

City of Richmond, California
 Community Police Review Commission
PUBLIC CASE SUMMARY

Case #	Date Received	Date Completed
2019-5	6/1/2019	9/2/2020

CATEGORY OF CONDUCT: (check one)

Unnecessary Force	Racial Bias
<u>X</u>	<u>X</u>

FINDING OF FACT: (brief summary of complaint and investigation)

On June 1, 2019, at around 1 a.m., RPD Officers Maracek and Alvarado responded to a call for service from reporting party Chris Else, a security guard at the Monterey Pines Apartments, indicating that a young woman fitting Ms. Garrett’s description had committed vandalism on a van parked at that location. Else stated to Officer Maracek that he personally observed the young lady spray paint the van from a distance of about 30 feet, and that he saw her go back to her apartment. AVR footage revealed that the van had indeed been painted with silver spray paint. It also is undisputed that Officers Alvarado and Maracek cuffed Ms. Garrett and held her in custody in a squad car, then subsequently released her without providing at that time an explanation of why she was arrested and was now being released.

Ms. Garrett alleged that when she subsequently came down from her apartment to go to the store, the officers used excessive force in detaining her, and that their actions reflected racial bias. There was no AVR footage available for the period of time when the officers detained Ms. Garrett, but AVR video does show officers placing her in the squad car, and then again allowing her to leave without being charged. The evidence showed that the van that was vandalized was registered to Ms. Garrett.

During an investigative interview, the security guard stated that Ms. Garrett refused to stop for questioning about the vandalism, and that she offered significant resistance to her detention by the officers, which if true could justify the level of force described by Ms. Garrett. Ms. Garrett’s complaint stated that she offered no resistance and the officers applied force without warning. Given the conflicting statements of the witnesses, the failure of Ms. Garrett to sit for an investigative interview, the failure of Officers Maracek and Alvarado to sit for an investigative interview, and the absence of AVR video during the most crucial aspect of the incident in apparent violation of agency policy, the Commission finds that both allegations of Ms. Garrett shall be “NOT SUSTAINED”, meaning there is not sufficient evidence to reach a finding on these allegations.

RECOMMENDED FINDINGS: (check one)

<u>SUSTAINED</u>	<u>NOT-SUSTAINED</u>	<u>UNFOUNDED</u>	<u>EXONERATED</u>
	<u>X</u>		