

July 17, 2015

To: Captain Gary B. Payne

From: Sergeant Craig P. White

Subject: Administrative Investigation/Review - Department of Alcohol Beverage Control
Arrest Incident
Martese Rashaad Johnson

At the request of the Office of the Governor, the Virginia State Police, Internal Affairs Section, conducted an administrative investigation/review of the arrest of Martese Rashaad Johnson on March 18, 2015, by Virginia Department of Alcoholic Beverage Control (ABC) Special Agents Jared B. Miller, Thomas S. Custer, and John S. Cielakie. The arrest occurred on the sidewalk in front of the Trinity Irish Pub, located at 1505 University Avenue, in the city of Charlottesville, Virginia.

During the course of the detention and arrest, Johnson's head struck the sidewalk resulting in a laceration on his forehead requiring ten stitches. Video of the incident taken by witnesses at the scene, showed ABC agents attempting to handcuff Johnson as he was lying face down on the sidewalk. Blood was flowing across Johnson's face as he appeared to be resisting the agents' attempts to handcuff him. He could be heard shouting "I go to UVA, you fucking racists." This video was soon widely circulated on social and news media. The purpose of this investigation/review is to determine the circumstances that led to Johnson's detention, arrest, and injury, for administrative purposes. I was assigned this investigation on March 19, 2015.

It should be noted, initially an administrative investigation/review was to be conducted into this matter, however, on March 19, 2015, the Honorable Warren D. Chapman, Commonwealth's Attorney for the city of Charlottesville, requested the Virginia State Police, Bureau of Criminal Investigation, Appomattox Field Office, conduct a criminal investigation to determine if there were any criminal acts committed by the ABC agents. The BCI case number is [REDACTED]. The case agent is Senior Special Agent [REDACTED] (BCI GIS Appomattox).

During the course of the investigation, over 50 people were contacted for interviews. The following is a summary of the criminal investigation conducted by [REDACTED]:

Johnson, age 20, attempted to gain entry into Trinity Irish Pub at approximately 12:40 a.m. on March 18, 2015. Trinity Irish Pub is one of several ABC-licensed establishments located along University Avenue, in Charlottesville, in an area known as "The Corner." Trinity employs several bouncers to screen potential patrons; and, after 10 p.m., only admits persons aged 21 or over. Owner/manager [REDACTED] and head bouncer [REDACTED] were at the entrance where a large crowd was seeking admission.

[REDACTED] advised he did not normally do the "carding" but was doing so because of the presence of the ABC officers, and due to a meeting with ABC officials the week before. The meeting was requested by Trinity owners in order to be on the "same page" with ABC.

Trinity received eight written warnings in the last five years for administrative offenses. Special Agent in Charge (SAC) Joseph L. Cannon, ABC, described Trinity's license history as "bad." Other Trinity bouncers present outside included [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

Johnson told investigators he came to Trinity to see his friend [REDACTED]. The only person he was directly with was [REDACTED]. He went to the front of the line to say "hi" to [REDACTED]. [REDACTED], whom Johnson did not know, asked to see his identification (See Attachment No. 1), and requested he recite his zip code; a method [REDACTED] advised he uses to ferret out fake IDs. Johnson presented an Illinois ID card, and gave an incorrect zip code. He said the mistake was due to a move and change of address. The zip code on the ID was 60653 and he recited 60615. According to an Accurant report and Johnson, the address on the ID was likely in use until around the middle or latter part of 2012. [REDACTED] rejected Johnson for admission to Trinity without examining the age or other details of the ID. [REDACTED] held the ID out in his right hand extended towards the exit. Johnson grabbed the ID and exited. Johnson continued to engage [REDACTED] trying to convince him the ID was real, and he just messed up the zip code. At one point, Johnson had his phone in his hand referencing some proof of being from Chicago. The two spoke briefly about both being from Chicago, but Johnson was not admitted. [REDACTED] advised he did not know Johnson, but [REDACTED] did. He did not believe Johnson to be intoxicated, and in a media release described Johnson as cordial and respectful. Johnson described the conversation as simple and cordial.

Johnson advised he was grabbed by the arm from beside, or behind, by an unknown person before anything was said to him. His natural reaction was to disregard that person and attempt to walk away. Johnson said initially the officers did not identify themselves, but he assumed they were some authority figure. His stated priority was to prove to them he had not provided false identification, and did not deserve any sort of mistreatment. He felt he was being mistreated just from the point of someone aggressively grabbing his arm from behind. Feeling victimized and mistreated, he felt it was his duty to prove that he had not broken any sort of law.

After being pulled over to two other officers, Johnson said he saw the officer's badges and realized they were ABC officers. They seemed to be focused on the notion he had presented a fake ID at the door. He could only remember the general conversations with the officers concerning a fake ID; he could not remember the specific words of the officers. The conversation was very brief; less than 30 seconds. One of the officers had one of his arms, he believed. He recalled attempting to get the ID from his wallet to show them the ID when he was "slammed" to the ground.

Before realizing he was even bleeding, Johnson described being "shocked" this could be happening to him. He remembered saying, "I go to UVA," and swearing and, as seen on the video, calling the officers, "Fucking racists." He explained he had no prior interaction with any of these officers, and would be surprised if he ever had seen them before in his life. Using the phrase, "You fucking racists" was based on his time at the University encountering peers who were in situations, and none of them were "physically abused." Johnson said the phrase derived from him being African-American, and being one of the few, if not the only one, to ever be physically abused by an ABC officer to that extent.

██████████ and assisting agents conducted interviews with Trinity employees working on March 18, 2015 that witnessed the incident.

All other Trinity bouncers gave slightly differing accounts of these events. ██████████ reported seeing Johnson rejected then pull out his cell phone insisting to ██████████ the ID was valid; saying, "I can prove it. I can prove it." ABC officers approached Johnson, and said they wanted to verify his ID. He saw them walk toward the light post near the road, then observed one of the officers "snatch" Johnson's hand to try and restrain him. A second officer came, and they all three ended up on the ground in an "off balance fumble" after shifting to the side towards the Baskin Robins, and at one point stumbling towards ██████████. He did not hear any words spoken by

the officers. He described Johnson's demeanor as "debating" and non-threatening. He heard Johnson cursing during the event, and citing a racial bias after he hit the ground. He did not believe anyone intentionally hurt Johnson.

█████ saw █████ reject Johnson, and hold the ID out in his right hand. Johnson grabbed the ID, and walked toward the fence where the ABC officers approached. ABC asked for the ID, and Johnson refused; saying, "No way." He saw Johnson raise his cell phone, and the officer, in his opinion, reach for the phone at which point Johnson jerked away. The officer grabbed an arm, and Johnson pulled back. It appeared the officer was putting Johnson's arm behind his back, and Johnson was pulling away. It was during this struggle they fell to the ground, and he saw blood about 15 seconds later. █████ also said he did not feel the officers intended to cause an injury. He did not hear the officer's words to Johnson. █████ also commented on the screening policy at Trinity. He said the business checks ID's and there was no way a 20 year old would get into the pub.

█████ reported being outside with other bouncers. █████ checked Johnson, and he got his zip wrong. Johnson got on his phone to prove he had moved; saying, "Look, I can prove it on my phone." He described Johnson as persistent in trying to get in the bar, and kept talking about his address. As Johnson got his ID, and started to leave, an ABC officer approached him and said, "Come talk to me about the ID." Johnson said something like, "No, I'm good." The officer again said, "Come talk to us about that ID." Johnson kept walking away, and the officer grabbed his forearm. The second officer took Johnson's other arm. As they tried to put his arms behind his back, he would roll out of it. They told him at least three times to "get down." █████ told Johnson to "chill" and the crowd was also saying, "Get down." He described their initial touch as "timid" but later got "stronger" with him. The officers had his hands behind his back so there was nothing to stop Johnson's head from hitting the ground.

█████ was also outside and saw the ABC officers standing near the street where he saw University police stand before. People under 21 are not admitted inside the pub, so employees were checking ID's. He said Johnson initially gave his ID to █████. Johnson got his zip code wrong, and █████ said, "I can't take this." █████ made the same statement and █████ told Johnson, "█████ owns this place, listen to him." Johnson started to leave, cursing and using the word "fuck." His voice was "projected" and "loud" and █████ could hear him from ten feet away. █████ turned back towards the crowd awaiting entry to the pub and heard yelling. He turned towards the sound, and saw Johnson pinned to

the ground by the three officers. He thought [REDACTED] saw Johnson go to the ground; [REDACTED] and Johnson are friends.

[REDACTED] was contacted at the pub. He said his parents advised against talking to police without an attorney. [REDACTED] further stated he did not want to talk to the police because of his relationship with Johnson.

During the course of the investigation, [REDACTED] obtained a copy of the ABC Bureau of Law Enforcement Incident Report. (See Attachment No. 2) Report Number [REDACTED] documented the information provided by all three ABC officers concerning this event. (Please note, the three ABC Special Agents were not interviewed during the criminal investigation.)

Special Agent Jared Miller reported observing [REDACTED] look at a male's ID (later identified as Martese Johnson) then give the ID back to the male, sending him away. As Johnson turned to walk away, Miller approached and identified himself as a police officer and requested to see his ID. He noted Johnson had "bloodshot/glassy eyes" at that point. Johnson said something Miller did not understand, and began walking away. Miller placed his right hand on Johnson's left elbow, told him to stop and show his ID. Johnson "shrugged" away from Miller, and continued to walk away. Miller re-grabbed the arm, and repeated his instruction for Johnson to stop and show the ID. This time Johnson pulled away, quickened his pace, and his outer garment began to slip off. Miller reported that he believed Johnson may be attempting to flee. Miller instructed Johnson to "stop resisting" and put his hands behind his back. Special Agent Thomas Custer approached to assist. Miller reported he began to lose his grip during Johnson's active resistance, and the struggle caused all three to fall to the ground before they "could safely escort Johnson to the ground." Johnson ignored the instructions and continued to pull away from officers. Johnson was eventually placed in handcuffs, and leg restraints were applied when Johnson tried to kick his legs from Miller's control. Johnson began screaming things at the officers, and Miller noted a "strong odor of an alcoholic beverage coming from his (Johnson's) person" during this close contact. [REDACTED]

Special Agent Thomas Custer reported seeing a Trinity employee ([REDACTED]) receive an ID from a young black male (Johnson), point to the ID, then place it in his extended right hand toward the exit. Miller approached to speak to Johnson who stepped away from Miller. Miller reached out toward Johnson in another attempt to speak to him, and ask for the ID. Johnson withdrew his arm and turned his body away from Miller. Custer

approached Johnson at this point, and advised him, "The officer behind you is trying to talk to you." He also noted that Johnson's eyes "appeared glassy." Johnson turned away from Custer; at which point, Custer grasped Johnson's left arm to aid Miller's attempt to stop Johnson and conduct his investigation. Custer told him, "Stop, police," as he grasped the left wrist of Johnson. Johnson attempted to pull away, and Custer's grip slipped. This caused both Johnson and Custer to fall to the ground. Custer landed on his right elbow and Johnson's head struck the sidewalk. Custer instructed him to stop resisting as Johnson continued to pull away and kick, trying to break Custer's grip. Custer was able to place Johnson's left wrist in handcuffs. Johnson was attempting to turn over and began shouting racial accusations. Custer repeated instructions to stop resisting, and told Johnson there was an ambulance on the way to check him out. Special Agent John Cielakie placed another set of handcuffs on Johnson's right wrist, and they connected the two pairs of handcuffs. Johnson continued to "try and grab" at officers, and move away from them on the ground.

Custer asked for Johnson's name and was told, 'Martese' but that he goes by 'Tese.' Custer spoke to him by name which seemed to calm him down. He explained they were going to get him off the ground in order to tend to his injury. Once standing, Johnson resumed shouting racial comments towards the first aid workers because they were white. Johnson addressed one female first aid worker, [REDACTED], who is of Indian descent saying, "Look what they did to me, you understand, we're both minority." Custer also went to the hospital due to the pain in his right elbow. He was examined, x-rayed, and released.

Special Agent John Cielakie reported having a brief conversation with Trinity owner, [REDACTED] just before this incident. Cielakie told [REDACTED] the officers were not "looking" for violations but were concerned about the crowd that was out front. [REDACTED] thanked the officers, and said it made his life easier because they were there. Subsequently, he saw [REDACTED] examine the ID of a "youthful appearing black male." [REDACTED] shook his head in a "no" fashion, and extend the ID towards the exit. The male (Johnson) grabbed the ID from [REDACTED], and walked towards the exit. Miller began to walk towards Johnson, and Cielakie asked if he was going to check the ID; Miller said he was. Cielakie turned to converse with Fire Marshal [REDACTED]. When he turned back, he saw Johnson pulling away from both Miller and Custer. He observed Custer "trip," and all three men fell to the ground. Johnson's head struck the brick sidewalk. Cielakie saw blood from a cut to Johnson's head. He immediately called for assistance and a rescue squad. He heard Custer tell Johnson to stop resisting as he attempted to place him in handcuffs. Miller and Custer had one handcuff

on, but could not get the left arm controlled. Cielakie placed another handcuff on the right arm, and they connected the two pairs of handcuffs. Johnson continued his resistance, and Cielakie applied a set of leg restraints. Johnson continued to shout "racial" comments towards the officers and rescue squad personnel. Once at the hospital, Johnson initially refused treatment because he did not have the money. Cielakie spoke to Johnson advising he needed to get his injury treated, and assured him the officers cared that he received treatment. Johnson ultimately consented to be treated.

██████████ arranged for interviews of the fire marshal at the scene, as well as, rescue personnel and Charlottesville police officers that responded.

Fire Marshal ██████████ advised he was present on 'The Corner' to watch for businesses exceeding capacity restrictions that could lead to unsafe environments. He was introduced to the ABC officers earlier in the evening by a Charlottesville police officer. Cielakie gave him a business card, and they discussed locations experiencing large crowds. Around midnight, ██████████ entered Trinity to advise management about an overcrowded balcony. At that time, ██████████ told the manager it was his opinion Trinity was at capacity, and they would have to proceed with a "one for one" admission practice until the crowd thinned. ██████████ told a black male bouncer (██████████) as he exited, and he acknowledged. ██████████ described the crowd, forming to get inside Trinity, as a "mob" that was, at times, essentially blocking the entrance. ██████████ was standing with the ABC officers when the owner/manager (██████████) came over. ██████████ was introduced by the ABC officers. ██████████ basically thanked them for coming out to help with the crowds. ██████████ was watching the balcony when his eye was drawn to a commotion. One of the ABC officers was attempting to control a male subject (Johnson), by holding an arm. A second officer approached and took hold of the other arm. They went up the sidewalk 15 to 20 feet before they began to try and get him to the ground. Johnson was not cooperative, and they were having trouble controlling him. They ended up on the ground, and the male was eventually handcuffed. Johnson was very agitated and vocal. When the EMS workers approached, Johnson said, "You're all white; you're all racists." ██████████ did not have close enough interaction to make further observations.

Charlottesville Fire Department Engine 7 responded with three personnel on board. One firefighter, ██████████, reported he was within three feet of Johnson when he was sitting on the back of the police van. ██████████

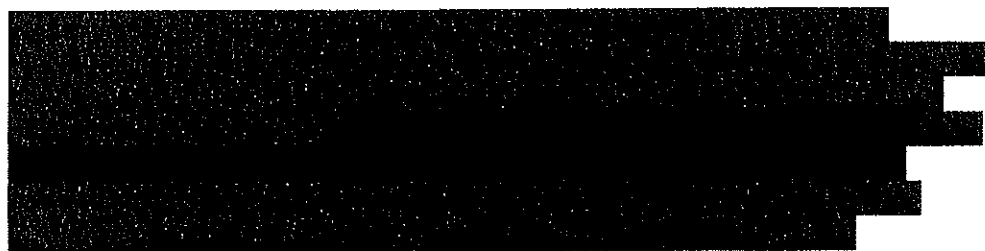
Neither of the other two firefighters reported being close enough to make observations.

[REDACTED]

[REDACTED]

Several Charlottesville police officers (CPO) responded to the scene, mostly for crowd control and containment. Officer [REDACTED] arrived in the transport van, and witnessed the ABC officers telling Johnson to stop resisting. He encountered a black female, later identified as [REDACTED], loudly objecting to what was happening, and crowding in on the officers. [REDACTED] used an extended hand to keep her from moving forward. [REDACTED] said, "Don't fucking touch me!" which led to her being briefly detained and handcuffed. [REDACTED] had her sit in a chair in front of one of the businesses. A male identifying himself as [REDACTED], later identified as [REDACTED], told [REDACTED] he would tend to [REDACTED]. [REDACTED] released [REDACTED], and turned his attention towards Johnson who was now seated on the rear bumper of the transport van. Johnson was refusing treatment or conversation with the white officers. Johnson said, "I'm not talking to any

fucking white officers." He was refusing to be cleaned up, and said it was part of a "statement of what he was going through." [REDACTED] stepped up, and tried to calm the situation so Johnson would receive treatment. Both [REDACTED] and [REDACTED] had inquired of Johnson's condition, but could not be located until [REDACTED] noticed [REDACTED] being kept away from the ambulance by another CPO officer. [REDACTED] informed both subjects where Johnson was being taken. [REDACTED] was later called to the emergency room to transport Johnson to the Albemarle Charlottesville Regional Jail (ACRJ).



Cannon, ABC supervisor, arrived at the hospital to initiate an administrative Use of Force/Injury to a Prisoner investigation. Cannon spoke briefly to Johnson who told him he had gone to Trinity to see a friend. Johnson said an ABC officer in plain clothes asked to see his ID, and prevented him from going into Trinity before the uniformed ABC officers approached. Cannon believes Johnson mistook [REDACTED] to be a plain clothes officer. No one from ABC was in plain clothes on 'The Corner.' Johnson told Cannon he drank two beers in his room earlier in the evening.

Johnson was taken before the magistrate, warrants were issued and a Commitment Order was issued at 4:21 a.m. Johnson was received at the ACRJ at approximately 4:32 a.m. after his appearance before the magistrate. During the inmate medical screening, conducted by ACRJ Officer [REDACTED], there were multiple entries with affirmative answers to questions regarding whether or not the inmate (Johnson) appeared to be under the influence of alcohol. Somewhere between 4:30 a.m. and 5:00 a.m., the magistrate requested Johnson be administered a PBT (preliminary breath test). [REDACTED] said the result was .002%. [REDACTED] advised he only used the device approximately six times while employed at ACRJ since 2013. The PBT was last calibrated on October 17, 2013. When checked on April 9, 2015, the reading on a known .10% dry gas sample resulted in a reading of .084%. It was noted the device was not stored with the "SET" button depressed as suggested by the manufacturer. When the "READ" button was depressed, the displayed

reading was .002%, before resetting the device to collect the dry gas calibration sample.

██████████ and assisting agents interviewed several witnesses who were either acquainted with Johnson or were accompanying him on the night of the incident. A handful of witnesses outside of, or near Trinity that night, called in on a tip line, or otherwise made themselves known to investigators during the early stages of the investigation. Others were identified from video of the incident, developed from interviews, or gave interviews to the press indicating they were in Johnson's company that evening but did not immediately come forward. Contact was made either in person, by phone, voice mail and or email with 24 witnesses not counting first responders, Trinity employees, or jail personnel. Several declined to speak to investigators for varying reasons. Through these interviews, Johnson's activities prior to arriving at Trinity were documented.

Johnson and his two roommates, ██████████ and a male, known by investigators only by the name '██████████' went to an apartment on West Main Street in Charlottesville known as "The Flats." The apartment was that of ██████████, ██████████, and ██████████. ██████████ was having third and fourth year student friends over for drinks. Other persons present at this apartment included ██████████, ██████████, and ██████████. Johnson arrived with a "loud" entrance according to ██████████ and was observed by several as having brought his own bottle containing a brown liquor. ██████████ said it was definitely a Jack Daniels bottle. ██████████ said she observed Johnson drink the small portion (approximately 3/4 inch depth) that remained in the bottle of a fifth of whiskey. ██████████ reported seeing Johnson finish off what was left in the bottle that he brought.

After some time, the group went down to another apartment in "The Flats" belonging to ██████████, ██████████, ██████████ and ██████████. No alcohol was being served in this apartment so the group left very shortly after arriving. The makeup of the group would vary during the evening as small groups split off and went different directions to different destinations. Their accounts of exactly who was together at these locations varied. Many went to 'The Lawn' where beer was being served before heading off to various establishments on 'The Corner.'

Johnson told investigators the only person he was directly with; approaching "this event" was ██████████. ██████████ advised after leaving the second apartment, they went to 'The Lawn' as a group where beer was being served from Room ██████████. He does not know whether or not Johnson

drank there or not. [REDACTED] remembered Johnson handing her a beer, but did not remember seeing Johnson drink anything. They stayed in that area about 30 minutes. Johnson and others in the group ended up at Crozet where both [REDACTED] and [REDACTED] remembered Johnson ordered a mixed drink. [REDACTED] reported Johnson ordered three rum and cokes. Johnson drank one himself, gave [REDACTED] one, and could not remember who got the third. [REDACTED] said Crozet "cards" at the door, but does not know how Johnson got in unless it was because there was a fairly large group of over-21 students, and they just didn't check him closely.

They remained at Crozet approximately 45 minutes to an hour before heading towards Trinity. [REDACTED] reported that Johnson knows all the bouncers at Trinity. He added that all the bouncers at the bars are in the habit of admitting their underage friends. Johnson's good friend, [REDACTED], works there. Johnson and [REDACTED] are in the same fraternity. They usually do not have to wait in line, but there was a crowd. Johnson got up to [REDACTED] to say hello, and the other bouncer ([REDACTED]) asked to see his ID. There was a brief conversation and Johnson misstated his zip code. According to [REDACTED], the bouncer said, "Get out of here." Johnson was walking backwards still trying to explain the wrong zip code, but the bouncer was pretty much ignoring him. Johnson was saying things like, "Come on man," and at some point said, "This is bullshit."

[REDACTED] said uniformed ABC officers approached, and asked something like, "What's going on with this ID?" Johnson shrugged them off and attempted to walk away. The officer got a little more aggressive, and a second officer also grabbed onto Johnson's arm. That's when they "slammed" him to the ground. [REDACTED] did not feel the "shrugging" off warranted Johnson being taken down like that. Despite the racial comments made by Johnson, [REDACTED] did not believe the officers approached because of race or malice. He did believe Johnson's treatment afterwards was affected by his race. [REDACTED] admitted Johnson was probably a "bit intoxicated." [REDACTED] used [REDACTED]'s phone to video some of the event.

[REDACTED] referred to Johnson as a "little drunk; drunk enough that [REDACTED] and I told him he shouldn't be driving." She also saw him drinking whiskey at her apartment earlier. She admitted to owning a fake ID, but often gets into bars without showing ID. [REDACTED] has let her into Trinity and she knows he lets Johnson in, as well. She told investigators it is her belief that many friends in their group have had problems with alcohol. She said anyone in their group that night that says Johnson was not drunk is not telling the truth. She confronted [REDACTED] about his interview on CNN's Anderson Cooper, calling it untruthful. She felt like everyone was

using this event as a platform for the "black" thing. ██████ described her own condition that night as intoxicated, and was embarrassed about her conduct. She initially heard ██████ shouting, and came to calm him down; Johnson was already on the ground. She got caught up in the moment, and began to get loud herself.

██████████ reported seeing the dialog between Johnson and the bouncer, but not hearing it. The bouncer handed the ID to another bouncer who was standing at the exit. Johnson continued in conversation with the bouncer when the ABC officer approached. The second officer came from behind and started "wrestling" Johnson who was saying, "Get off me." The officers were trying to put Johnson on the ground, and he was trying to stand back up. Johnson was forced to the ground where his head hit the sidewalk. It was ██████'s opinion, Johnson was "not resisting to the point that had to happen." By the time he got his phone out to record, Johnson was already on the ground. ██████ knows ██████, and has been admitted by ██████ into the pub in the past before he was 21. He used a fake ID, and does not know if ██████ was aware he was under 21.

██████████ was in line to get into Trinity; a line she described as a "mob." She saw someone being pulled toward the sidewalk. At once they were standing, and the next moment they were on the ground. She realized it was Johnson and told ██████ on the phone she was going home and did not want to be around trouble. ██████ did not leave, but did take some pictures of Johnson sitting on the rear of a vehicle wearing shackles. She met Johnson for the first time that evening, and never actually saw him drinking. She assumed he was drinking because everyone was drinking.

██████████ did not see Johnson drink anything earlier in the evening at the apartments. She and others split off before meeting back up in the line to enter Trinity. She was just behind ██████ and Johnson, and saw Johnson give his ID to the bouncer. He gave a wrong zip code, and the bouncer said he could not accept his ID. Johnson was explaining he had moved, and gave a newer zip code. He kept saying, "Sorry, I moved, I moved." Johnson stepped aside and she assumed he was leaving. She described him as "upset" and "flustered" but not mad. She entered the pub, and called ██████ on the phone to tell her to come in. ██████ told her someone was on the ground outside. ██████ came out and saw Johnson yelling, and people videotaping and yelling. ██████ admitted using a fake ID to get into bars before turning 21, and occasionally a bouncer friend would let her into bars without checking the ID.

██████████ advised she did not see any of the altercation between Johnson and the officers outside of Trinity. She and her friends had been drinking throughout the night. She did not believe anyone would be considered "sloppy drunk" to include Johnson. She told him earlier that night that he should not be drinking and driving, and knew he was under 21. She did not ride in a car that night with Johnson. She has a DUI on her record, and would not put herself in a car with someone who was underage and drinking. She and ██████████ did ride with ██████████ at some point.

██████████ was in line at Trinity with ██████████ when someone said "our boy" was getting arrested. When they looked, Johnson was already on the ground; he neither saw nor heard any of the preceding interaction between the officers and Johnson. ██████████ reported hearing one of the officers tell Johnson to just relax. ██████████ said he told Johnson, "Do your best to relax." Johnson said, "██████████, help me please, help me please; I have no idea how it got to this point, help me."

██████████ reported meeting back up with ██████████ and Johnson inside Crozet, then leaving to walk towards Trinity. Johnson and ██████████ moved ahead in the line, and he got caught talking to other friends, and fell behind. ██████████ heard a quarrel, looked and saw Johnson on the ground. He did not see the interaction of Johnson with the bouncers or officers, but knew he was under 21.

██████████ declined to be interviewed. He inquired if investigators were seeking information on "Martese's behalf, or their (the officers) behalf." He said he did not want to talk to investigators. ██████████ is employed at the ABC store on ██████████ in Charlottesville.

Contact was attempted by phone with ██████████ and '██████████' at phone numbers provided by ██████████. Voice mail messages were left; no return calls were received. An e-mail message was sent to an e-mail address obtained through the UVA website. No message was received in return. The actual identity of '██████████' was not developed through any other interviews conducted by investigators; therefore, no e-mail address could be determined to attempt contact by that method.

██████████ and assisting agents also interviewed witnesses near Trinity on the night of the incident that were not acquainted with Johnson, and had not spent time with him earlier in the night.

██████████ reported the area around Trinity as "very crowded" with a lot of pushing and shoving in the crowd. The bouncers seemed to be more

aggressive and 'on edge' than normal. Everything happened quickly. She saw three people circle Johnson, and pull him out as he was being arrested. A crowd formed, and the view was obscured. She did not hear any of the conversation between Johnson and the bouncers, or officers. She knew Johnson from a prior group conversation on 'The Lawn,' but did not actually recognize him as the person being arrested the night of the incident.

██████████ reported being in front of College Inn facing towards Trinity using an app on her phone. She heard a commotion, and someone yelling, "You fucking racist." A black male was coming back from the bar area towards the line, and two officers were trying to detain him and handcuff him. The male was continuing to resist and was getting further away from the entrance to the bar. The officers finally grabbed him, and they all fell to the ground. The male's head struck the ground, and blood was running down his face. People started to gather and ██████████ left the area.

██████████ reported seeing Johnson already on the ground when she walked by the area of Trinity. He did not appear to be fighting the officers, merely reacting to being restrained. The officers were not beating Johnson; they just appeared to be trying to control him. She did not hear anything the officers were saying.

██████████ reported walking towards Trinity and seeing Johnson already on the ground. The gathering crowd seemed to be upset that Johnson was bleeding and no one seemed to be rendering aid.

██████████ reported seeing two officers approaching the Trinity line to speak to Johnson. ██████████ presumed Johnson did not want to talk to them because he had a fake ID in his hand. He wanted to get away from them. Things escalated quickly. ██████████ did not see who touched who first. He saw Johnson pull his hands away from the officers as they reached towards him. Johnson spun away towards the street as the officers were trying to stop him. He was yelling at the officers saying they were "fucking racists." He appeared to be drunk, and was not making smart decisions as they were telling him to, "Stop resisting, stop fighting." The officers got him on the ground; soon after, you could see blood running down his face. The officers were doing a "poor job" of handcuffing Johnson. Johnson continued yelling, "You fucking racists. Get the fuck off me." ██████████ left after Johnson was taken to the police van.

██████████ reported seeing Johnson bypass the line, and go straight to the bouncer to show his ID. The officers came in to speak to

him. Johnson got more aggressive and angry; he was talking louder and gesturing. As an officer moved to take hold of one arm, Johnson "freaked out," and moved away. They all ended up on the ground where Johnson's head struck the ground. It looked like they fell to the ground because officers were trying to handcuff Johnson, and he resisted. ██████ said the cops did their job. The cut made it seem brutal; but he felt the injury was an accident and not excessive force.

██████ reported hearing a commotion as he walked by Trinity, and saw two ABC officers talking to Johnson who was raising his voice at them. Johnson had, what looked like, his ID card in his hand, and both hands were raised up as officers attempted to secure his hands. Johnson pulled away twice from the officer's attempts, continued to raise his voice, and say they were stopping him because of his race. ██████ believed the officers "purposefully, but not intentionally violently, took him to the ground." Johnson's head was cut as it hit the ground. Johnson resisted the officer's attempts to put him in handcuffs, keeping one arm up and raising his middle finger. The officers instructed Johnson to stop fighting. Johnson continued to shout that the officers were, "Fucking racist, racist as shit." ██████ had previously witnessed Johnson play the "race card" when he was refused entry into a private party, and became disrespectful. He believed his belligerence towards the officers was because he was drunk.

██████ reported seeing Johnson in Crozet earlier. He knew Johnson from a prior occasion when his fraternity refused to let Johnson into a party because he seemed too drunk and very aggressive. Johnson accused them of being racist. ██████ was in the area of Trinity, and saw Johnson trying to cut into the line; he went straight to the bouncer. The bouncer did not let him inside, and two officers approached. One officer began talking to Johnson. Johnson was getting heated, and the crowd was yelling, "Tese, Tese," trying to calm him down. ██████ reported seeing Johnson "swat" the officer's hand away and turn. That is when the officers grabbed his hands to put them behind his back. They took him to the ground. There was a struggle on the ground. It seemed the officers were having trouble handcuffing him. He was squirming, and yelling obscenities. The officers were telling Johnson to cooperate, and stop moving his hands. Johnson kept yelling, "Fuck you, you racist bastards. I'm a UVA student, how can you do this to me?"

During the course of the investigation, ██████ obtained training records for each of the agents involved in the arrest of Johnson. (See Attachment No. 3)

All three officers completed basic law enforcement training sessions in accordance with standards set by the Department of Criminal Justice Services (DCJS) for sworn law enforcement officers in Virginia. Their in-service training mandates, also regulated by DCJS, were up to date. Miller and Custer were employed with ABC since April 10, 2013. Cielakie was employed with ABC since August 10, 2012. Miller and Custer had no internal files related to previous Response to Active Resistance. Cielakie has one, but that is under court seal.

All three officers attended a three day ABC in-service session, in the Fall of 2013, entitled, "Citizen Encounters, De-escalation/Disengagement, Use of Force Scenario Training." This session was a combination of classroom instruction, group discussion and live-scenario, practical exercises dealing with citizen contact, communication through professionalism, rapport building, and response to threats/officer safety/disengagement.

Forty-one ABC agents across the Commonwealth worked in, or around, Saint Patrick's Day events on March 12, 14 and 17, 2015. One of the agency's primary techniques utilized by agents to ensure public safety and compliance by licensees, and to actively work complaints and investigations, is to conduct observations in and around licensed establishments, or special events. In 2014, ABC agents conducted 2,807 total observations, 1,950 of which were very similar to the activities of the three agents on 'The Corner.' They were not exclusively addressing any particular establishment. Of the 1,950 observation operations, 175 were conducted in, and around, college campuses.

Thirteen total charges were made by ABC agents during the three days of St. Patrick's Day events in 2015. Six were for Public Intoxication, four were for Possession of Fake Identification, and one each for Underage Possession of Alcohol, Disorderly Conduct, and Obstruction of Justice. The Roanoke Region for ABC, also worked in, and around, the college campuses of Radford University and Virginia Tech. Those charges were made against 11 individuals; six males and five females. The racial breakdown of the individuals is as follows: four Caucasian, three African-American, two Asian, and one listed as Middle Eastern. Seven were taken into custody, and four were released on a summons. Based on a review of the incident reports, only Johnson offered active resistance during citizen contact with ABC agents. ██████ obtained a letter from Shawn P. Walker, Director of ABC law enforcement, documenting this information. (See Attachment No. 4)

As a part of his investigation, [REDACTED] researched ABC General Orders that applied to the events surrounding Johnson's arrest and the aftermath.

ABC General Order 216, "Operational Plans/Special Event Operations," requires the completion of operational plans in certain settings or circumstances. (See Attachment No. 5) The three agents conducting observations in the area of 'The Corner' in Charlottesville, March 17-18, 2015, were not involved in an activity that would automatically trigger the requirement; therefore, no written operational plan was prepared. Special events or specific observation of any one establishment may have required a written plan. The officers were in uniform, and displaying badges. They were not operating with undercover officers, or in a group of five or more officers. Cielakie reported he made contact with the Emergency Communications Center (ECC) for Charlottesville and the Virginia State Police in Appomattox to advise they would be working in the area. Each communication center was provided with a description of the silver, unmarked Chevrolet Impala ABC police vehicles they would be driving. The centers were advised of the areas the agents would be working and provided a contact number and the unit or badge numbers of the agents working. Agents were equipped with a Charlottesville radio which would put them in immediate contact with the ECC.

ABC General Order 200, "Response to Active Resistance," provides agents with guidelines on the use of lethal and less lethal force to protect life and provide for the public's safety. (See Attachment No. 6) It also provides definitions and a structured response of post-event responsibilities of agents and the agency. One such definition is in Section III, D: "Reasonable Belief - When facts or circumstances the agent knows, or should know, are such as to cause a reasonable or prudent agent to act or think in a similar way under similar circumstances." Another, in Section III, G: "Response to Active Resistance Continuum - A training model/philosophy that supports the progressive and reasonable escalation and de-escalation of agent-applied response to the actions and level of resistance offered by a subject. The level of response is based upon the severity of the crime, immediate threat, active resistance to arrest, or attempting to evade arrest by flight. Such response may progress from the agent's actual physical presence at the scene to the application of lethal force."

Agents are instructed to first attempt to achieve control through verbal commands, or persuasion, when practical. Reasonable force may be applied when resistance to arrest, or threat to life, is encountered. It is the agent who must determine, based on the circumstances known to the agent at the time, the necessity and appropriate level of force to employ

based on the severity of the crime, threat posed, and level of resistance, potential danger to the public, and rapidly changing dynamics of a situation.

The application of force includes a wide range of alternatives. Those include the mere presence of the agent, verbal commands, approved compliance techniques, Bureau-issued chemical agents, other defensive tools and techniques, and, finally, lethal force. Agents are to modify their level of force in relation to the amount of resistance offered by the subject. If resistance lessens, the agent shall lower the amount or type of force applied. Conversely, if resistance escalates, agents are authorized to respond with appropriate techniques and tools to gain control. Agents are to approach all situations in a manner consistent with Bureau policy and training. When situations cannot be diffused through advice, warnings or verbal persuasion, agents are to make tactically sound decisions, use back-up officers and safety training to minimize the danger to themselves and the need to use force. If defensive tools are used, they must be used in accordance with procedures and training.

In the case of Johnson's arrest, agents only used physical force to detain and arrest Johnson. They did not utilize any such defensive tools. The injury to Johnson occurred when the agents and Johnson went to the ground and Johnson's head came into contact with the hard surface sidewalk. Photographs also depict abrasions to the agent's extremities when they contacted the sidewalk.

██████████ concluded his investigation with the following summary of facts:

According to the officers' reports, and the totality of the witness statements, Johnson attempted to enter Trinity Irish Pub at approximately 12:45 a.m. on March 18, 2015. He presented an Illinois ID card with an old address on it, and gave ██████████ a different zip code than that which appeared on the ID. ██████████ denied him entry, and Johnson persisted with attempts to prove the ID was valid. His objections became louder, and according to some, included cursing and swearing. Johnson told Cannon he believed the bouncer to be a plain clothes ABC officer. Johnson's apparent routine was to deal with ██████████. ██████████ himself reported he did not usually work the door. ██████████ and Johnson did not know each other. The agents present to make observations in, and around, licensed establishments approached to inquire further about the ID.

Student witnesses confirm that fake ID's are prevalent, and often used by underage students to gain entry into bars on 'The Corner.' When Miller

asked to see the ID, Johnson did not comply, and used words such as, "No, I'm good," and attempted to ignore Miller, and walk away. Miller continued to seek the ID of Johnson, and placed his hand on Johnson's arm which, according to his own words and witness accounts Johnson "shrugged" off. Custer confronted Johnson, and reported telling Johnson, "The police officer behind you is trying to talk to you." By some accounts, Johnson was already making bias based accusations towards the officers.

Johnson turned away, and continued to try and leave before the agents could investigate further. The two officers each took hold of an arm, and the resistance offered by Johnson caused them to move about on the sidewalk area for several seconds. The agents reported attempting to "escort" Johnson to the ground. Most witnesses, and the agents, reported the three tripped and fell hard to the ground simultaneously. With Johnson's arms restrained, his head struck the ground first causing the laceration. Video of Johnson and the agents on the ground showed one arm controlled more than the other during the handcuffing attempt. One agent was clearly heard telling Johnson to, "Stop fighting and put your hands behind your back." (See Attachment No. 7)

Once secured, Johnson continued to make bias-based accusations and statements to the police officers and rescue personnel on scene. He was described as "belligerent" and "agitated," and was seen on a video from the CPD transport van moving about and not allowing rescue personnel to clean his wound. Johnson was ultimately transported to UVA Medical Center, treated and subsequently transported to ACRJ where he appeared before a magistrate.

The magistrate, found probable cause based on sworn statements from Miller, and issued an arrest warrant for a violation of Section 18.2-460, Code of Virginia for Obstruction of Justice, a Class 1 Misdemeanor (See Attachment No. 8) and a summons for a violation of Section 18.2-388, Code of Virginia for Public Intoxication. (See Attachment No. 9) The magistrate also issued a Commitment Order holding Johnson until deemed sober. Johnson was described by acquaintances and strangers in various terms to be intoxicated.

Johnson's own statement and description of the events preceding the encounter with the agents was limited by his legal counsel. He did not comment on whether he did or did not consume alcohol. His account of who was in his company was inconsistent with the statements of others.

The agents in this matter also limited their statements upon the advice of legal Counsel, to the written reports submitted in accordance with their duties that night.

That concludes the summary of the criminal investigation.

I interviewed Chris Goodman, Deputy Director of ABC, on June 25, 2015 in his office at the ABC Main Office located at 2901 Hermitage Road in Richmond, regarding this investigation. Captain Gary B. Payne was also present for the interview. We identified ourselves, and Goodman was made aware of the purpose of the interview. The interview began at approximately 2:00 p.m. and concluded at approximately 2:30 p.m.

Goodman said it is his practice to have the regional agents in charge contact their special agents in charge on a weekly basis to inquire about the work plans each region has for the weekends. These plans are then submitted to Goodman for review/approval. The plans submitted from Cannon to Michael T. McKee, Regional Agent in Charge, concerning the Saint Patrick's Day holiday, 2015, were received by Goodman and approved. Goodman explained the activities the agents had planned did not require an operations plan.

Goodman said he was notified of the incident involving the arrest and injury of Johnson on the morning of March 18, 2015, by McKee. McKee explained the details surrounding the incident, and told Goodman, Cannon had responded to the hospital to investigate the matter. Goodman felt as though all the proper notifications and procedures had been followed, including submission of the required reports.

That concluded the interview with Goodman.

I interviewed Custer on June 25, 2015, in the conference room at the ABC Office located in Charlottesville. Captain Payne was also present for the interview. We identified ourselves by presenting our Internal Affairs identification. Custer was presented with a letter informing him this was an administrative investigation/review being conducted at the request of the Office of the Governor, and that a written statement would be required. (See Attachment No. 10) Custer's oral statements were essentially the same as included in his letter dated June 26, 2015. (See Attachment No. 11) The interview began at 10:05 a.m. and concluded at 11:55 a.m.

Custer said prior to the night of March 17, 2015, he received an e-mail from Cannon asking the name of any Irish pub, or restaurant, in his assigned territory. Custer responded back to Cannon he did not have any Irish pubs or restaurants. A few days later, an unannounced meeting occurred with Agents Cielakie, Miller, Cannon and Custer to discuss the option of working Saint Patrick's Day in the city of Charlottesville, or at an upcoming sorority party. It was determined their efforts would be best utilized on Saint Patrick's Day. It was also determined there are a couple of Irish bar

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businesses in the city of Charlottesville they would need to check on. They were McGrady's and Trinity's. A couple of days later, they discovered a large 'rave party' was going to be held on Saint Patrick's Day at the Jefferson Theatre located in the downtown mall in Charlottesville. It was discussed and agreed on Cielakie, Miller, and Custer would start their night working the area of the Jefferson Theatre where they have a good working relationship, and later they would make their way to 'The Corner' area of Charlottesville.

On March 17, 2015, the agents met at the Regional office dressed in their department-issued uniforms, as they discussed prior. Cielakie made notification to Charlottesville dispatch and State Police dispatch making them aware they would be out working in these areas, how they were dressed, and a description of the vehicles they would be driving. All agents were wearing their duty belt containing their issued handgun, pepper spray, handcuffs, and Asp baton. All of the agents loaded into their vehicles along with summonses books, evidence bags, and evidence containers. They then made their way to the Jefferson Theatre.

Once at the Jefferson Theatre, the agents met with the various bouncers and employees. They stood around talking for a while, and just getting to know each other waiting for the specific time the doors would open. Once the doors opened, it was a very diverse crowd; young, old, and of all races. Everything ran smoothly the entire evening. On one occasion, Custer was alerted by one of the bouncers he believed he had a young female presenting him an ID that was not her own. He took possession of the ID, and asked the young lady to step to the side. After Custer felt certain this was not her ID, he explained to her he was going to issue her a summons for using or attempting to use a fake ID in order to consume alcoholic beverages. They continued to monitor the lines coming into the Jefferson Theatre for a while, and made several trips into the event where they observed many people consuming alcoholic beverages, dancing, and socializing. They then met with the manager and bouncer, and made them aware they were going to be leaving the event.

Custer said, after leaving the Jefferson Theatre, the agents stopped at a McDonald's where they had some dinner, and discussed the event at the Jefferson Theatre, and how great a relationship ABC has with the management there. They discussed where they were going next, which was 'The Corner' area. Miller contacted a previous coworker, [REDACTED], who works for Charlottesville Police Department, and made arrangements to meet near the police substation near 'The Corner.' They drove to the predetermined meeting spot where they all introduced themselves to other law enforcement officers. After speaking with them for a short while, the three ABC agents ended up across the street in front of Trinity Irish Pub along with the Fire Marshall ([REDACTED]).

While standing out front, they were made aware by [REDACTED], Trinity was over occupancy, and he had already told them to let some people leave. [REDACTED] described it as extremely

packed and dark inside the club. Soon after, ██████ asked if one, or all of them, would go inside with him because it was so crowded, and if something happened, he did not want to be in there alone. Cielakie and Custer went into the establishment with ██████ where Custer observed it was just as described. It was very crowded with a diverse group of males and females from young to old. During the walk through, Custer observed it was not well lit. On the second floor there was a young female who was vomiting on the floor. When he asked if she was okay, a bouncer came and escorted her down the stairs, and out the door. After walking through the establishment, they made their way back outside where they stood closest to the curb and observed actions from the patrons on the balcony and in line to enter. While standing outside, one of the bouncers asked Custer if he could help get the crowd back because they were starting to push each other, and it was beginning to place the bouncers with their backs against the metal railing causing them to not have control over the entrance door. Custer responded letting the bouncer know they were not there to interfere with their business, and it was not their responsibility to control all those kids.

Custer said he noticed Cielakie speaking to a male who came from inside the establishment, who he later learned was ██████. He overheard ██████ state he was glad they were out, and Cielakie said something to the effect of, "We aren't here because of complaints or anything, just working the area." ██████ went back inside, and all of the agents and ██████ continued to watch the crowds of people, and monitor what was going on. He observed, on several occasions, male and female patrons walk up to the exit area where different bouncers would allow them to come inside without waiting in the line. The crowd outside was pushing each other and the gate was pushed out from its original place due to the pushing of people. Custer also observed several people jump over the gate due to the fact they were being pushed too hard against it. Custer recalled on two to three occasions, while standing on the curb with ██████, a young-appearing, light skin, male subject walked by staring at them. As he walked by them on one occasion, he made the statement, "Fucking Pigs." No one responded to the foolish comment. The same subject walked by again and, was saying very loudly, "You smell that? You smell that? Smells like a bunch of pigs are out." Still no one responded to his comments.

As Custer continued observing the crowds and speaking with ██████, he observed a young-appearing black male, later determined to be Johnson, present what appeared to be identification to ██████. He was standing approximately ten yards from this interaction. He observed ██████ place the ID in his right hand, and hold it out toward the exit area of the front of the establishment. He then observed Johnson snatch the ID from ██████ hand in a quick, and, what appeared to be, forceful way, not gently removing it. Custer saw Miller make movement toward Johnson. He could see Miller's lips moving but was unable to hear what he was saying. Johnson took a small side step to move around Miller, and Miller reached out and placed his hand on Johnson's right elbow. Johnson quickly jerked his arm from Miller's hand, and continued walking.

Custer took a couple steps forward within a few feet of Johnson facing him. Custer placed his left hand out pointing behind Johnson, and stated, "The police officer behind you is trying to talk to you." Johnson looked up at Custer, paused briefly looking at his chest area where his name and badge were present. Custer was then able to observe Johnson's eyes were glassy, and he could also smell a strong odor of alcoholic beverages. However, at that time, he could not determine if it was from Johnson or just the people in the area. Johnson attempted to turn toward the left, and walk around, or away, to evade Custer when he reached out and grabbed Johnson's left arm creating a barrier so he could not continue to turn away, and continue walking. As Custer placed his hand on Johnson's left arm, Johnson immediately attempted to pull away. He lost his grip on Johnson's arm but managed to grab his wrist and then stated, "Stop, Police."

Immediately, Johnson started jerking, spinning, and pulling away from Custer in an attempt to break his grip. Custer recalled a very brief struggle where Johnson was attempting to break free, before they quickly, and accidentally fell to the ground. Custer explained he did not have time, nor did he attempt to perform any type of offensive or defensive tactic to take Johnson to the ground. When they fell to the ground, he remembered his elbow striking a metal grate. Johnson's arm and weight was on top of Custer's right arm. He recalled thinking he needed to get up, and get control of the situation. As he pushed up from the ground, Custer still had Johnson's wrist, and was able to overpower him, and place it in the small of his back. He placed his knee on Johnson's shoulder blade area. Custer was able to retrieve a pair of handcuffs from his duty belt, and place Johnson's left wrist in the handcuff, securing it. It was then, he noticed that Miller was on the ground as well, and he began struggling with Johnson to gain control of his right wrist. Custer began giving orders to Johnson to stop fighting, and stop resisting. Johnson began screaming, "You fucking racists!", "Look what you did to me you fucking white racists!", "I go to UVA you racists!" over and over again. During this time, Johnson was able to look over his right shoulder where Custer was, and he noticed a small gash on Johnson's hairline that was bleeding.

Custer said he told Johnson to stop resisting because they had to get him secure before the EMT's could look at him. Miller continued to struggle for the right wrist during the entire time. Custer could feel pain shooting through his elbow, and at times feeling like it was numb. He continued to hold Johnson's wrist in the small of his back as he continued to resist them by pulling his arm away, spinning on the ground, and trying to roll over. Custer did not feel he needed to increase the amount of force he was using because he had enough control of Johnson that he could not run away or injure them. At no time did Custer or anyone else strike, punch, kick, knee, throw, or slam Johnson during this altercation. As Miller was able to gain some control of Johnson's right wrist, and place it toward the small of his back, Custer attempted to place the other handcuff on it. But Johnson was able to grab the handcuff with his left fingers trapping his fingers on his right hand in the chain links. Johnson was able to overpower Miller, and get his wrist back out to the side of his body.

Throughout the incident, Custer observed many people from the crowd screaming, "They slammed him!", "His face is cut up!", "They beat him!", "Get the fuck up off him!" He also noticed many people holding their phones trying to record the incident. Custer heard, from the crowd of onlookers, a male's voice saying "Calm down Martese." Custer looked up at the gentleman who was a young, black male, and asked, "What is his name?" He responded, "Martese, but everyone calls him Tese." Custer then began calling Johnson 'Martese' and 'Tese'; trying to become more personal in hopes of calming him. Custer observed Cielakie walk over, and place a handcuff on the right wrist of Johnson, and pull it back over to his handcuff where they were able to lock the two pairs of handcuffs together. Johnson continued to try and roll over and continued to kick his legs and feet. Miller and Cielakie were able to control his legs, and another law enforcement officer brought a pair of leg shackles over, and they were placed on Johnson's ankles. Johnson seemed to calm down for a few moments and followed instructions as to how they would roll him over onto his butt, place one foot under him, and roll him up. Custer escorted him to the awaiting ambulance and Johnson, again, became irrational, and started making the racist comments again toward the white male EMT that first tried to look at his injury. Johnson made a statement the EMT was also a racist. The EMT disappeared from Custer's view, and a female EMT, who appeared to be Middle Eastern or Indian, appeared and Johnson stated to her "Look what they did to me, you understand were both minorities." Custer continued to try to calm Johnson, and get him to have a seat so they could look at his injury.

After several minutes, Johnson took a seat on the rear of the ambulance where they could visually see his injury, [REDACTED]. Miller rode with Johnson in the ambulance, and Custer and Cielakie rode separately to UVA hospital. Upon arriving at the hospital, Johnson was already in a room in the emergency room. Custer was standing outside of the room, approximately 15 feet away, and could smell a strong odor of an alcoholic beverage coming from Johnson.

[REDACTED]

Cannon responded to the hospital where Custer met with him, and explained to him the pain he was having in his right elbow. Cannon advised him since he was already at the hospital he should go ahead and have it checked out. Custer proceeded to the sign-in area where he was signed into the hospital as a patient and placed in a waiting room. He was soon taken to the x-ray department where x-rays were taken of his right elbow which at the time was giving him the most pain. Custer also explained to Cannon what he observed and what occurred at Trinity. He was discharged from the hospital at approximately 4:00 a.m. He gave Cielakie a ride back to the office and then went to his house, cleaned himself up, changed clothes, and reported back to the office to write his initial reports.

At the conclusion of the interview, photographs were taken of the uniform shirt Custer and the other agents were wearing at the time of the incident. (See Attachment No. 12)

That concluded the interview with Custer.

I interviewed Cielakie on June 25, 2015 in the conference room at the ABC Office located in Charlottesville. Captain Payne was also present for the interview. We identified ourselves by presenting our Internal Affairs identification. Cielakie was presented with a letter informing him this was an administrative investigation/review being conducted at the request of the Office of the Governor, and that a written statement would be required. (See Attachment No. 13) Cielakie's oral statements were essentially the same as included in his letter dated June 29, 2015. (See Attachment No. 14) The interview began at 10:05 a.m. and concluded at 11:55 a.m.

Cielakie said on March 10, 2015, he, Cannon, and Miller, met with [REDACTED] and [REDACTED], the owners of Trinity Irish Pub at the Regional Office in Charlottesville. The purpose of the meeting was to go over numerous complaints of underage consumption, the over service to patrons, overcrowding of the establishment, and numerous other complaints that agents had received at that location. [REDACTED] and [REDACTED] stated they felt like they were singled out as a bar, and never knew what ABC's expectations were of them. They were advised of the complaints, and made aware of their anticipated presence there on March 17, 2015. [REDACTED] stated he loved it when they come out because it helped with problems at the establishment.

Later that day at a Regional Meeting held by Cannon, the agents were asked how many Irish bars they had in their territories. They were asked if they were going to work the weekend before Saint Patrick's Day, or the night of. The agents stated they would rather work the night of. Cielakie explained they were not required to give an operations plan for working on Saint Patrick's Day, and all agents collectively decided to dress in full uniform. They did this because they wanted everyone to know that they were police officers.

On March 17, 2015, Cielakie, Custer, and Miller's assignments included working several locations celebrating Saint Patrick's Day events. The first location they went to was the Jefferson Theatre on East Main Street at the Downtown Mall where they stayed approximately two hours. They then went to 'The Corner' area of the city of Charlottesville. Cielakie contacted the Emergency Communications Center (ECC) of Charlottesville and the State Police in Appomattox to advise them they were working. Cielakie advised ECC and Appomattox they were in full uniform, driving an unmarked silver, Chevrolet Impala, the areas of which they were working, a contact phone number, unit numbers of agents working, and also told them they had a local Charlottesville radio and could be in immediate communication with ECC.

Cielakie said, while at 'The Corner,' [REDACTED] was going in all businesses and checking occupancy numbers. One location that was extremely busy was Trinity Irish Pub. There was a very large crowd standing outside, and people were pushing and shoving to get closer to the doors as the bouncers were only letting a small amount of people inside at a time. The crowd was getting so large they were pushing the gate on the front patio area out towards the roadway. [REDACTED] came out and spoke to the agents and [REDACTED]. Cielakie advised [REDACTED] they were not there "looking" for violations, but were concerned about the crowd out front. [REDACTED] told Cielakie thank you, and then stated he was glad they were there because it made his life easier when they were out.

While watching the crowd, Cielakie observed a youthful appearing, black male with a flat top hair cut (Johnson) walk up to [REDACTED], and produce some form of identification. [REDACTED] looked at the ID, and then held it towards the exit shaking his head in a "no" fashion. Johnson grabbed the ID out of [REDACTED]'s hands, and walked towards the exit. At that time, Miller began to walk towards Johnson. Cielakie asked him if he was going to check the ID, and he stated he was. Cielakie began to talk with [REDACTED]. Cielakie turned toward Miller, and saw Johnson pulling away from him and Custer. Custer had his left arm and Miller had his right. They were headed in the direction of the College Inn. Johnson was actively resisting both of them. While attempting to place Johnson under arrest, Cielakie observed Custer trip, and all three fell to the ground. When they fell, he saw Johnson hit his head on the brick walkway, and blood start to come from his head.

At that time, a huge crowd formed, and began to shout racially motivated slurs making reference to recent nationwide media events. Cielakie immediately got on the Charlottesville radio, and advised ECC of their location, asked for more officers, and also called for a rescue squad to be en route to the scene. Custer was yelling at Johnson to stop resisting arrest the entire time he was trying to handcuff him. Johnson continued to actively fight, and resist arrest. Custer and Miller were able to get one handcuff on, but could not get Johnson's right arm in the handcuff. Cielakie assisted Custer by using another pair of handcuffs to place on Johnson's right arm. Once handcuffed, Johnson continued to fight and resist. He was screaming racial slurs, "You fucking racist! You Fucking Racist! I go to UVA!" He stated that this was happening because he was black. The crowd continued to video, and got a lot more aggressive. Once other Charlottesville and UVA Police arrived on scene, Cielakie was able to get a pair of shackles, and assist Miller with putting them on Johnson. Johnson continued to shout racial slurs at officers, rescue squad personnel, and the crowd. Johnson was taken to UVA Hospital for treatment by ambulance, and Cielakie called Cannon to advise him of the situation, and requested he come out. Cannon stated that he would be en route to the hospital.

Cielakie said he saw no officer punch, strike, kick, hit, or knee Johnson. Additionally, he never saw Custer or Miller intentionally throw Johnson onto his head. The agents only

acted with professionalism during a hard situation. It only appeared this was a result of Custer falling.

Once at the hospital, Cielakie went inside, and spoke with Johnson. Johnson was attempting to deny treatment of his head because he did not have the money. Cielakie advised him he needed to get his head checked out, and told him the hospital could speak to him more in-depth on payment; but, all the agents cared about was making sure his head was treated. Johnson agreed to be treated. Cielakie waited with Custer in a separate room, who was being treated for pain in his arm. When Custer was released, they returned to the office. Cannon accompanied Miller to the magistrate's office.

At the conclusion of the interview, photographs were taken of the uniform jacket Cielakie was wearing at the time the incident took place. (See Attachment No. 15)

That concluded the interview with Cielakie.

I interviewed Miller on June 29, 2015, in the conference room at the ABC Office located in Charlottesville. Captain Payne was also present for the interview. We identified ourselves by presenting our Internal Affairs identification. Miller was presented with a letter informing him this was an administrative investigation/review being conducted at the request of the Office of the Governor, and that a written statement would be required. (See Attachment No. 16) Miller's oral statements were essentially the same as included in his letter dated June 29, 2015. (See Attachment No. 17) The interview began at 10:15 a.m. and concluded at 11:23 a.m.

Miller said on March 10, 2015, Cannon, Cielakie, and he met with [REDACTED] and [REDACTED], at the Charlottesville Regional Office. They received several complaints of underage drinking, serving intoxicated persons, and overcrowding at Trinity. Miller recently informed [REDACTED] of three pending administrative charges he would be filing, and [REDACTED] said he felt as though ABC was "picking on" his establishment because they chose to appeal the last administrative charges of which they were found guilty. In response to this, Miller decided to set up a meeting that included Cannon, so they could understand exactly what ABC's expectations were. They encouraged [REDACTED] and [REDACTED] not to hesitate to reach out to them if they ever had any questions or concerns. The agents also informed them they would be working on Saint Patrick's Day, and would be stopping by their establishment to make sure everything was under control, especially because it was an Irish-themed establishment. [REDACTED] stated he loved when ABC agents were out, because the kids would not try to get away with as much if they made their presence known.

After the meeting, Miller met with Cannon, Cielakie, and Custer to discuss whether they were going to work on the weekend before Saint Patrick's Day or on Saint Patrick's Day itself. After deciding to work on March 17, 2015, they discussed whether they were

going to wear plain clothes or a full uniform. They decided a full uniform would be better in regards to identifying themselves as police officers. Because it was not required by policy, they did not write an operations plan.

Miller said on March 17, 2015, at approximately 5:00 p.m., Cielakie, Custer, and he began their uniformed work in Charlottesville. They began by contacting the local and state dispatches to let them know they were working. They provided them with their names, badge numbers, uniform description, vehicle description, areas they would be working, and cell phone numbers. Earlier in the day, they received information a concert at the Jefferson Theatre may attract an underage crowd so they decided to go there first. During the approximate two hour period they spent there, Custer issued one summons, and Cielakie checked an ID brought to him by a bouncer. The ID turned out to be real, and belonged to the person possessing it. After leaving The Jefferson Theatre, they went to 'The Corner,' an area primarily on University Avenue, and frequented by University of Virginia students. While en route, Miller contacted [REDACTED], a member of the Charlottesville Police Department, to see if he was working and if he wanted to meet them at 'The Corner.' Upon arrival, Miller saw several officers from the UVA Police Department, a Charlottesville Fire Marshal ([REDACTED]), [REDACTED], and at least one other Charlottesville Police Officer.

After speaking with those other officers, Miller, Cielakie, Custer, and [REDACTED], walked to the front of Trinity Irish Pub. It was established [REDACTED] was going to several locations on 'The Corner' to check occupancy levels. All the agents and [REDACTED] entered Trinity, and walked upstairs to check occupancy. It was crowded to the point people could barely walk from one side of the room to the other. [REDACTED] informed a bouncer they were over occupancy, and that no one else was allowed in. After exiting the establishment, [REDACTED] and Miller walked down to Boylan Heights, another popular establishment on 'The Corner,' to check their occupancy. After walking upstairs and back down, [REDACTED] also informed the bouncer they were over occupancy, and would not be allowed to allow anyone else in unless some of the people inside left. They returned to Trinity to meet with Cielakie and Custer. Upon arriving at Trinity, Miller saw the line to get in was much longer, and it appeared the crowd was beginning to push and shove in an attempt to get in. The crowd was very diverse in both race and ethnicity, and consisted mostly of college-aged persons. [REDACTED] walked out, and told them he was glad they were out, and they were going to make his job much easier.

Miller said, around 12:45 a.m., he was watching the bouncers, as well as [REDACTED], check ID's at the door. During one such interaction, he saw [REDACTED] look at a male's ID (Johnson), then give him his ID back, and send him away. Miller began to approach Johnson, and Cielakie asked if he was going to check his ID. Miller told him he was. As Johnson turned to walk away, Miller approached him, and identified himself as a police officer, then asked to see his ID. At that time, Miller could see Johnson had bloodshot, glassy eyes. However, the only reason he initially approached Johnson was because he suspected he may have a borrowed or false identification. Johnson said

something Miller could not understand, and began walking away in a Northwest direction, towards The College Inn.

At that time, Miller placed his right hand on Johnson's right elbow, again identified himself as a police officer, and told him to stop, and show him his ID. Johnson shrugged his right arm away from Miller, and continued walking. Miller grabbed his arm, and again identified himself as a police officer, and told him to stop because he needed to check his ID. When Miller grabbed Johnson's arm, Johnson pulled away again, and, as he did, his coat began to come off. At the same time, Johnson began walking faster. This gave Miller the impression he may attempt to flee. At the same time this was occurring, Custer grabbed Johnson's left arm, identified him and Miller as police officers, and told him to stop. Miller saw Johnson attempt to pull away from Custer, as well. Based on Johnson's actions, Miller and Custer attempted to take Johnson to the ground. Johnson began actively resisting, to the point Miller started to lose his grip on his arm. Miller decided based on his attempt to flee, it would be safer to escort Johnson to the ground before they attempted to handcuff him. Before they could safely escort Johnson to the ground, the struggle caused all three of them to fall to the ground. It felt as if someone tripped, and Miller was being pulled down to his left side as a result. Miller landed on his left hip. At no time did the fall feel like it was intentional.

Once on the ground, Miller began telling Johnson to stop resisting, and to put his hands behind his back. Johnson ignored his commands, and continued to try to pull away and get back on his feet. He was kicking but Miller felt it was more of an effort to get away than it was to kick Custer or him. In an attempt to stop Johnson's attempts to get back up, Miller placed his knees over the backs of his legs, near his knees. Johnson continued to try to get on his feet. During this time, Miller could see Johnson had a laceration on his forehead. Custer was able to get Johnson's left hand in a handcuff, however, Miller was having a difficult time securing his legs, and controlling his right arm at the same time. Because of the struggle Johnson was putting up, Miller decided to place a second set of handcuffs on him instead of continuing to try to place only one set on him. Eventually, Custer, Cielakie, and Miller were able to place Johnson in both sets of handcuffs. Johnson, however, continued to try to pull away from them, and get back on his feet. As all of this was going on, a large crowd began to gather; some filming them, and others just screaming things at them. After what seemed like several minutes, Charlottesville Police, along with UVA Police, arrived on scene to assist with crowd control. Because Johnson was continuing to kick his feet, Miller was able to obtain leg shackles from one of the other officers, and place them on Johnson.

From the time they went to the ground, throughout the entire incident, Johnson was screaming things at them. A few days later, after viewing videos of the incident, Miller saw he was calling them "fucking racists" and screaming, "I go to UVA." While they were trying to secure Johnson, Miller could smell the strong odor of an alcoholic beverage, coming from his person. Eventually, they were able to get Johnson to stop resisting enough that they could get him on his feet to be checked out by the EMT's.

While he was being checked out by the EMT's, Johnson remained very belligerent, and did not seem to be able to tell the difference between an EMT and a police officer. After EMT's did an initial assessment of his condition, they put Johnson on a stretcher, and moved him into the back of the ambulance. Miller got in the ambulance, and sat behind Johnson, in the hope he would not see him, and become combative again. [REDACTED]

After arriving at the hospital, Miller began taking his initial notes of the incident. At some point, Cannon arrived at the hospital, and made contact with Johnson. Cannon gave Miller Johnson's Illinois ID. After looking at the ID, Miller was able to determine it was a valid ID, and Johnson was only 20 years old. Miller began discussing with Cannon what he would be charging Johnson with. He wanted to charge Johnson with Drunk in Public, Underage Possession of Alcohol, Obstruction of Justice, and Resisting Arrest. Cannon contacted his supervisor, Michael McKee, Regional Agent in Charge and informed him of the incident. McKee advised, for the night, Johnson should only be charged with Drunk in Public, and the other charges could be discussed at a later time with the Charlottesville Commonwealth's Attorney. Miller told Cannon at the bare minimum, he would feel much more comfortable bringing at least the Obstruction of Justice charge because of the injuries Johnson received as a result of the incident, and Cannon agreed.

After Johnson finished receiving treatment, he was released into Miller's custody. Miller contacted the Charlottesville Police Department, and arranged for a transport van to transport Johnson to the jail. While in the Magistrate's Office, Johnson interrupted Miller several times while he was attempting to give his probable cause statement to the Magistrate. He called Miller a liar, and cursed several times throughout his testimony. The longer they remained in the closed Magistrate's Office, the stronger the smell of alcohol became. Miller obtained warrants for Obstruction of Justice and Drunk in Public.

That concluded the interview with Miller.

I interviewed Cannon on June 29, 2015, in the conference room at the ABC Office located in Charlottesville. Captain Payne was also present for the interview. We identified ourselves by presenting our Internal Affairs identification. Cannon was presented with a letter informing him this was an administrative investigation/review being conducted at the request of the Office of the Governor, and that a written statement would be required. (See Attachment No. 18) Cannon's oral statements were essentially the same as included in his letter dated June 30, 2015. (See Attachment No. 19) The interview began at 11:45 a.m. and concluded at 12:32 p.m.

Cannon said on March 6, 2015, he received an email from McKee, instructing all of the Special Agents in Charge in his region to provide him with events planned surrounding

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the Saint Patrick's Day holiday. The deadline was set as March 11, 2015, and, Cannon replied with his plans for the holiday. (See Attachment No. 20)

On March 10, 2015, at approximately 9:00 a.m., Cannon, Cielakie, and Miller met with [REDACTED] and [REDACTED] in the Charlottesville Regional Office to discuss several concerns they had regarding the existing relationship between Virginia ABC and their establishment. [REDACTED]'s main concern dealt with how they did not feel they were properly notified of the administrative violations that took place the night of the UVA versus Miami football game. He felt they were unfairly singled out and picked on, and ABC was not trying to work with them. During the conversation, Cannon advised [REDACTED] they were looking at all establishments where a pattern has been identified in dealing with underage drinking, services to intoxicated patrons, and knowingly allowing underage patrons to frequent the premises. After a lengthy discussion, Cannon advised both men Saint Patrick's Day was coming up, and they would be working that night to include spending time on the UVA 'Corner' area. They ended the meeting on good terms with the expectation to provide training to their employees over the next few months, and again right before the start of the fall semester.

Later that morning, Cannon had a roll call meeting with his team and, the Saint Patrick's Day operation was on the agenda. He identified the target establishments, and discussed the uniform for the operation. He also instructed the agents to notify Albemarle/Charlottesville/UVA ECC prior to the start of the operation, and at the conclusion by calling in on-air, so everyone could hear they were out working.

On March 17, 2015, Cannon received a call from a concerned citizen advising him there was a group performing at the Jefferson Theater, known for having a young following who would probably be drinking underage and using illicit drugs. So this establishment was added to their list for the evening. Throughout the day, he discussed the evening events with the agents so everyone would be on the same page, and know what was going on.

Cannon explained he did not prepare an operations plan because he did not feel their activities fit the criteria outlined in the General Orders. That night's activities were what they would routinely do, go out at night, and check establishments for criminal and administrative violations in either plain clothes or in uniform. Cannon chose to have the agents wear the uniform because he wanted everyone to clearly know who the agents were. Cannon left the office at approximately 5:30 p.m., and ended his shift. He did not accompany the agents that evening.

On March 18, 2015, at approximately 12:55 a.m., Cannon received a call from Cielakie informing him an incident had taken place, and the suspect was injured on 'The Corner' area near Trinity. He advised Cannon he called for assistance and a rescue squad, and they were on their way. At approximately 1:12 a.m., Cannon called Cielakie to find out where they were located, and he told Cannon the suspect was being transported to

UVA Hospital. At approximately 1:27 a.m., Cannon arrived at the emergency room, and located Miller, Cielakie, and Custer.

Cannon began his investigation into the matter by obtaining a statement from Miller, since he was the arresting officer. Miller described how he observed Johnson being turned away from Trinity so he intended to check his ID to determine if it was valid. Miller described Johnson resisted his and Custer's efforts to detain him, and in the struggle, all three of them fell to the ground. As a result, Johnson's head struck the sidewalk causing a laceration on his forehead.

After talking to Miller, Cannon met with Johnson in the emergency treatment room. Upon entering the room, he could smell a strong odor of alcohol coming from Johnson as he sat on the bed still handcuffed. Cannon identified himself as Joseph Cannon, Special Agent in Charge with Virginia ABC, and he was the supervisor for the area. At that time, he showed Johnson his credentials, and gave him a business card. Cannon told Johnson he would probably be involved in conducting the investigation to determine what happened earlier that night. Cannon asked Johnson what happened to him. Johnson said he went to Trinity to talk to his friend [REDACTED], who is a bouncer there, when a white male approached him, asked for his ID, refused him entry, and gave his ID back. As he walked away an officer grabbed him, and threw him on the ground banging his head on a brick.

Cannon asked Johnson if he knew the person that turned him away, and he replied, "An ABC agent." Cannon asked how he knew the man was an ABC agent. Johnson replied, "He said he was ABC." At that time, Cannon informed Johnson the only ABC agents working were in uniform, and he may have mistaken one of the owners of Trinity as ABC. Johnson insisted the person who checked his ID said he was with ABC. The interview continued, and Johnson went on to say, "I want to file a report. I want to know why the officer banged my head on a brick. I want to know who the officer is that did this to me. I'm going to sue the police department." Cannon asked Johnson if he drank anything that night, and he replied, "Two beers at my apartment with a few friends between 9:30 p.m. and 10:00 p.m."

Cannon said he asked Johnson if he could take a few pictures of him, to document his appearance when he first arrived. At approximately 1:46 a.m., Cannon took six pictures of Johnson as he appeared when he first arrived. His face contained a large amount of dry blood. It all appeared to be coming from approximately a half-inch gash in the center of his head, near the hair line. Cannon exited the examination room to allow the staff time to continue their medical treatment. Cannon's observations of Johnson were, he had been drinking, and was impaired just based on his mood, mannerisms, and actions while he was in the room.

After leaving the room, Cannon met with Cielakie and Custer to talk to them about the incident. Custer told Cannon he had injured his elbow and knee during the fall, so he

had Custer registered in the emergency room where he was treated and x-rays were taken of his injuries. Cannon took photographs of Custer's knee, and he was later released.

At approximately 2:18 a.m., Cannon returned to Johnson's room where the medical staff had cleaned up Johnson's face. Cannon took three more photographs of Johnson's face after the wound had been cleaned and the blood cleaned from his face.

At approximately 2:20 a.m., Cannon contacted McKee, and advised him of the incident. He explained Johnson had a cut on the upper part of his head and Custer was being seen for his elbow and knee. He informed McKee of several charges they were considering; such as, Underage Possession, Drunk in Public, Resisting Arrest, and Obstruction of Justice. Cannon said he was instructed to charge Johnson with Drunk in Public, take him to jail, and they could consult with the Commonwealth's Attorney for any additional charges.

At approximately 3:34 a.m., Cannon returned to Johnson's room, where he took two more photographs of the area that had been stitched up by the medical staff. He was told Johnson received ten stitches. Johnson was transported by the Charlottesville Police Department van to the Albemarle/Charlottesville Regional Jail, and Cannon drove Miller to the magistrate's office at the jail.

Cannon said Miller appeared before the Magistrate, and testified to the facts of the incident. Warrants were issued for Drunk in Public and Obstruction of Justice. The two warrants were served on Johnson, and he became upset saying he did not do anything, and the officer was lying. He was taken into custody by one of the jail officers, who told him, "If you blow zeros in the PBT, I'll release you right now. If not, you will have to stay." Miller and Cannon left the jail, and returned to the Charlottesville ABC Office.

Cannon took photographs of whelp marks on Miller's right forearm. Later that morning, he reviewed and approved Miller's Response to Active Resistance Report. Cannon's conclusion was Miller's actions were justified. He met with Custer later that morning and took a photograph of his elbow that appeared to be swollen. Cannon reviewed and approved Custer's Response to Active Resistance Report. His conclusion was Custer's actions were justified. When Cannon talked to Cielakie, he stated his role in the incident was minor because he was standing near the door with [REDACTED]. After seeing the incident take place, he assisted in handcuffing Johnson with an extra set of handcuffs. Cielakie also assisted in placing shackles on Johnson after he continued to resist and kept kicking.

On July 17, 2015, Cannon was contacted to clarify statements in his letter where he stated there was no response to active resistance on the part of Custer and Miller. In clarifying, Cannon stated there was in fact a response by Custer and Miller to Johnson's actions and they were justified.

Between 11:10 a.m. and 11:30 a.m., Cannon spoke to Johnson's mother, Ms. [REDACTED] Johnson, on three separate occasions on the telephone. Ms. Johnson called Cannon's office as recommended by UVA Police [REDACTED] to obtain answers to her questions. While the conversations were brief, she voiced her concerns and anger because of the incident and the e-mails, pictures, and videos sent to her. Cannon advised Ms. Johnson of the charges, and she was upset about the Obstruction of Justice charge, and hung up on Cannon. She immediately called back saying she was upset, and just couldn't understand the Obstruction Charge, and said, "I'm sure he was drunk hanging out with his friend." She had not heard from her son, and was worried about him. Cannon told her her son had his business card if she needed to talk to him when she arrived in the area, and the second call ended. A few minutes later, Ms. Johnson called back saying she had just talked to her son, and he told her that one of the agents checked his ID and was questioning the zip code. Cannon told her his agents were in uniform, and it was the owner of Trinity who checked the ID. She said, "My son isn't a liar. I'm on my way today," and hung up on Cannon.

At approximately 1:00 p.m., Cannon talked to [REDACTED] to discuss what he saw happen earlier that morning. [REDACTED] stated he asked Johnson for his ID, he saw it was an Illinois ID, and asked, "What's your zip code?" Johnson replied, "60613." The zip code did not match and [REDACTED] knew that was the zip code to Wrigley Field, while the ID stated 60616. He asked Johnson where he went to school, and he said, "Kenwood Academy," which was still the wrong zip code. [REDACTED] said "I can't let you in; policy say's no one under 21."

That concluded the interview with Cannon.

On June 30, 2015, Captain Payne contacted Chapman by telephone to inquire if he desired to comment or give opinion regarding the administrative investigation/review. Chapman referenced the media event he hosted on June 17, 2015 at the City Hall Council Chambers in Charlottesville where he discussed much of the evidence that impacted his decision to drop charges against Johnson, and to not seek charges against any of the ABC agents involved in the incident. (See Attachment No. 21) He informed Captain Payne he did not feel the need for additional input from him, or his office concerning the administrative investigation/review.

On June 30, 2015, Captain Payne contacted Mr. Daniel P. Watkins, attorney for Johnson, to inquire if Johnson would be available for an interview regarding the administrative investigation/review. A meeting was tentatively scheduled for Friday July 3, 2015, at 2:00 p.m., in Washington D.C. where Johnson is working for the summer. After a schedule conflict, the meeting was canceled on July 2, 2015, and it was decided they would speak the following week to reschedule the meeting. On July 8, 2015, Captain Payne contacted Watkins to reschedule the meeting with Johnson. It was decided the meeting could be conducted via conference call, and Captain Payne agreed

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to draft a list of questions we intended to ask Johnson, and fax them to Watkins for his review prior to the conference call. On July 9, 2015, Captain Payne faxed a list of questions to Watkins. In an e-mail he explained the purpose of these questions was to seek clarification/expansion on information discovered in the criminal investigation. On July 10, 2015, Watkins responded to Captain Payne's e-mail thanking him for transmitting the questions to him for review, but they were declining to take part in any interview with the State Police, or respond to the questions. (See Attachment No. 22)

Attachments

1. Copy of Martese Johnson's Identification card. *[Withheld from release: contains personal information]*
2. Virginia ABC Bureau Incident Report.
3. Training records for each of the agents involved in the incident.
4. Letter from Shawn P. Walker documenting ABC enforcement statewide.
5. ABC General Order 216 – Operational Plans/Special Event Operations.
6. ABC General Order 200 – Response to Active Resistance.
7. Video taken of Johnson and the agents on the ground.
8. Copy of arrest warrant for Obstruction of Justice. *[Withheld from release: contains personal information and constitutes a criminal record]*
9. Copy of summons for Public Intoxication. *[Withheld from release: contains personal information and constitutes a criminal record]*
10. Letter presented to Special Agent Thomas S. Custer.
11. Special Agent Thomas S. Custer's letter.
12. Photographs of the uniform shirt.
13. Letter presented to Special Agent John S. Cielakie.
14. Special Agent John S. Cielakie's letter.
15. Photographs of the uniform jacket.
16. Letter presented to Special Agent Jared B. Miller.
17. Special Agent Jared B. Miller's letter.
18. Letter presented to Special Agent in Charge Joseph L. Cannon.
19. Special Agent in Charge Joseph L. Cannon's letter.

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20. Email from Special Agent in Charge Joseph L. Cannon to Regional Agent in Charge Michael T. McKee.

21. Video of media event hosted by Warren D. Chapman.

22. E-mails between Captain Gary B. Payne and Daniel P. Watkins.

CPW

