

ARLINGTON POLICE DEPARTMENT
INFORMATIONAL MEMO

TO: KEVIN KOLBYE, ASSISTANT CHIEF
FROM: CHARLES HANKS, SERGEANT
REF: USE OF FORCE REPORT, 2017-1701840655
DATE: AUGUST 15, 2017

The purpose of this memo is to document my conversations and actions regarding the Use of Force Report on call number 1701840655 occurring on 7/3/2017.

I was ordered to submit this statement by Assistant Chief Kolbye. I submit this statement at his order as a condition of employment. In view of possible job forfeiture, I have no alternative but to abide by this order. It is my belief and understanding that the Department requires this statement solely and exclusively for internal purposes and will not release it to any other agency. It is my further belief that this statement will not and cannot be used against me in any subsequent proceeding, including criminal proceedings other than disciplinary proceedings within the confines of the department itself. For any and all other purposes, I hereby reserve my constitutional right to remain silent under the Fifth and Fourteenth Amendments to the United States Constitution and other rights prescribed by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in *Garrity vs. New Jersey*, 385 U.S. 493 (1967), and *Spevack vs. Klein*, 385 U.S. 511 (1967), should this report (statement) be used for any other purpose of whatsoever kind or description. Finally, from the information provided me to date, I have fully cooperated and have answered all issues presented to me to the best of my ability and recollection. However, I reserve the right to supplement and/or amend this statement should additional facts be brought to my attention through further investigation, subsequent reflection on the matter, because of an honest defect in perception of the event(s), or the common shortcomings of the human memory.

I received a hand-written Use of Force report from Officer Chad Haning regarding call 2017-1701840655. I reviewed the call and hand wrote my comments in the supervisor comments field of the form. I documented that the use of force was reasonable and within current policies. I was not able to find any department video or audio but documented that there was 3rd party video that I did not have access to. I made no more entries, signed and dated it and then gave the document to Lt. Michael Moses.

On Tuesday, July 18, 2017, I was approached by Lt. Michael Moses who handed me the form and asked me to have Officer Haning redo the document in an electronic copy of the form. He explained that both I and Officer Haning had mark outs on the form and he

wanted to make sure we had a clean copy since this was going to be a public document. I called Officer Haning into my office and I pulled up an electronic copy on my computer. I typed in the first side of the form as Officer Haning watched me. The first side of the form is the part filled out on the original document by Officer Haning. While I was typing, DC Jim Lowery walked into my cubicle. He told me to complete only the first side of the form but leave the back of the form containing supervisor comments blank. He would then check with Internal Affairs and see what they wanted to do with the form. I printed the form and walked to the printer to get the copy. I gave the printout to DC Lowery to review. I also attached a printout of the report. I placed the original hand-written form in Officer Haning's employee file. After DC Lowery left, Officer Haning asked me why DC Lowery asked me to shred the hand-written form. I told him I did not hear those comments and we decided I must have been walking off to the printer when he made them. I explained to Officer Haning that I think that they just wanted a clean and clear copy but the original was in his employee file.

On Wednesday, July 19, 2017, Officer Haning approached me before briefing and expressed to me his concerns about the comments to shred the original document. I assured him I had not shredded the document and that I was not aware of anything improper going on regarding the document. Later that morning, I was talking to DC Lowery in my cubicle about other matters. I asked him if he had asked me the day before to shred the original Use of Force form explaining that Officer Haning told me he had overheard such a request. DC Lowery informed me that he had indeed asked me to shred the original form and stated that his concerns were for Officer Haning and didn't want to turn in a copy that looked like someone was trying to make changes to it. He assured me he was looking out for Officer Haning. I also told DC Lowery that Officer Haning was concerned about the request to shred the document. I understand that DC Lowery then contacted Officer Haning to discuss the document. Later in the day, I was approached by Lt. Moses who asked me what I had done with the original document. I told him it was in Officer Haning's file. He told me to shred it. I just looked at him and he said go get it and bring it to me. I took it to his office and handed it to him as he sat in his desk. He then took the document turned around and put it in a shredder in his office. Later in the day Officer Haning asked what had happened to the document and I told him Lt. Moses had shredded it.

Several days later, I was approached by DC Lowery who told me he was going to forward what we had (the electronic copy front side) to Internal Affairs.

CAH /cah 2402