


ARLINGTON POLICE DEPARTMENT
INFORMATIONAL MEMO

TO: KEVIN KOLBYE, ASSISTANT CHIEF FOB

FROM: JIM LOWERY, DEPUTY CHIEF 

REF: UOF 2017-01840655

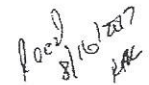
DATE: AUGUST 16, 2017

The purpose of this memo is to document my involvement as in pertains to Use of Force (UOF) Report #2017-01840665. This UOF was completed by Officer Chad Haning #2687 in regards to an incident that occurred on July 3, 2017. This event occurred while I was on leave and upon my return (July 11) I quickly learned that a CIC complaint had been filed by the mother of the juveniles arrested. This CIC had been forwarded to Lt. Michael Moses to review. In addition, the UOF associated with this arrest was later aired in local and national news outlets, which included a cell phone video that captured a small portion of the encounter and arrest.

A formal investigation was initiated and Officer Haning was served with a personnel complaint on Sunday, July 16, 2017, by Sergeant Charles Hanks. I was keenly aware of the implication this incident could have on the department and/or officer, so I wanted to make sure all paperwork had been properly completed. On Monday, July 17, I made an inquiry with Lt. Moses to see if a UOF report had been completed and turned in during my absence. Lt. Moses informed me that he had it on his desk and was in the process of reviewing it. I asked Lt. Moses to ensure that a copy of the video we had retrieved from the cell phone, via a search warrant, was attached to the UOF when it was turned into me.

On July 18, 2017, Lt. Moses came to my office and turned in the UOF report associated with this memo. The UOF report was a single page and upon receiving it I turned it over to date stamp it. As I do with all UOF reports I receive. I began to write the date and initial it when I immediately observed that there was a notation in the detail section that read, "No video or audio". I immediately stopped my date/initial time stamp. I then briefly scanned the sergeant's comment section and noticed nothing was noted about the video review. I also scanned the Lieutenant's section and noted that there was a notation of "-attached video captures", implying to me that this thought/sentence was not completed. I turned the document over and noticed scribbled corrections in the "DATE" and "EMPLOYEE (A)" sections. I noted these deficiencies to Lt. Moses and reminded him of our previous conversation advising him to ensure a copy of the video was attached to the UOF report when it was turned in to me.

I briefly discussed prior conversations about turning in paperwork that is complete, grammatically correct, and professional in appearance. This was because we never know when a piece of paperwork will become a center piece of discussion in the future. However, in this instance we now knew this document would be scrutinized and needed to act in the employee's and department's best interest and put us on the high ground. Since this document was still in the


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approval process I returned the UOF report and advised Lt. Moses that it was deficient for the above noted reasons and it needed to be corrected. I also reminded him that the sergeant and he needed to ensure they read the narrative and viewed the video to confirm there were no discrepancies between the two items. Finally I advised Lt. Moses that we did not want white out on the document and now was the time to correct that before it was turned into the Training Center. Lt. Moses took the UOF report and advised he would address the deficiencies noted. As captured on the photo of the UOF report in the "DISTRICT/DIVISION COMMANDER'S COMMENTS" it illustrates that I stopped completing my date/initial time stamp because it reads "RCVD 7/1", since this event occurred on 7/18/17.

Shortly thereafter, I was contacted by Lt. Moses who advised that Sergeant Hanks had just told him that Officer Haning had questions as to why the UOF was being redone. Lt. Moses and I went to Sergeant Hanks' cubicle and met up with him and Officer Haning. I reiterated the above noted reasons to Officer Haning as to why the document needed to be re-done. I explained that I wanted his work product to be presented in the most professional manner and now was the time to correct it. I reiterated the concerns with whitening out items and since the document needed to be re-done it would probably be better to redo it via the form fill document in lieu of redoing it by handwriting. Furthermore, I explained that the Sergeant's and Lieutenant's comments were not reflective of reviewing the facts of the case with due diligence since the video had not been reviewed, noted and attached to the UOF report. I emphasized the importance of ensuring that all of the information filled out by Officer Haning had to be identical on the edited UOF. I also told the Sergeant and Lieutenant that they may wish to make a copy of their work section to know what they had written. This was to allow them to write the same thing they had or they could enter an edited comment after such a review. However, they needed to destroy/shred any working copies once their edited review was completed.

I left Sergeant Hank's cubicle and went about my business. Approximately 45-60 minutes later I was contacted by Sergeant Hanks who advised me that Officer Haning was concerned with him "back dating" the amended UOF report and shredding documents. I advised Sergeant Hanks that I would call Officer Haning and did so immediately. Officer Haning voiced his concern with back dating the document and destroying government documents. I explained to Officer Haning that we were not back dating any document. First and foremost, I highlighted the importance and my direction to ensure that every item on the original UOF was identical to his first copy, including the date and time. This proved that Officer Haning had turned in his UOF on time as per General Orders. Moreover, there was no destroying of governmental documents because this UOF report was in a draft format, as is with any Offense Report, or any other Pursuit or UOF report sent back for corrections. Not until it was finalized and entered into the system was it finalized. I reiterated that we were acting in his best interest and assured him that I would not jeopardize my career for such an incident. I then called Sergeant Hanks back and informed him of my conversation with Officer Haning.

On July 19, 2017, I was contacted by Lt. Kim Harris, IAD, who inquired about the UOF report associated with this memo. I advised her that it was in the chain for review and inquired if she wanted us to process it, or leave it blank since it was an IAD investigation. Lt. Harris advised that she would check with legal and let me know. I contacted Lt. Moses and advised him not to

take any further action on the UOF until I heard back from IAD. He and Sergeant Hanks had not completed their review of the deficiencies noted on the kicked back UOF.

On July 31, 2017, I was contacted by Lt. Harris who advised that I just needed to sign off on the UOF and note that the UOF was under IAD review regarding case #2107-FI-0012 and that the original was sent to the Training Center and a copy was sent to IAD. I advised Lt. Moses of this request and asked for the UOF report. I made a copy of the UOF and video and sent the UOF as requested on August 2, 2017 to the training center and IAD.

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