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Administrative Inquiry: # AI2020-006

October 30, 2020

Date of Incident: 08/08/2020

Complainant: There are several hundred complaints, most of them containing identical language, from different people from all over the country and farther (France, Italy, Spain), which were emailed to Chief Shaw in the weeks following the incident on August 8, 2020. This is highly unusual and occurred because someone had set up an Instagram page "justiceforstevenbarrier", with a link for an auto filled email to "Stamford Police Chief Tim Shaw" to lodge the complaint.

Subject of Complaint: Officers working the "Steven Barrier Protest" in which twelve are named. (Capt. Hohn, Lt. Noto, Lt. Scanlon, Sgt. Gasparino, Sgt. McAllister, Sgt. Booth, Sgt. Belle, Officer Estabrook, Officer Adriana Molina, Officer Brian Donahue, Officer Gelonesi, Officer Guilford)

Nature of Complaint: Unjust attack and arrest of protesters, and in so doing, violated their First Amendment Civil Rights.

Background:

On October 23, 2019 Steven Barrier was arrested by the Stamford Police Department after a domestic violence incident. He became unresponsive while in custody and EMS responded. He was transported to Stamford Hospital, where he was later pronounced dead. The State of Connecticut Prosecutors Office, in conjunction with the Medical Examiner, the Stamford Police Department, and a Civilian Review Board, all investigated this death and found that "Use of Force" was not a factor, nor was it a contributing factor, in Steven Barrier's death. The FBI reviewed the case and did not find grounds to move forward with an investigation. The protest group claims that the Stamford Police Department recklessly detained and denied medical attention to Steven, who was suffering a mental health crisis.

As indicated in Captain D. Hohn's incident report (Incident # 20-08-08-0027), during the week of August 8th the Stamford Police Department was made aware of the 3rd protest from this group in the last several months. The protest was set to take place on Saturday August 8th at 1330 hours, leaving from the Home Depot parking lot on West Main St. and walking to Stamford Police Headquarters at 725 Bedford St. The flyer did not state that they would be protesting back to the Home Depot and group leader Isabella Mulas never informed Captain Hohn that they would be doing this when he approached the group to lay out the ground rules on the day of the protest.

This particular group did not contact the Stamford Police Department to make them aware of the protest or contact the City of Stamford to request a City Permit to have such protest. The Police Department learned about the protest by monitoring the “justiceforstevenbarrier” Instagram page. The last protest on July 11th ended with a group of protesters conducting a 7 day illegal encampment at Latham Park.

For this particular protest, Chief Shaw authorized the hiring of an Incident Commander (Captain D. Hohn), Assistant Incident Commander (Lt. M. Noto) and 8 other Officers (Lt. N. Montagnese, Sgt. J. Booth, Sgt. R. Belle, Sgt. S. McGowan, Off J. Gale, Off. E. Cooper, Off. W. Guilford, and Off. J. Torres). The officers assignments were traffic control at intersections to ensure the protesters made it safety from point A to point B as well as to protect citizens along the route.

Summary from SPD Incident # 2008080027:

Incident Commander Captain Hohn met with the protest group leader Isabella Mulas and two other females at approx. 1320 hrs, shortly before the protest march began. They agreed upon several ground rules for the march: that the marchers were not to block the sidewalks or roads, they would stay off Stamford Hospital property and they were free to go the Police Headquarters building. All three women acknowledged these ground rules. (As seen on Captain Hohn’s BWC video)

The protesters stepped off at approx. 1400 hrs and the group of approximately 65 headed eastbound on West Main St. Many in the group were chanting “Pig”, “Fuck You”, “ACAB” (All Cops are Bastards), and waving their middle fingers at the police officers. They also used a bull-horn to shout: “Fuck the Police”.

The protesters turned north onto West Ave. and stopped for a speech in front of Steve Barrier’s mother’s house (113 West Ave.). The group then continued on West Ave., turned north onto Stillwater Ave and then east on West Broad St. The group stopped at Wright St. for about ten minutes of speeches. They then continued on West Broad St. to Washington Blvd., where they stopped for several minutes. Several protesters walked up to vehicles stopped on Washington Blvd. due to the protest, shouting at the occupants, knocking on their windows and placing flyers on their windshields. One protester lay down in the middle of the intersection. The chants of “Fuck the Police!” continued.

The group then continued on Broad St. and turned north onto Bedford St. They traveled north on Bedford St. before stopping at the outdoor seating area of Brickhouse Restaurant (244 Bedford St.) Several protesters entered the seated area where patrons were eating lunch. They shouted at the patrons and handed out flyers. It became apparent that several customers were annoyed and disturbed by the intrusion and the protesters were ordered to move down the street. At 1526 hrs Mulas and Dolphin, along with other protesters, were warned by Captain Hohn that they would be subject to arrest if they continued to block the sidewalk and roadway.

At 1529 hrs, protesters Mulas, Dolphin, Sebastian Bouknight, Lydia McGee, and Steven Gurney were warned that they would be arrested if they continued to break the law and they responded by extending their middle finger. The group eventually moved down the street to the front of Police Headquarters, 725 Bedford St., where they remained for about 45 minutes.

At approx. 1630 hrs, Lt Montagnese reported that the group was starting to break up so Lt Noto advised the group that he would be opening a lane of traffic which was met with resistance from the protesters. Sgt. Belle and Officer Landry overheard Mulas state, "We are going downtown to mess with the people at Brickhouse".

At 1638 hrs, Captain Hohn determined that the march/protest was over and these new developments were the actions of an angry mob intent on causing disruption to the downtown restaurant area and to vehicular traffic. As the group moved south on Bedford St., Mulas became increasingly erratic. At 1638 hrs. and again at 1639 hrs, Captain Hohn loudly and clearly ordered the group to disperse, which included Mulas, Dolphin, Bouknight, McGee, and Gurney. These orders were ignored and Captain Hohn now decided that Mulas should be arrested but the opportunity to do so safely did not present itself.

At 1651 hrs, while the group was on Broad St, Officers chased Mulas who had moved away from the group, in an attempt to place her under arrest. Mulas ran back to the group and Captain Hohn stopped the pursuit.

At 1652 hrs, the group, which included Mulas, Dolphin, Bouknight, McGee, and Gurney were again warned several times that they would be arrested if they did not clear the road. They were blocking Broad St traffic eastbound and westbound, between Summer St and Washington Blvd. They refused to comply and the arrests started.

Body Worn Camera review:

All Body Worn Camera (BWC) footage of the incident, which included 43 Officers, were viewed by the Internal Affairs Office or their designee. Several of the Officers on scene had multiple videos. The total footage was approx. 34 hours, 54 minutes and 21 seconds.

Use of Force during the Arrest:

At approx. 1653 hrs, when the Officers started to place Steven Gurney [REDACTED] under arrest he passively resisted and then started to run away. The Officers had to tackle Gurney to the ground where he continued to ignore the Officers commands. Once handcuffed, Gurney was compliant. It appeared that Gurney's tee-shirt was ripped during the apprehension.

At approx. 1654 hrs, when Captain Hohn and Officer Estabrook were starting to place a white female under arrest; Isabella Mulas [REDACTED], attempted to free this person from the Officers grasps and grabbed Officer Estabrook's left arm in an attempt to stop him from placing the woman under arrest. In response to this interference Officer Estabrook pushes out his right forearm and struck Mulas in the face, which moves her backwards. Note: Officers were able to obtain a video clip from an unknown source, which was posted on Instagram, which shows Mulas, at the 00:13 mark, with her right hand, grab the left forearm of Officer Estabrook as he was holding the white female that Captain Hohn started to arrest. Other Officers grab Mulas and attempt to handcuff her as she passively resists. She is placed against a Patrol car and then ordered to her knees and then onto the ground where she is fully handcuffed.

Note: earlier in the incident Captain Hohn had moved toward Mulas in an attempt to arrest her and she ran into the crowd and later, at a different location, Officers Cooper, Torres, and Gelonesi chased

her on foot and she ran back into the crowd again. During the booking procedure Mulas complained of pain to her jaw and was evaluated by EMS.

At approx. 1654 hrs, when Sebastian Bouknight [REDACTED] was placed under arrest he passively resisted for a brief moment, then was placed against a Patrol vehicle and handcuffed. Once handcuffed, Bouknight was compliant. During the Booking procedure Bouknight complained of pain to his hand and was evaluated by EMS.

At approx. 1655 hrs, Julia Dolphin [REDACTED] was placed under arrest and handcuffed without incident.

At approx. 1655 hrs, Officers started to place Lydia McGee [REDACTED] under arrest. As Captain Hohn grabbed McGee he heard a pop from his left bicep and shoulder and felt immediate pain. With one arm he moved McGee over to a parked car in order to gain control of her and they slid off the front side fender and hood, onto the ground. Officers Guilford, Fitzgibbons, and Speer assisted in the arrest. While on the ground McGee passively resisted and tucked her hands and arms under her body. Officers struggled with McGee to bring her arms behind her back to handcuff her as Officer Fitzgibbons straightened out her tucked in legs with his baton utilizing a calf-compression. Officers were able to handcuff McGee who was face-down on the pavement during the struggle. When she was brought to her feet, the BWC video shows an abrasion in the middle of her forehead. Once handcuffed, McGee was compliant. During the booking procedure McGee complained of pain to her head/forehead and was evaluated by EMS.

At approx. 1657 hrs, officers started to place Muhamdou Gumaneh [REDACTED] under arrest after he was warned numerous times by several officers to move back to the sidewalk. Captain Hohn grabbed his arm and Gumaneh tensed up and passively resisted. Officers were only able to get one handcuff on. Officers Miller, Landry, Xhema, Guilford, and Sgt. Vossler assisted as they had to take Gumaneh down to the ground. Gumaneh was on his back with his legs free to kick so Officer Xhema used his baton and held pressure on his leg and calf. Officers were able to turn Gumaneh over and finish handcuffing him. Once handcuffed, Gumaneh was compliant.

The above arrested individuals were transported to the Stamford Police Jail for processing. EMS was on scene and the arrestees were evaluated and treated as deemed necessary. Mulas, Bouknight, and McGee were seen by EMS and declined a more complete evaluation at the Stamford Hospital.

When the arrests started the crowd became extremely agitated and aggressive towards the police.

Lt. Noto called a [REDACTED] A [REDACTED] is a signal that an officer(s) are in serious, possibly life-threatening trouble, and all available units should respond immediately to help. Prior to the date of this incident only two other [REDACTED] were called within the Stamford Police Department in calendar year 2020.

In response to the [REDACTED] Officer Estabrook arrived on scene at approx. 1653hrs from his Patrol car and ran into the area where officers were struggling with a suspect in front of Patrol Car #6. A crowd

of protesters had circled around the officers and Officer Estabrook's closest entry into this circle was between the patrol car and a tall white male with his back to Officer Estabrook. Standing in front of this male was a female Jere Eaton [REDACTED], who was pushing this male back away from the struggling Officers. Police Officers were yelling to the protesters to "get back" as Eaton pushes the male backwards, about four steps into the direction in which Officer Estabrook is arriving. On Officer Estabrook's BWC video the viewer can see Eaton's left hand in the male's armpit as she moves him back. Estabrook's path of travel has closed and he runs into the back of the white male pushing him to the left, and then into Eaton, which pushes her backwards. Eaton stumbles backwards and lands on her back. From Lt Noto's BWC video, while seated on the ground a protester is seen talking to Eaton when Mulas is knocked back into Eaton. This contact brings Eaton to her back again. Seeing this, Lt Noto and Captain Hohn help Eaton onto her feet and as Lt. Noto walks her toward the sidewalk Eaton states "Don't my knee". He then asks her if she is OK and Eaton stated, "I got taken out by one of your Officers", "Your Officer pushed me down", that she was trying to help.

The Internal Affairs Office was unable to interview any of the six arrested individuals or Jere Eaton after reasonable attempts were made to contact them. The phone number provided by Stephen Gurney during the booking procedure was not answered and did not provide an opportunity to leave a message. The phone number Isabella Mulas provided during the booking procedure is "no longer in service". A phone number was obtained for Sebastian Bouknight through an investigative tool, and a woman answered and stated she would relay the message to Sebastian and check with his attorney. The only contact information for Julia Dolphin was an email in which she did not return or acknowledge our invitation for an interview. The phone number provided by Lydia McGee during the booking procedure was called and a message was left. The Internal Affairs Office was unable to obtain a phone number for Muhamdou Gumaneh and two phone messages were left for Jere Eaton without a response back.

During the arrest portion of the incident nine Police Officers were injured ranging from sprains and contusions to a herniated disc and a torn bicep which required surgery. An Officer is heard on a BWC video stating that he was struck in the head by something. The BWC video also shows protesters trying to pull away other protesters from Officers grasps during their arrest.

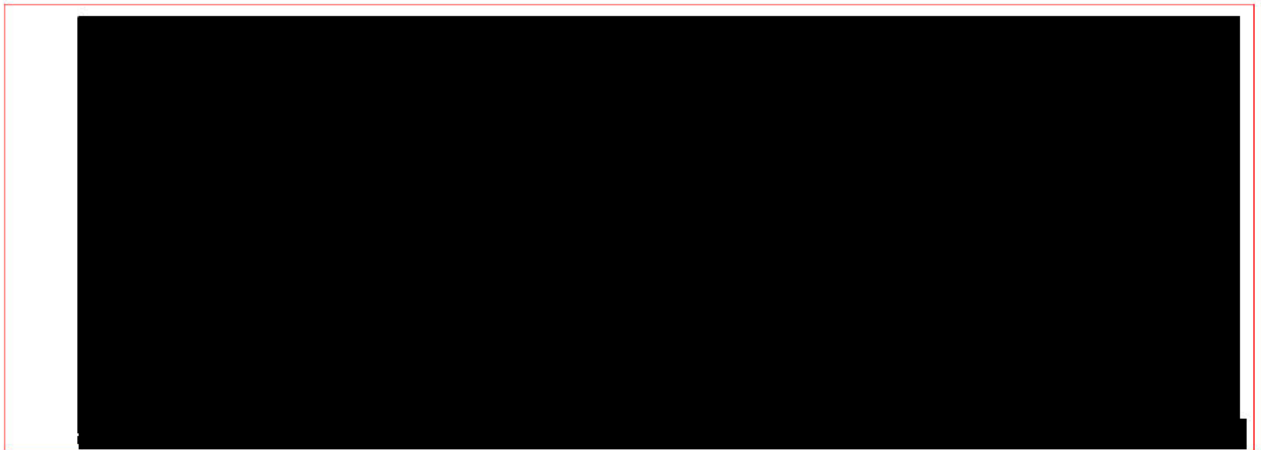
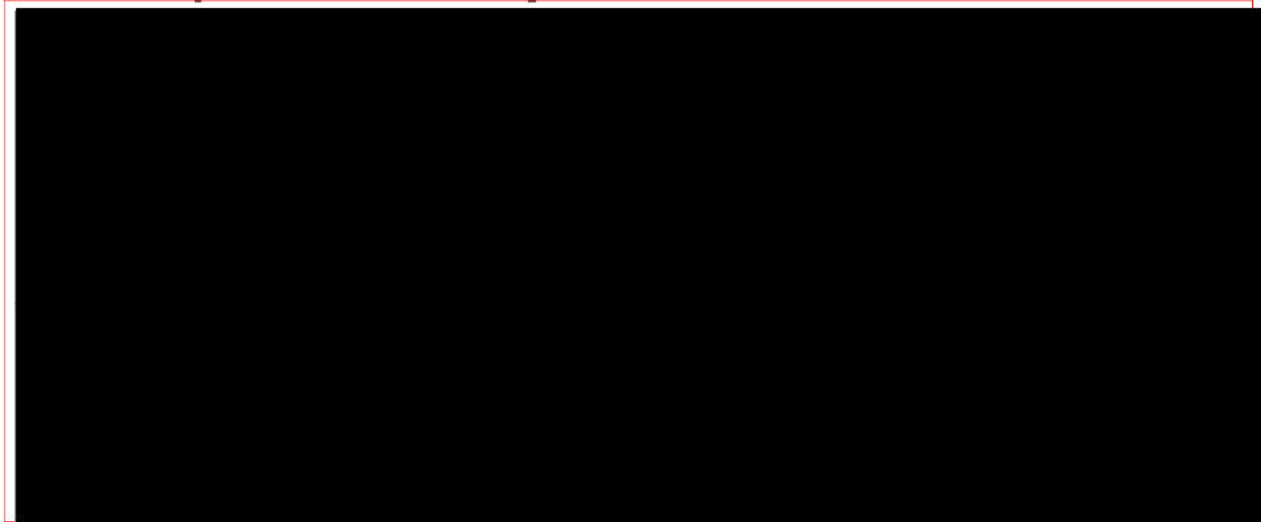
Conclusion:

From the evidence available to the Internal Affairs Office, including the details in the Officer's Incident reports, and a review of the Body Worn Camera videos, it has been determined that the Officers used the amount of force reasonably necessary to place the subjects under arrest in a timely manner to avoid further escalation during a volatile, chaotic situation. Officer Estabrook's collision with the two protesters when he arrived on scene appeared accidental.

Notes:

“Passive resistance” means non-compliance with officer commands that is non-violent and does not pose an immediate threat to the officer or the public. Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitute passive resistance.

“Reasonable force” means that force which is objectively reasonable under the circumstances and the minimum amount of force necessary to affect an arrest or protect the officer or other person.



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