officers' out-of-policy actions could result in discipline ranging from a 40, 80, or 240-hour suspension without pay, up to demotion or termination.⁸

On January 9, 2024, the City of Phoenix and the Involved Officers reached a negotiated discipline settlement agreement. According to the terms of the agreement, Involved Officer A received a 240-hour suspension without pay in lieu of possible termination and Involved Officer B received a 40-hour suspension without pay in lieu

⁸ Phoenix Police Department. (Revised Aug. 2021). *Operations Orders 3.18a.4.C(4)*.

of a possible 240-hour suspension. Both Involved Officers waived their rights to appeal the imposed discipline or file a related grievance or lawsuit.

III. **Investigative Sufficiency**

Under P.C.C. § 20-10, OAT is tasked with reviewing any Department administrative investigation that it monitors to ensure that it is thorough and complete.⁹

Due to the sufficiency of the criminal investigation (the relevant evidence was both sought and considered), the Department's findings were consistent with the evidence, law, and policy, OAT concludes, the Department's administrative investigation was sufficiently thorough and complete.

a. **Recommended Steps for Improved Investigations**

OAT recommends the Department take the following steps to improve future administrative investigations.

1. Include and Address All Strikes, Jabs, and Uses of a Firearm as an Improvised Impact Weapon

Twice during the incident, Involved Officer A points the muzzle of his rifle at the Involved Civilian after the Involved Civilian was in handcuffs behind his back. Neither instance was identified nor addressed anywhere in PSB's investigation.

In future use of force investigations, PSB investigators should identify each use of force in the encounter and address whether each was within or outside of policy.

⁹ OAT's thorough and complete sufficiency determinations include a review and assessment of: allegations made; evidence obtained, reviewed, and analyzed; quality and extent of subject and witness interviews; investigative report clarity and objectivity; and the investigative process taken.

2. Include All Potential Policies Implicated by the Involved Officers' Actions

While excessive force was the primary allegation in the Department's investigation, the Involved Officers' conduct implicated other potential policy violations, including improper use of a firearm, improper use of an improvised impact weapon, failure to intervene, and a failure by one of the Involved Officers to activate his body worn camera equipment prior to entering the QT.¹⁰

In all future investigations, each possible policy violation should be alleged, considered, and addressed, even if "less severe" than the primary allegation that led to the investigation. By addressing all relevant policies with the Involved Officers, PSB investigations will be more thorough. Additionally, the Department will better understand the breadth and scope of policy violations in a particular incident, providing it with critical feedback about how well its policies and associated trainings are understood and applied by officers.

3. Solicit Direct and Detailed Responses from the Involved Officer(s) about Law, Policy, and Training and Delineate by Allegations

The PSB investigation sustained allegations on three separate improper uses of force for Officer A and two separate improper uses of force on Officer B. At the end of the interview, PSB asked each officer whether they engaged in excessive force at any point during the incident, rather than asking about each application of force separately. In future investigations involving multiple potential policy violations, PSB should ask the Involved Officer(s) specific questions about every action under review. For each use of force, the interviewer should ask the

¹⁰ Phoenix Police Department. (Revised July 2022). *Operations Orders 1.5.1B, 1.5.4.H(2), 1.5.4.I(1)*; Phoenix Police Department. (Revised Sept. 2021). *Operations Orders 4.49.4.C(1)(b)*.

officer whether each use constituted excessive force and ask the officer to explain their answer in detail based on applicable law, policy, and training. This detailed interviewing will help ensure that PSB elicits the necessary facts and understanding to reach accurate conclusions about whether an officer's actions were consistent with law, policy, and training, as well as what revisions to training and policy, if any, are required to address the policy violations.

CONCLUSION

OAT respectfully submits the above report and recommendations in compliance with P.C.C. §§ 20-6 and 20-7 and requests a response from the Police Chief within 30-days, by August 30, 2024.

APPENDIX A**INVESTIGATIVE MATERIALS LIST**

Items	PPD Date	Date to OAT
Videos Provided by PSB		
Involved Officer A's Axon Body 3 Video 2022-10-27 2353 X60328905	Oct 27, 2022	Apr 26, 2023
Involved Officer B's) Axon Body 3 Video 2022-10-27 2354 X60325611	Oct 27, 2022	Apr 26, 2023
Witness Officer A Axon Body 3 Video 2022-10-28 0433 X60325561	Oct 28, 2022	Sep 6, 2023
Witness Officer B Axon Body 3 Video 2022-10-28 0443 X6032934E	Oct 28, 2022	Sep 6, 2023
Witness Officer B Axon Body 3 Video 2022-10-28 0506 X6032934E	Oct 28, 2022	Sep 6, 2023
Witness Officer C Axon Body 3 Video 2022-10-28 0510 X6032922E	Oct 28, 2022	Sep 6, 2023
Witness Officer D Axon Body 3 Video 2022-10-28 0512 X6032826E	Oct 28, 2022	Sep 6, 2023
QT video	Oct 28, 2022	Apr 26, 2023
Digital Images Provided by PSB		
Involved Civilian Image 1	Oct 27, 2022	Apr 26, 2023
Involved Civilian Image 2	Oct 27, 2022	Apr 26, 2023
Involved Civilian Image 3	Oct 27, 2022	Apr 26, 2023
PSB Interviews		
PSB Interview Involved Officer A	Dec 14, 2022	Apr 26, 2023
PSB Interview Involved Officer B	Dec 14, 2022	Apr 26, 2023
PSB Interview Involved Officer B	Dec 14, 2022	Apr 26, 2023
PSB Interview Witness Sergeant	Jan 4, 2023	Apr 26, 2023
PSB Interview Witness Lieutenant	Dec 29, 2022	Apr 26, 2023
PSB Interview Witness Lieutenant	Dec 29, 2022	Apr 26, 2023
PSB Interview Witness Lieutenant	Jan 3, 2023	Sep 6, 2023
PSB Investigative Report Documents		
PSB Report of Investigation	Sep 1, 2023	Sep 6, 2023
Investigation Index	Undated	Sep 6, 2023
TOC - Administrative	Undated	Sep 6, 2023
TOC - Employee Involved	Undated	Sep 6, 2023
TOC - Civilians Involved	Undated	Sep 6, 2023
TOC - Attachments	Undated	Sep 6, 2023
PSB Investigative Report Administrative & Other Documents		
PSB Materials List Involved Officer B signed	Dec 14, 2022	Sep 6, 2023
PSB Materials List Involved Officer A signed	Dec 14, 2022	Sep 6, 2023
Notice of Investigation Involved Officer B signed	Dec 14, 2022	Sep 6, 2023
Notice of Investigation Involved Officer A signed	Dec 14, 2022	Sep 6, 2023
MCAO Media Release	Jan 30, 2023	Sep 6, 2023
MCAO Involved Officer B Disposition Letter	Jan 30, 2023	Sep 6, 2023
MCAO Involved Officer A GJ Order	Jan 26, 2023	Sep 6, 2023
Witness Lieutenant	Undated	Sep 6, 2023

Witness Sergeant	Undated	Sep 6, 2023
Involved Officer B	Undated	Sep 6, 2023
Involved Officer A	Undated	Sep 6, 2023
Witness Lieutenant	Undated	Sep 6, 2023
Civilian Witness	Undated	Sep 6, 2023
Involved Civilian	Undated	Sep 6, 2023
Civilian Witness	Undated	Sep 6, 2023
Civilian Witness	Undated	Sep 6, 2023
CAD 2022-1619401	Dec 14, 2022	Sep 6, 2023
Involved Officer A and B SID Memo	Dec 1, 2022	Sep 6, 2023
6 Month Status Update_ Involved Officer B	July 13, 2023	Sep 6, 2023
6 Month Status Update_ Involved Officer A	July 13, 2023	Sep 6, 2023
3 Month Status Update_ Involved Officer B	Mar 15, 2023	Sep 6, 2023
3 Month Status Update_ Involved Officer A	Mar 15, 2023	Sep 6, 2023
Wear Your Vest 5960 W Buckeye Rd	Oct 27, 2022	Sep 6, 2023
RTR BT (Blue Team) Report	Oct 28, 2022	Nov 7, 2023
Negotiated Discipline Settlement Agreement Involved Officer A	Jan 9, 2024	Mar 13, 2024
Negotiated Discipline Settlement Agreement Involved Officer B	Jan 9, 2024	Mar 13, 2024
(PSB Provided) External Complaints and/or Commentaries Provided to PPD in Response to this Incident		
221115_0270 Unknown Male Caller.MP3	Nov 7, 2022	Nov 7, 2023
Anonymous male voicemail.WMA	Nov 7, 2022	Nov 7, 2023
Six Emails (Nov 1 – Dec 8, 2022)	Various	Nov 7, 2023
Items OAT Obtained Via Public Disclosure Request		
	Date Requested	Date Provided
Incident Report 2022-1619401 – Oct 27, 2022	Sep 8, 2023	Sep 29, 2023
Incident Report 2022-1622859 – Oct 27, 2022	Sep 8, 2023	Oct 19, 2023
Incident Report 2022-1619384 – Oct 27, 2022	Sep 8, 2023	Sep 18, 2023
Incident Report 2022-1604567 – Oct 25, 2022	Sep 8, 2023	Sep 14, 2023
Oct 28, 2022 Recorded Interview of Involved Officer A	Sep 27, 2023	Oct 23, 2023
Oct 29, 2022 Attempted Interview of Involved Officer A	Sep 27, 2023	Dec 1, 2023
Oct 31, 2022 Recorded Interview of Involved Officer A Oct 31, 2022 Second Part of the Interview	Sep 27, 2023	Dec 1, 2023
Oct 28, 2022 Recorded Interview of Involved Officer B	Sep 27, 2023	Oct 23, 2023
Oct 29, 2022 Attempted Interview of Involved Officer B	Sep 27, 2023	Dec 1, 2023
Oct 31, 2022 Recorded Interview of Involved Officer B Oct 31, 2022 Second Part of the Interview	Sep 27, 2023	Dec 1, 2023
Oct 28, 2022 Recorded Interview of Involved Civilian	Sep 27, 2023	Oct 23, 2023
Date unknown – Part 1 & 2 Recorded Interview of Involved Civilian	Sep 27, 2023	Dec 1, 2023
Oct 28, 2022 Recorded Criminal interview of Witnesses	Sep 27, 2023	Oct 23, 2023
Date Unknown – Multiple Voicemails for Same Witness	Sept 27, 2023	Dec 1, 2023
Date Unknown - Recorded Conversation with Witness	Sep 27, 2023	Dec 1, 2023

APPENDIX B**MONITORING CASE DETAILS**

Monitoring Report Date:	July 31, 2024
OAT Monitoring Case #:	22-004
Monitoring Case Classification:	Discretionary
Police Incident Report #:	20221619401
Incident Date & Time:	October 27, 2022, 11:54 p.m.
Location:	5900 W Buckeye Road, Phoenix, AZ
OAT Monitoring Notice Sent:	Nov 17, 2022
Department Administrative Case #:	PSB22-0084
Department-Issued Findings:	Sustained – Excessive Use of Force against: <u>Involved Officer A</u> <ol style="list-style-type: none"> 1. Left foot strike to the head 2. Muzzle of rifle strike to the upper right back/shoulder area 3. Right foot strike to the back of a handcuffed person <u>Involved Officer B</u> <ol style="list-style-type: none"> 1. Right foot strike to the head 2. Muzzle of handgun strike to the back of the head
Date of Administrative Finding:	September 1, 2023; Discipline Agreement finalized January 9, 2024
Officer(s) Involved:	(2) Involved Officers
Officer(s) Injury Level(s):	None
Civilian(s) Involved:	(1) Involved Civilian
Civilian(s) Injury Level(s):	Soft tissue damage
Complainant(s):	Internal complaint initiated by the Department

APPENDIX C

INCIDENT TIMELINE

Note: The following timeline is based on PSB's investigative report. Additions from OAT are in *italics*.

- 11:52:39: Involved Civilian approached and interacted with Involved Officer A and B outside of the QT for approximately 15 seconds as Involved Officer A and B got into their patrol vehicle and attempted to leave the QT.
- 11:52:58: Involved Officer B began backing the officers' patrol vehicle out of the parking stall.
- 11:53:00: Involved Civilian, approximately 10 feet from the front driver's side of the patrol vehicle, fired one round from a handgun he took from his waistband, which struck the ground.
- 11:53:02: Involved Civilian took steps placing himself directly in front of the patrol vehicle occupied by Involved Officers A and B and aimed his gun directly at the patrol vehicle. He fired a second round one second later, which struck the driver's side vehicle mounted spot-light and A-frame pillar near Involved Officer B's head.
- 11:53:07: Involved Civilian entered the QT using the south doors with the gun still in his hand and told Ms. Fields he shot at Involved Officer B and Involved Officer A.
- 11:53:13: Involved Officer B parked the patrol vehicle slightly out of his original parking spot.
- 11:53:17: Involved Civilian entered the employee area behind the counter of the QT with the gun still in his hand and placed the gun on a counter in the employee area.
- 11:53:25: Involved Officer A and Involved Officer B entered QT through the west doors; Involved Officer A first, armed with a rifle, Involved Officer B second, armed with his handgun. *Involved Civilian immediately put his hands in the air as the officers enter the QT.* Involved Officer A commanded Involved Civilian, "Don't f---ing move!" "I'll blow your f---ing head off!" and "Get on the f---ing ground!"
- 11:53:27: Involved Civilian raised his hands to shoulder height and lowered himself to his knees.
- 11:53:33: Involved Officer A kicked open the swinging half-door and entered the employee area.
- 11:53:35: Involved Officer A and Involved Officer B commanded Involved Civilian to get

- on the ground, Involved Civilian placed his hands on the ground in front of him in a table-top position.
- 11:53:36: Involved Officer A struck the back of Involved Civilian's head in a downward motion with his left foot causing Involved Civilian's face to strike the ground and simultaneously yelled, "Get on the f---ing ground!" and "Don't f---ing move."
- 11:53:38: Involved Civilian raised himself back up off the floor and looked to the right as Involved Officer B entered the employee section through the swinging half-door and struck Involved Civilian's head downward with his right foot, which caused Involved Civilian to lay flat on the ground.
- 11:53:39: Involved Officer B stepped past Involved Civilian to Involved Civilian's left side and knelt down.
- 11:53:40: Involved Officer A asked, "Where's the gun at?" and placed his left foot on the Involved Civilian's back.
- 11:53:42: Involved Officer B yelled, "Let me see your f---ing hands!" and attempted to pull Involved Civilian's left arm out from under him unsuccessfully.
- 11:53:43: Involved Officer A asked more loudly and forcefully, "Where's the f---ing gun?" and used his rifle muzzle to strike down onto Involved Civilian's upper right shoulder *and into the back of his head, knocking Involved Civilian's eyeglasses off.*
- 11:53:46: Involved Officer B struck the back of Involved Civilian's head with the muzzle of his handgun and continued to pull on Involved Civilian's left arm. Involved Civilian simultaneously released his left arm to Involved Officer B.
- 11:53:48: Involved Civilian released his right arm and Involved Officer A grabbed onto Involved Civilian's right arm with his left hand.
- 11:53:49: Involved Officer B holstered his handgun and retrieved his handcuffs and completed handcuffing Involved Civilian with his arms behind his back. Involved Officer A stated to Involved Civilian, "Stupid mother f---er, what the f---'s your problem."
- 11:53:58: Involved Officer B stood up, moved away from Involved Civilian and began to clear on the radio.
- 11:54:05: Involved Officer B turned his back to Involved Civilian and Involved Officer A stood up, looked around the store and asked where Involved Civilian's gun was.
- 11:54:05: As Involved Officer A looked over his left shoulder and said, "It's right here,"

referencing the firearm. *Involved Civilian is seen moving from his stomach to his side while still in handcuffs. At this point in the timeline, PSB wrote: "Involved Civilian made a rapid movement from his stomach to his side and moved his legs quickly towards the direction of Involved Officer B." While the Involved Civilian could be judged to be moving more quickly than he had prior to this point, OAT does not agree with PSB's characterization here, as it could suggest that the Involved Civilian moved in the direction of Involved Officer B for nefarious purposes, which is a subjective assessment.*

- 11:54:06: Involved Officer A kicked the Involved Civilian in the middle of his back while he was handcuffed and yelled, "Don't f---ing move, man!" and "[what] the f--- is your problem?!" while placing his left knee on the Involved Civilian's back. *The Involved Civilian is heard vocalizing and groaning, saying "Please, please," and "Please God, please."*
- 11:54:09: Involved Officer B requested Fire [Department] to respond to tend to the Involved Civilian's injuries.
- 11:54:41: Involved Officer B asked the Involved Civilian where the gun was. Involved Officer A told Involved Officer B its location.
- 11:54:46: Involved Officer A searched the Involved Civilian's right pockets and removed items. *From this point until the officers bring the Involved Civilian to his feet (approximately one minute), Involved Officer A is seen pushing the muzzle of his rifle firmly and with varying degrees of pressure into the Involved Civilian's back.*
- 11:55:18: Involved Officer A requested Fire [Department] to respond.
- 11:55:34: The Involved Civilian was picked up off the ground and the search was completed. *The Involved Civilian continued to whimper and make statements about what occurred. In response, Involved Officer B leaned toward the Involved Civilian and yelled, "Shut the f--- up." The Involved Officers then bring the Involved Civilian to his feet.*

Involved Officer A asked Involved Officer B whether he had searched the Involved Civilian. Involved Officer A then used his rifle muzzle to again jab/strike the Involved Civilian, this time in his upper right leg/hip area, while asking Involved Officer B if he has, "checked this side?"

Following this exchange and as the officers begin to move the Involved Civilian out of the area, the Involved Civilian asked the officers for his eyeglasses. The officers did not respond to this request.