

EX F.



SAVANNAH-CHATHAM POLICE

ADMINISTRATIVE INVESTIGATION Incident Report

OPS NUMBER: 2131013
EMPLOYEE: APO Glenn Castro
DATE: November 6, 2013
INVESTIGATOR: Sergeant Robert Larry III

On October 17, 2013 this investigator was assigned this case from Acting Captain Andre Oliver which involved Officer Glenn Castro in reference to alleged excessive force as well as other policy violations.

I was given the preliminary report and reviewed it. I then contacted Sgt. Torrance Garvin and APO Dana Knight to obtain statements from them about this incident which took place on August 17, 2013.

Both officers arrived at the Internal Affairs Office and were advised about the nature of the complaint and that written statements were needed.

Summary of APO Dana Knight's written Statement:

APO Dana Knight wrote that CSU, directed by Sgt. Garvin and Sgt. Wilson, advised that they would be conducting an arrest warrant on Mr. Mishawn Green. Two locations [REDACTED] were given as possible locations of the suspect, and she was directed to the area of Sylvan Terrace. Shortly after APO Knight reports that contact was made with the suspect at [REDACTED] and she was told to move in. APO Knight advised as she was driving in the area of Birchfield and Mildred Street, she could see APO Castro laying in an empty yard of a vacant home. She advised she then saw what appeared to be APO Castro lying on the suspect Mishawn Green's back with his legs wrapped around Mr. Green's legs. As she approached the two, the suspect Green then stated to her he was being robbed. She explained to Green that the person arresting him was a plain clothes officer. APO Knight also noticed that APO Castro's weapon was drawn and that he had it pointed at Green's head. She advised both appeared exhausted and both had lost pieces of clothing. Green was later handcuffed and placed in the rear of a police car. EMS was requested to treat cuts Green sustained to his feet. APO Knight also notes in her written statement that, "We had no idea where Castro was. He did not have his radio on him and the detective who was supposed to relay information to us did not do so. I am just glad I was in the right place at the

right time because when I heard the detective call out APO Castro's name on the radio and he did not respond, I had a feeling that something was wrong". APO Knight advised Green claimed that APO Castro "pistol whipped" him, however she saw no bruising or abrasions on his head.

APO Knight's original statement can be found in Section 4 of this case file.

Summary of Sgt. Torrance Garvin's written Statement:

Sgt. Torrance Garvin wrote that around August 17, 2013, Det. Borkowski informed him that a subject who had active arrest warrants for Burglary was in the Central Precinct area. A briefing took place at the Central Precinct CSU office and the plan was put together. Sgt. Garvin advised that the plan was to have two teams so that both locations could be monitored. APO Rufus Brown was in the area of the Tatumville location and APO Castro was in the location of [REDACTED]. The CSU marked units were split between the two plainclothes officers. Sgt. Garvin notes that, "the plan was if anyone spotted the suspect (Mishawn) advise and hold your position. The team would move in and surround that location where he was located." The decision to move in would be made by supervisors. Sgt. Garvin advised that he later heard APO Castro over the radio advise that the suspect was running north between the trailers into a backyard. He then heard APO Knight state that she was out with APO Castro. Sgt. Garvin also notes that prior to the debriefing he, Sgt. Garvin, and Sgt. Wilson discussed that they were not advised that APO Castro had exited his car and gone to the suspect's location. Sgt. Garvin advised that Officers Knight and Castro were directed to complete their reports. He advised that APO Knight advised APO Castro had his gun out and pointed at the suspect's head however this information was not in APO Castro's report which had been submitted and signed by Sgt. Sean Wilson. Sgt. Garvin advised that APO Castro was then advised to correct his report, and a detailed account of the incident was submitted. Sgt. Garvin advised upon reviewing APO Castro's report APO Castro was verbally reprimanded and told he would be recommended to attend remedial training. I then asked if the Use of Force packet was completed, and Sgt. Garvin advised as of today neither he nor Sgt. Wilson had started the file. He was advised that the packet was needed and he called Sgt. Wilson to start the paperwork.

Sgt. Garvin's original statement can be found in Section #5 of this case file under Subject Officer's statements.

Summary of Sgt. Sean Wilson's written Statement:

Sgt. Sean Wilson's handwritten statement was consistent with Sgt. Garvin in that APO Castro was given surveillance duties. He advised that approximately 30-45 minutes into the operation, he believes Det. Borkowski notified units to move in. Sgt. Wilson advised after Mishawn Green's arrest he asked APO Castro what happened, and Castro replied that Green saw him and took off running. APO Castro then told him he had dropped some things and was told to find them (Sgt. Wilson advised he was unaware of what APO Castro had dropped). Sgt. Wilson also advised APO Castro and Det. Borkowski had been communicating over the phone, but he didn't know the information was not being relayed to the rest of the units. Sgt. Wilson advised when he spoke to Sgt. Leah Williams about the incident, she told him that Det. Borkowski called her and told her that APO

Castro was going to the residence; and that she did not know he had not been notified. APO Castro wrote his report, and the report was approved. Sgt. Wilson advised that upon discovering APO Castro's report was not accurate, he contacted Sgt. Rivera and had the report unapproved. Sgt. Garvin then instructed APO Castro to complete the report and include the Use of Force. This investigator then asked Sgt. Wilson if he had administered any discipline to APO Castro in reference to his failure to complete his report or the Use of Force report.

Sgt. Wilson's response was that at the time he did not know about Castro's use of force. Sgt. Wilson advised Sgt. Garvin counseled APO Castro on those issues, and he (Sgt. Wilson) counseled APO Castro on the communication breakdown and safety aspects.

NOTE: Sgt. Wilson's written statement indicates the incident took place on August 16, 2013. The correct date is August 17, 2013.

Sgt. Wilson's original statement can be found in Section #5 of this case file under Subject Officer's statements.

Summary of Det. Natasha Borkowski's Interview:

On October 17, 2013, Det. Natasha Borkowski was interviewed at the Internal Affairs Office, and she gave an audio taped interview. She stated at or around the "late morning hours" an operation took place in reference to a Crime Stoppers tip about the possible location of Mishawn Green. Prior to the operation a briefing was conducted and all three Sergeants were present. Det. Borkowski advised the plainclothes officers were ordered to be "spotters", and she was positioned at Derenne Avenue and Montgomery Street. Det. Borkowski advised she called APO Castro on his cell phone, and he relayed to her that there was no activity at the trailer so she called Sgt. Williams. Later APO Castro called her and stated he now believes he saw someone in the trailer. APO Castro also told her he could knock on the door. She (Det. Borkowski) advised because he said it was something he could do, she didn't question it then called Sgt. Stephanie Williams. She called Sgt. Williams, advised her, and Sgt. Williams replied okay. Det. Borkowski advised moments later she heard radio traffic in reference to the operation, so she went to the trailer. Det. Borkowski made contact with the owner of the trailer and consent to search was obtained. The trailer was searched. When asked if Mishawn Green made any claims to her that he had been pistol whipped, she stated she was unsure; and she would have to look back at the recorded interview. The interview was concluded and the CD recording was added to this case file under the Section 6 Official Documents. The transcribed interview can be found under Section 4 Witness Officer Statements.

Summary of Sgt. Stephanie Williams' Interview:

On October 18, 2013, CSU Sgt. Stephanie Leah Williams was interviewed at the Internal Affairs Office. Sgt. Williams advised that Pct. 4 (Det. Borkowski) had burglary warrants for the arrest of Mishawn Green. Sgt. Williams advised that two locations were given on the Crime Stoppers tip, so she contacted Pct. 3 CSU Sergeants. Sgt. Williams advised she also wanted to utilize their units, due to the fact they would know the layouts of the areas. The decision was made by Sgt.

Wilson and Sgt. Garvin to position two plainclothes officers (APO Glenn Castro and APO Rufus Brown) one at each location. Sgt. Williams advised she was positioned on the north side of Montgomery Street and Derenne Avenue. She advised Det. Borkowski called her and said there was not activity. Det. Borkowski then later called and said APO Castro was going to make contact with the trailer. Sgt. Williams thought this had been cleared by Pct. 3 Sergeants. Sgt. Williams advised she got a third call from Det. Borkowski stating APO Castro saw the suspect in the trailer. Sgt. Williams advised she told Det. Borkowski to "put it out over the air" and Det. Borkowski did so. Sgt. Williams advised they then began looking for Castro, and APO Knight found him. I asked if Sgt. Williams had read APO Castro's report, and she stated yes. I asked what had she been told about the incident, and she stated she thought the suspect ran and Castro caught him. Neither Sgt. Williams, Sgt. Garvin or Sgt. Wilson knew anything about the use of force incident involving APO Castro and the suspect Mishawn Green. When asked if APO Castro had an opportunity to tell Sgt. Williams about the use of force incident she stated, "yeah he coulda' told me." The interview was concluded and the CD recording was added to this case file under the Section 6 Official Documents. The transcribed interview can be found under Section 4 Witness Officer Statements.

Castro **Summary of APO Glenn Castro's Interview:**

On October 18, 2013, Pct. 3 CSU officer APO Glenn Castro was interviewed at the Internal Affairs office. Prior to his giving his statement, APO Castro was given his Garrity Warning, and he stated he understood them. After reviewing his report, APO Castro was asked to tell me what happened. He advised Pct. 3 CSU units were told to assist with the capture of the suspect Mishawn Green. APO Castro advised his duty for the operation was surveillance and if Green was spotted, to call the marked units in. APO Castro advised he parked in the parking lot of a nearby barber shop within visual range of the trailer. Det. Borkowski called him from her cell phone, and they talked about the fact that he saw no movement. APO Castro advised he then called and asked how much time are we going to dedicate to this, and Det. Borkowski replied, "not all day." APO Castro advised because he thought no one was home, he asked Det. Borkowski if he could go up to the trailer. She told him that she needed to let Sgt. Williams know and that according to her, Sgt. Williams said it was okay. APO Castro advised that he approached the trailer and as he was leaving, a female exited the trailer. He told her he was looking for a subject named "John Brown", and she told him no one lived there by that name. APO Castro advised as he walked back to the car, he called Det. Borkowski and told her he saw a male in the house.

As Det. Borkowski was going to relay the information, Mishawn Green came out of the trailer; and he told Det. Borkowski (over the phone "it was him"). APO Castro advised his radio was on so he turned it down. APO Castro tried to conceal himself in his vehicle; however, the suspect (Green) saw him and then fled. He advised he was still on the phone, so he told Det. Borkowski that the suspect was fleeing. When asked if he alerted the other units over the radio he said no (he told Det. Borkowski who was still on the phone with him). When asked why he turned off his radio when he saw the suspect coming towards him, he said he just did it. He advised he understood tactically his actions were not sound. He advised things happened so fast and that members of Pct. 3 CSU

normally relays information. He was asked what happened after Green fled and APO Castro advised he was unable to retrieve his radio prior to chasing Green. He chased Green (dropping items), for example his spare magazine, a shoe, and Green lost his slippers.

They jumped several fences until they eventually ended up in an empty field. APO Castro advised he thought to himself, "FUCK I got him but I don't have my fucking radio", and he didn't know where he was at. He advised Green was tired and he fell down, so he (Castro) jumped on top of him. APO Castro advised Green began making statements like he had kids, and he was not going to jail. When Green felt no back-up was coming Green said, "so you ain't got no back-up coming so what we gonna do". He advised Green tried to get up, but he (Castro) kept him from escaping. APO Castro advised he felt Green thought he was afraid of him, so Castro stated he would use this to his advantage. Castro advised he kept his right arm around Green's neck with no pressure, then used his left hand to eject his pistol's magazine, put it in his pocket, and then eject the chambered round. He then put the pistol to Green's head and said, "okay you right, you right, you got me, you got me, hey mutherfucker it's me or you. I chose me so if you fuck around with me, I'ma blow your fucking head off round here". Green tried to escape at least two or three more times, and APO Castro advised each time he put the unloaded gun to Green's head to gain compliance.

I asked if he had his badge with him, and he stated he did and he was dressed in plainclothes. When asked if he identified himself as a police officer to the initial unknown female he spoke to, and he stated no. When asked if looking back if he would have taken the extra five seconds to retrieve his radio before pursuing the suspect, he said he would not, because he would have gained more distance from him. He eventually acknowledged he should have taken his radio with him. When asked why he (Castro) laid on top of Green if the suspect was exhausted, and he stated he tried to handcuff him. He advised Green said he didn't know he was an officer, and accused him of possibly trying to rob him. When Sgt. Lovett asked if you had no radio why didn't you grab your cell phone, and he stated he didn't think about it. When asked why he unloaded the gun he stated that he didn't want to put a real loaded gun to his head. Some shit might happen, and I actually shoot him in the head. When asked if he felt that way why did he put the gun to his head instead of holding him at gun point. Castro stated that he was trying to handcuff him. When asked if he was trained to unload his gun or put it to suspect's heads, he replied no sir. When asked why did he not use any of the various other tactics we are taught and he stated, "that stuff only works in DT not in real life". When asked why he never used any other techniques, and he stated the suspect never gave him a reason to strike him. He said the, "easier choice" was to use his gun and not fight him. When asked what if he had a knife APO Castro replied that he could kill him in 10 seconds with his hands if he wanted to. I then asked if that was the case why pull the gun out and he said he didn't want to kill him, but that the suspect said something to him. When asked what he said he replied Green said he was not going back to jail etc... when asked if looking back on this if he would do it again APO Castro stated, that no he would have just been a sorry mutherfucker and let him run away. He advised he felt when you give 100% you end up in IA.

APO Castro advised he doesn't normally chase subjects without his radio. I then questioned him about what he told his supervisors about the use of force and what he wrote in his report. APO Castro was asked if the first report he submitted was complete and accurate, and he replied no. He was asked if he completed the use of force portion of his report, and he stated he had not. When asked why not, he replied that he knew he broke a couple of departmental policies, the methods he used were unconventional, and that it was wrong. He went on to state that as APO Dana Knight approached, she saw he had the gun to Green's head. Green asked APO Knight, "did you see that he had the gun to my head" and APO Knight stated to Green that she didn't see anything. APO Castro advised that since she made that remark, and it was just her and him back there that he didn't have to put those facts in his report. Sgt. Lovett asked APO Castro if he wrote the report being deceitful, and APO Castro stated yes. When asked if he received any disciplinary action for his actions he stated, "yes Sgt. Garvin drilled me a new ass" (verbal counseling). When asked if he received any written documented discipline he stated "no". When asked if at any point did he tell Sgt. Garvin or Sgt. Wilson he was going to the trailer to knock on the door, and he stated no he spoke to Det. Borkowski and she was supposed to relay it to Sgt. Williams. He assumed that Sgt. Williams was going to relay that info to Sgt. Garvin and/or Sgt. Wilson. We discussed the departmental policy violations and if he felt that he violated any, and he acknowledged he violated some. The interview was concluded and the CD recording was added to this case file in Section 6 under Official Documents. Officer Castro's transcribed statement can be found in Section 5 under the Subject Officers Section.

~Detailed Facts~

- According to Both Sgts. Garvin and Sgt. Sean Wilson Apo Castro as well as other members of Central Pct CSU were given specific instructions prior to the operation.
- Those instructions were if anyone spotted the suspect (Mishawn Green) advise and hold your position. The team would move in and surround that location where he was located. The decision to move in would be made by supervisors.
- Apo Castro's decision to approach the home and check to see if the suspect was in the trailer deviated from the plan set by his supervisors, even taking in account the miscommunication between he, Det. Borkowski and Sgt. Williams.
- Apo Castro spots the suspect and chases said suspect without his radio. When he later physically engages the suspect he realizes that he has no way to communicate his location to the other members of his unit.
- Apo Castro states the suspect fell to the ground tired and he jumped on top of the suspect in an attempt to handcuff him alone. If he felt it was necessary to use deadly force he could have at that point held Green at gunpoint until assistance arrived.

- Apo Castro unloads his weapon in an attempt to intimidate the suspect into compliance.
- Apo Castro uses what he himself acknowledged were "unconventional tactics and never utilized any of the SCMPD departmental training he has received in the 7 years 11 months he has been employed on the department.
- Apo Castro advised that when writing his report he purposely left out key facts about the incident in an attempt to mislead his supervisors.
- Apo Castro failed to notify his supervisors of his use of force incident.
- Apo Castro failed to complete the Use of Force portion of his report and had to be instructed by his supervisors to do so.
- Upon discovering Apo Castro failed to complete his report fully and accurately no documented discipline was administered by either Sgt. Wilson nor Sgt. Garvin. Apo Castro was given a Verbal Counseling.
- Upon discovering Apo Castro had used force on or about August 16th 2013 a Use of Force packet had not been completed by either Sgt. Garvin nor Sgt. Wilson 2 months later.

In conclusion Apo Glenn Castro was cited with:

- SCMPD GO# ADM-007 Use of Force
II Non-Deadly Force
A Parameters For The Use Of Non-Deadly Force
2. In the event that a situation escalates beyond the effective use of verbal techniques Officers are authorized to employ SCMPD approved compliance techniques and issued weapons to defuse the situation.
- SCMPD GO# ADM-007 Use of Force
II Non-Deadly Force
A Parameters For The Use Of Non-Deadly Force
3. Officers shall use only that amount of force which is necessary and reasonable to overcome non-compliance and/or a threat. [CALEA 1.3.1]
- SCMPD GO# ADM-007 Use of Force
II Non-Deadly Force
A Parameters For The Use Of Non-Deadly Force
4. As the subject offers less resistance, Officers will lower the amount or type of force used. As compliance is achieved the amount of force used to gain compliance will be lowered.

- SCMPD GO# ADM-007 Use of Force
II Non-Deadly Force
A Parameters For The Use Of Non-Deadly Force
7. Issued weapons may be employed by the Officer as deemed reasonably necessary. All authorized defensive weapons and tactics shall be used in the manner prescribed during training.
- SCMPD GO# ADM-007 Use of Force
III Deadly Force
B. Drawing or Exhibiting Firearms
1. An Officer's decision to draw or exhibit a firearm should be based on the Officer's reasonable belief there is a substantial risk that deadly force may be needed. When an Officer has determined that the use of deadly force will not be necessary, the Officer shall, as soon as practicable, secure and/or holster the firearm.
- SCMPD GO# ADM-007 Use of Force
III Deadly Force
B. Drawing or Exhibiting Firearms
2 Whenever an Officer exhibits a firearm and points it to control an individual (offensively or defensively), they shall complete and submit a UOF Report. SWAT and Mobile Field Force are exempt from this in actual SWAT and Mobile Field Force Operations.
- SCMPD GO# ADM-007 Use of Force
V. Reporting A Use of Force Incident [CALEA 1.3.6]
A. An SCMPD Use of Force (UOF) Report will be completed whenever an officer uses force which is greater than that required for unresisted Department-approved searching, handcuffing or escorting.
- SCMPD GO# ADM-007 Use of Force
V. Reporting A Use of Force Incident [CALEA 1.3.6]
B All details regarding the use of force shall be included in the preliminary report. When feasible, force reports shall be reviewed and approved by the supervisor to whom the force incident was initially reported. A reference to the verbal notification and the name of the supervisor to whom it was made shall be included in the first report.

In conclusion Sgt. Torrance Garvin was cited with:

- SCMPD GO# ADM-002 Organization and Direction
- IV. Supervisory Responsibility
- A. The responsibility of a supervisor is to account for employees under their supervision and to ensure that tasks are performed correctly and efficiently. A supervisor will be held responsible for issuing proper orders. To accomplish this responsibility, these orders must not be unlawful or in violation of Department rules and regulations or policies and procedures.

In conclusion Sgt. Sean Wilson was cited with:

- SCMPD GO# ADM-002 Organization and Direction
- IV. Supervisory Responsibility
- A. The responsibility of a supervisor is to account for employees under their supervision and to ensure that tasks are performed correctly and efficiently. A supervisor will be held responsible for issuing proper orders. To accomplish this responsibility, these orders must not be unlawful or in violation of Department rules and regulations or policies and procedures.