Case Summary for Appeal Hearing – September 7, 2016

2015-C-0104/2015-X-0002

INVESTIGATION OVERVIEW

Involved persons

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

Allegations

No	Allegation Summary	Category	Finding
2	Officer B used inappropriate force while taking Appellant into custody.	FORCE	EXONERATED with debriefing

Incident/Complaint Summary:

On September 17, 2014, Sergeant A observed a woman calling for help. The woman told Sergeant A that Appellant had just circled her car and was punching her windows. Sergeant A contacted Appellant. Police reports indicated Appellant was verbally aggressive and kept putting his hands in his pockets. Though Appellant indicated later when interviewed that he had his hands up and attempted to deescalate the encounter. The police reports further indicate Sergeant A turned Appellant around and pushed him up against a wall to try to handcuff him but was unable to do so due to Appellant's level of resistance. Officer B arrived, warned Appellant that he would be tased if he did not comply with orders, and then deployed his Taser in drive stun mode on Appellant. Appellant went to the ground but continued to resist. Officer B then deployed a second drive stun Taser in an attempt to handcuff. Officer B then used his Taser in probe mode and the officers were able to handcuff Appellant.

Appellant complains that the officers used excessive force and excessive numbers of Taser cycle rounds from the electronic control weapon.

Summary of Appellant, Officer and Witness Interviews conducted by Internal Affairs (IA)

Appellant

Appellant stated that he was riding his bicycle in the bike lane when a woman in a car bumped his rear tire and then drove off. Appellant stated that he tried to speak politely to the woman in the car. He stated that he pushed off her car window and it left a palm print, and, as she drove off, his hand slid on the window.

Appellant stated that Sergeant A, who was in a marked patrol car, flipped on his siren and lights at the intersection of 9th Avenue and Hoyt Street. Appellant stated that he was pulled over on his bicycle at 8th Avenue and Hoyt Street. Appellant said that because Sergeant A had parked his car at angle so close to

him, had to pull his bicycle up onto the sidewalk. Because his bicycle has a European kickstand he has to lift the bicycle up and pull the bicycle back onto a dual-sided kickstand in order to park it.

Appellant stated that Sergeant A started to unbuckle his holster to pull his weapon on him and at that point he had his hands up and asked "what did I do, what did I do, what did I do?" He further stated that in an attempt to deescalate said, "I'm not homeless", and that he heard another witness say that Appellant was not homeless. While he had his hands up, Officer B and Witness Officer D pulled up in an unmarked gold Crown Victoria. Officer B and Witness Officer C, positioned themselves between the windshield and the doors, pointed their plastic weapons at him and told him to turn around. Appellant advised that he complied with their order and they "plunked" him in the back. Appellant stated that he then dropped to his knees and was "bum rushed" by the officers. Appellant referred to the video that was filmed by a citizen observer.

Appellant also stated that he believes that he was tased more than three times by Officer B. Appellant advised that Officer B started it up in his face when he did the thrust mode, which led him to put his hands in front of his face to protect his eyesight.

Appellant stated that whilst he was in the patrol car with Witness Officer D, Sergeant A told him that "it's a good thing I didn't shoot you."

Appellant later clarified that Sergeant A did not pull his weapon on him but that he did unsnap the protective cover. Appellant also stated that the only command he heard officers say was "turn around". When asked whether he consumed any alcohol prior to the incident, Appellant stated that he had two beers at home with dinner but that bicycle riding was not an issue for him.

<u>Sergeant A</u>

Sergeant A stated that he saw a disturbance in the middle of the street near 12th Ave and Johnson Street while on patrol. He also stated that he saw a woman crying and visibly upset in a car who was being assisted by citizens. He stated that the woman explained to him that a bicyclist had punched at her or punched her and was hitting her car and circling her in anger. Sergeant A stated that the woman assisted in identifying Appellant. Sergeant A stated that he radioed the situation and the direction of travel of the suspect and began to follow him but did not use lights or sirens. He was then flagged down by Citizen 1, security guard, who asked if Sergeant A was looking for the guy who was really upset and angry on the bike. Sergeant A confirmed and Citizen 1 pointed him in the direction of Appellant.

Sergeant A then drove to stop the suspect on the bicycle and that Appellant knew that he was trying to stop him. He stated Appellant stopped in front of the post office. After Sergeant A exited his car, he could tell that Appellant was angry and began yelling at him. Sergeant A stated that Appellant yelled that he wanted his lawyer present and yelled, "what the fuck did I do, why are you stopping me." Sergeant A decided that due to Appellant's angry demeanor and behavior, it was not in his best interest to get close and contact Appellant immediately.

Sergeant A then stated that Appellant stepped up to the curb and picked up his bicycle and held it as a shield and that it would be easy for Appellant to use as a weapon. Therefore, Sergeant A chose not to advance to Appellant but stayed in the street in front of his patrol car while Appellant had stepped onto the curb. Sergeant A recalled that he ordered Appellant to set the bicycle down, which he did but still appeared very angry and was still yelling. He stated that he was not thinking about mental health issues at the time. In order to control the environment, Sergeant A described that he lowered his voice and informed Appellant that he was just trying to look into what happened back with the lady in the car. Sergeant A then stated that Appellant yelled back that "she's the one that hit me and why in the fuck are you stopping me."

Sergeant A observed that Appellant stepped to the side of his bicycle and then stepped forward which he believed was a deliberate move to get around the physical barrier between them. Sergeant A stepped back and ordered Appellant to stop and to get back against the wall. He further stated that he

observed Appellant, who was wearing shorts at the time, thrust his hands into his pockets that appeared to be weighted down. Sergeant A stated that although he never drew his weapon, he was concerned that Appellant had a weapon and stepped back, did the first retention of his holster and put the hood down for immediate access to his firearm. Sergeant A ordered Appellant to take his hands out of his pockets but Appellant began to maneuver his hands in his pockets as if he was trying to grab hold of or was searching for something. Sergeant A then stated Appellant threw a cell phone and a wallet onto the ground in a fast, aggressive manner then thrust his hands back into his pocket again in the same manner as if searching or grabbing for something. Sergeant A advised that he ordered Appellant back to the wall but Appellant continued to pull his hands from his pocket and throw items to the ground, for a total of three times.

After Sergeant A observed his cover car with Officer B and Witness Officer D arriving, he took hold of Appellant's clothing from about the chest height, spun him around, grabbed his arms and moved him forcefully against the wall. He described forcefully to mean controlling Appellant's hands and arms. When Officer B arrived, Sergeant A stated that he had Appellant facing and pinned against the wall. Sergeant A indicated that he was trying to grab Appellant's arm but Appellant was violently thrashing and pulling his arm.

Sergeant A described that Officer B tried to grab hold of Appellant's right arm and Witness Officer D positioned herself on the left side. While Appellant continued to struggle violently, Sergeant A heard Officer B give a verbal warning to Appellant that if he did not stop resisting and fighting he would be tased.

Sergeant A stated that Appellant continued aggressively thrashing and then he heard a second cycle of the Taser on drive stun. Sergeant A described that Appellant continued to thrash, yell and violently struggle. He then heard Officer B state that he was going to use probe modes so he moved to the side and heard the cycling of the Taser, which sounded like a good connection. Sergeant A stated Appellant fell to the ground but the officers led him to the ground as well. Sergeant A described that as he also went down he struck the ground with his knee and positioned himself to pin Appellant down to control him. He advised that he and the other officers were able to gain control of Appellant's arms and handcuff him.

After Appellant was in handcuffs, Sergeant A described Appellant to still be very upset, yelling, screaming, thrashing and kicking around but that Appellant's tone changed stating that he wanted his 940 process to start as required by the Department of Justice.

<u>Officer B</u>

Officer B stated that at time of this incident he worked a partner car with Witness Officer D. He heard Sergeant A get on the radio advising that he was attempting to stop a suspect, later identified to be Appellant. Sergeant A advised that Appellant was involved in a disturbance with a motorist and then they went to cover him.

When they arrived at Northwest Hoyt and Park Avenue, Officer B stated that he saw Sergeant A exit his vehicle. He observed Appellant yelling at Sergeant A in a focused and aggressive manner with his hand waving rapidly and shoulders rolled forward. Officer B believed that Appellant was about to engage in a physical altercation with Sergeant A. As they neared the stop location, Officer B stated that he observed Appellant thrust his hands forcefully into his front shorts pocket and that he was clenching objects in his pockets. He then saw Appellant violently rip his hands out of his pockets, throw items into the air in front of him. Officer B stated that as he exited the patrol car to assist Sergeant A, Sergeant A moved toward Appellant. Appellant continued to thrust his hands into his front pockets and stepped around his bicycle towards Sergeant A in the following manner: lowered head, chin tucked toward chest and with a motivated gait.

Officer B stated that he observed Sergeant A grab Appellant's right arm in an attempt to control him, spinning him away so that he faced south sidewalk. He stated that Sergeant A started to move

Appellant towards the building wall and so he went to try to assist. As he went to assist, Officer B observed Appellant turn toward Sergeant A and clench his right fist when he removed it from his pocket. He then observed Appellant arch his back, push against Sergeant A, turn his body towards Sergeant A and believed that Appellant was going to punch Sergeant A.

Officer B stated that he removed his Taser from his drop leg holster, grabbed Appellant's right wrist in an attempt to control Appellant's right arm and prevent him from striking Sergeant A. He further described that he attempted to pin Appellant against the wall and told him to stop fighting or the Taser would be used. Officer B stated that Appellant continued to scream at Sergeant A and was volatile and violent. When Officer B grabbed Appellant's right wrist, Appellant pulled and forced his hands towards his front waistband area and his hips started to face Sergeant A. Officer B provided another Taser warning and then activated the Taser in drive stun mode by applying it to the Appellant's lower left back area. He further described that Appellant then spun toward the application site which put him face to face with Sergeant A. Officer B stated that he let go of Appellant's right hand and maintained contact with the Taser. He then stated that he observed Appellant drop to his knees and began kicking his feet.

Officer B indicated that while Witness Officer D tried to gain control of Appellant's right arm and Sergeant A was trying to control Appellant's left arm, Officer B was kicked multiple times by Appellant, which caused him to fall to the ground. He then knelt on Appellant's legs in order to try to control Appellant who was still moving his arms and rotating his hips. Officer B then stated he provided a Taser warning and then applied a drive stun to the backside of Appellant's left calf. He advised that Appellant's hips dropped back down to the ground.

Officer B stated that he realized that the Taser was assisting but the officers were not able to get Appellant's arms out from underneath him to handcuff him. Officer B stated that he advised the other officers that additional assistance was needed to control Appellant because Appellant was starting to overpower Sergeant A and Witness Officer D. Officer B then provided a verbal warning of Taser with probes and deployed the Taser probes to Appellant's back/right shoulder. Officer B advised that he decided not to do a follow up drive stun with the Taser per training, because Sergeant A's right leg got in the way. Witness Officer D and Sergeant A were then able to handcuff Appellant.

Officer B indicated that after Appellant was handcuffed, he still continued to yell, scream and thrash on the ground even while Portland Fire removed the probes. Officer B stated that Appellant was placed in the rescue breathing position to ensure open airway but was still kicking his feet about and so Officer B crossed his legs and kneeled on his foot to prevent him from rolling or kicking.

When asked, Officer B stated that while he was waiting for Portland Fire and controlling Appellant, he did smell a heavy odor of an alcoholic beverage.

<u>Witness Officer C</u>

Witness Officer C stated that he responded to the original location of the incident and interviewed the original female victim of the road rage. The woman he spoke with stated that she felt threatened by Appellant. Witness Officer C did not see Appellant being taken into custody.

<u>Witness Officer D</u>

Witness Officer D stated that she was partnered with Officer B and responded to assist Sergeant A. Witness Officer D advised that she drove the patrol car and Officer B was the passenger and in order to assist, he jogged ahead and made contact with Appellant while she parked the car.

When she arrived to assist, Witness Officer D stated that it was obvious that Sergeant A was trying to place Appellant into handcuffs. Witness Officer D described Appellant as agitated, animated and yelling. She further stated that Appellant was facing the wall with Sergeant A on the left and Officer B on the right. Witness Officer B stated that the officers were trying to overpower Appellant's resistance and were trying to place his hands behind his back. She then stated when Officer B let go, she took Officer B's position on Appellant's right side while Officer B went to his Taser.

When asked, Witness Officer D confirmed that Appellant was resisting but not combative. She described Appellant as pulling, jerking arms, overpowering but not swinging at anybody at the time. She further confirms that although verbal commands to stop resisting and advising Appellant was under arrest were being given, Appellant was not compliant.

Witness Officer D then stated Officer B drove stunned Appellant and they were able to get him to the ground, either through the Taser or by physical means. She described that they all ended up on the ground. She was on Appellant's left side trying to get control of his left arm and still gave commands. Witness Officer D then stated that she heard Officer B say probes and Officer B probed Appellant in the back and was then successfully handcuffed.

Witness Officer D further stated that Appellant remained verbally agitated after he was arrested, while being checked by medical, and while she transported him to jail.

Witness Sergeant E

Witness Sergeant E stated he responded to the location of Park and Hoyt and conducted an after action review. He stated that he spoke with Appellant as part of the conducting the use of force review. Witness Sergeant E described Appellant to be still struggling on the ground, kicking and screaming while he tried to talk to Appellant.

Witness Sergeant E stated that what he observed of Appellant is similar to the past two contacts he has had with Appellant. He advised that the other contacts involved a trip to detox and the other where Appellant was arrested for disorderly conduct and interfering with public transportation. Witness Sergeant E explained that Appellant's demeanor was similar to his past experience which is to be intoxicated and combative. He confirmed that Appellant's injuries in the instant encounter were to be Taser probes and minor abrasions.

Citizen 1

Citizen 1 stated that he is a security guard employed with a security company that patrols downtown in Portland. He was on duty in that capacity when he observed Appellant getting arrested by PPB officers.

Citizen 1 stated that he initially saw Appellant riding his bicycle near Northwest Johnson and 12th Avenue. He stated that noticed Appellant because he was screaming she hit me and he was yelling profanities. Citizen 1 stated that Appellant continued in that manner all the way up to 11th Avenue. He described that there were a lot of people around and Appellant was yelling and frantic.

As Citizen 1 went to the scene on his Segway, he observed that the officers had Appellant against a wall. As he got closer, Citizen 1 stated that he then observed that officers had Appellant on the ground but did not have him cuffed. He described the officers as being gentle and that Appellant was yelling, pulling away and not being cooperative. Citizen 1 further described that the officer that was on Appellant had his knees on the fatty part of the Appellant's thigh and was trying to keep Appellant's hands behind his back. He also described another officer in front trying to hold Appellant's shoulders.

Citizen 1 stated that he did not know Appellant was tased. Citizen 1 also discussed that from what he observed of the interaction it appeared as if Appellant was undergoing some type of post-traumatic stress disorder based on how he was talking to the officers.

Summary of Interviews conducted by Internal Affairs after CRC request for Additional Investigation

Citizen 2

When asked what he recalled of the incident, Citizen 2 stated that he heard the siren of a police car. He stated that he observed a man, later identified to be Appellant, off of his bike but was still holding the

bike on the side of the road. He described hearing one of the officers tell Appellant to put the bike down, which he did and then stated Appellant was pushed against the wall of the building by an officer. He stated that another person stepped in while there were a couple of officers trying to get Appellant against the wall. Citizen 2 stated that Appellant was tased a few times. Citizen 2 stated further that Appellant was on the ground and officers were maintaining control. Citizen 2 clarified that the Appellant was screaming but not for pain, more like "rambling stuff". Citizen 2 later clarified that Appellant was yelling about one officer that was either there that he had previous encounters with or yelling about previous things that have been done to him.

When asked why Citizen 2 took cell phone video of the incident, he replied, "it seemed like it was escalating and it's definitely in the back of my mind that, you know, incidents can get out of control and things can happen, and it just seemed like it would be a good idea to try to get a record of it". When asked if he understood by Appellant was being tased, Citizen 2 replied he that "he assumed he was not cooperating fully…in whatever he was being told".

When asked if he had any issues with the amount of force used by officers, Citizen 2 replied that he did not. Specifically, Citizen 2 stated: "I thought, given the situation, it looked fairly controlled. In fact…I think I posted it on social media and I said something to that effect, you know, this could have gone a lot worse….my feeling was that the police had conducted themselves in a fairly controlled manner compared to other incidents nationwide".

Citizen further added that although he is not a professional, the longer he watched the incident and longer he listened to Appellant, it seemed that he was an individual with mental health issues or serious social behavior issues.

<u>Citizen 3</u>

Citizen 3 recalled that at the time of the incident she was coming out of the post office. She observed a man and a woman and noticed there was commotion across the street with two or three policeman. She stated that at some point there were seven police present. She stated the police were tasing and throwing Appellant up against the building while Appellant was saying that he did not have anything in his pocket. Citizen 3 stated that it appeared to be seven against one guy.

Citizen 3 stated that she heard officers giving Appellant commands but could not recall the specific commands. When asked Appellant followed commands, she stated that the officers got Appellant right away.

Citizen 3 did not recall the amount of times nor if more than one officer tased Appellant.

<u>Citizen 4</u>

Citizen 4 recalled that she observed a man talking with police officers and that he was asked to take his hands out of his pockets. She then observed the man taking stuff out of his pockets and then throwing them on the ground. She then recalled that the man was asked to go against the wall but then observed that the man was then pushed against the wall and then tased. Citizen 4 recalled hearing the man say "you're hurting me" after being tased and then was put down to the ground. Citizen 4 also recalled that the man was held down on the ground by two officers.

<u>Officer B</u>

Officer B was interviewed again for follow up questions regarding the deployment of his Taser. Officer B confirmed that he wrote in his report that he discussed three separate Taser deployments, specifically two drive stuns followed by the deployment of the probes.

Officer B stated in part, that pursuant to his taser training after he deployed the taser probes, he prepared to drive stun Appellant in order to create a neuromuscular incapacitation (NMI). Officer B stated that he was unable to do so safely because Sergeant A was in the way. Officer B stated that there

was a possibility that as he prepared to drive stun his finger was on or near the trigger "button", which if pushed could have resulted in the one (1) second "arc" recorded on the taser device report.

Summary of new information obtained after CRC request for Additional Investigation

Taser Analysis from PPB Training Division

The summary analysis of events based on the downloaded data from the Taser (X2):

"The user armed the X2, attempted a drive stun or warning carc (sic) about 5 seconds later, totaling about 5 seconds. After the drive stun or warning arc, the user turned the X2 off by turning the safety switch on. About 5 seconds later, the user turned the X2 on again, and pulled the trigger about 2 seconds after, deploying cartridge #1 for a standard 5 second cycle. About 2 seconds after the cycle was over, the user pressed the Arc button and held it for 1 second. About 19 seconds after the Arc button was released, the user turned the X2 off by switching the safety lever."

City Attorney Interview of Citizen 3

On April 20, 2015, Citizen 3 was interviewed by a private investigator at the request of the City Attorney's Office in preparation for potential litigation at the time. The private investigator's report of the interview was obtained for this investigation. The report indicated that Citizen 3 expressed concern in her inability to recall details of the event and that it would be "advantageous to the city's defense of the police".

Citizen 3 reported that police officers "threw" him against the wall and described the action as "manhandling". Citizen 3 further reported that she believed there were seven officers involved and after he was thrown against the wall, Appellant was thrown to the sidewalk, face down.

Citizen 3 did not recall if Appellant was tased three times while he was against the wall or while he was faced down.

When asked if she was distrustful of police, Citizen 3 replied yes and added that she has had "ugly exchanges" with police.

City Attorney Interview of Citizen 5, woman involved in the altercation with Appellant

On April 6, 2015, Citizen 5 was interviewed by a private investigator at the request of the City Attorney's Office in preparation for potential litigation at the time. The private investigator's report of the interview was obtained for this investigation. The report indicated that Citizen 5 reviewed Witness Officer C's police report containing her statement and she stated that it was accurate. Citizen 5 then provided additional details regarding the two locations she stated Appellant punched her vehicle. Citizen 5 stated that Appellant was "so enraged and loud – screaming obscenities at her as he punched her car". She then added that the officer who took her statement explained to her that Appellant assaulted her by striking her vehicle and that when asked if she wanted to press charges, she declined. When asked why she declined to press charges Citizen 5 said, "I thought getting tased was probable punishment enough".

CASE PROCESSING SUMMARY:

CHRONOLOGY OF CASE PROCESSING	DATE
Date complaint opened by IA	05/05/15
Date IA Investigation completed	06/30/15
Date completed IA investigation assigned to IPR and IA for review	06/30/15
Date IA approved the investigation	07/03/15
Date IPR approved the investigation	07/10/15

Date completed IA investigation assigned to RU Manager for recommended findings	07/13/15
Date RU Manager's recommended findings to Branch Chief for recommended findings	07/24/15
Date recommended findings received by IA Captain for recommended findings	07/31/15
Date recommended findings sent to IPR for recommended findings	07/31/15
Date of IA recommended findings	07/31/15
Date of IPR of recommended findings	08/04/15
Date of IA Disposition Letter	08/14/15
Date of IPR closing cover letter	08/21/15
Date appeal request received	09/02/15
Date appellant waived mediation in lieu of appeal	09/02/15
Date of CRC Case File Review meeting	***10/07/15***
Date IA received CRC official Request for Further Investigation	*10/26/15*
Date Further Investigation assigned to IA Investigator	*10/27/15*
Date Further Investigation completed	*11/23/15*
Date IA approved Further Investigation	*11/25/15*
Date IPR approved Further Investigation	*11/30/15*
Date original & further IA investigation assigned to RU Manager for recommended findings	*12/09/15*
Date RU Manager sent investigation back to IA for additional further investigation	*12/23/15*
Date additional further investigation assigned to IA Investigator	*12/30/15*
Date Further Investigation completed	*01/26/16*
Date IA approved Further Investigation	*01/28/16*
Date IPR approved Further Investigation	*02/03/16*
Date original, further, and additional further IA investigation assigned to RU Manager for recommended findings	*02/10/16*
Date recommended findings to Branch Chief	*02/24/16*
Date recommended findings received by IA Captain	*03/04/16*
Date recommended findings sent to IPR	*03/04/16*
Date of IA recommended findings	*03/07/16*
Date of IPR of recommended findings	*03/11/16*
Date of IA Disposition Letter	*03/17/16*
Date of IPR closing cover letter	*03/21/16*
Date of upcoming Appeal Hearing	*09/07/16*

TIMELINESS OF CASE PROCESSING	**TIME ELAPSED (Calendar Days)**	**BENCHMARK (Calendar Days)**
Time from date received in IA to completion of initial investigation.	56	67
Time from date IA investigation sent to RU Manager to date of RU's recommended findings received by Branch Chief for recommended findings. **(05/20/16 – 06/03/16)**	15	14
Time from date recommended findings received by Branch Chief to date referred to IA Captain for recommended findings.	6	7

(06/03/16 – 06/08/16)		
Time from date recommended findings received by IA to date IA made recommended findings (concurrent with IPR review). **(06/08/16 – 06/09/16)**	2	7
Time from date recommended findings received by IPR to date IPR made recommended findings (concurrent with IA review). **(06/08/16 – 06/15/16)**	8	7
Time from date of completed findings recommendations to mailing of the disposition letter. **(06/15/16 – 07/07/16)**	23	14
Time from date of disposition letter to date of CRC Case File Review meeting. (08/21/15 – 10/07/15)	***47***	***35***
Time from Case File Review meeting to assignment to IA Investigator for further investigation. (10/07/15 – 10/27/15)	*21*	*N/A*
Time from further investigation assigned to date assigned to RU Manager for recommended findings. (12/30/15 – 02/10/16)	*43*	*44*
Time from RU Manager returning case for additional further investigation to completion of additional further investigation by IA completed. (12/23/15 – 01/26/16)	*35*	*N/A*
Time from additional further investigation completed to date IA and IPR to review RU Manager's recommended findings. (01/26/16 – 06/08/16)	*135*	*35*
Time from RU Manager's recommended findings received by IA & IPR to date of upcoming CRC Appeal Hearing. (06/08/16 – 06/15/16)	*92*	*42*

CASE TIMELINESS	TIME ELAPSED (Calendar Days)	BENCHMARK (Calendar Days)
Time from date complaint received to date of upcoming CRC Appeal Hearing. (04/28/15 – 09/07/16)	*498*	*180*

Findings and Definition of Findings

The possible findings in a case are:

Unfounded: The allegation was false or devoid of fact or there was not a credible basis for a possible violation of policy or procedure.

Exonerated: The act occurred, but was lawful and within policy.

Not Sustained: The evidence was insufficient to prove a violation of policy and procedure.

Sustained: The evidence was sufficient to prove a violation of policy or procedure.

Options Available to the CRC

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

The CRC can affirm the finding, meaning that it believes that a reasonable person can make the same decision based on the available information, whether or not the committee agrees with the decision; or

It can challenge the finding; meaning that the committee believes a reasonable person would have reached a different finding based on the available information. Any of these findings could be accompanied by a debriefing, which would involve the superiors of an involved officer talking about the incident and providing instruction as to how the situation might have been handled better.