

**Investigative Report**  
**Confidential Internal Investigation**

**Response to Protests**

**by the**

**St. Johnsbury Police Department- June 3, 2020**

**Date of Report:**  
**July 16, 2020**

**Prepared by:**  
**Burgess Loss Prevention Associates, LLC**

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### **Introduction**

The Town of St. Johnsbury, Vermont contracted with Burgess Loss Prevention Associates, LLC to investigate the St. Johnsbury Police Department's response to public protests on June 3, 2020.

The purpose of the investigation was to specifically determine if the response and actions of the police officers regarding the protests, were in compliance with the Police Department's Policies and Procedures.

Overall, with the exception of one minor violation, the actions of the police officers were found to be compliance with the towns policies and procedures.

Following the protests, nine (9) written citizen's complaints were made against the police, by seven (7) different citizens. A total of eighteen (18) separate allegations were contained in those nine (9) complaints. Twelve (12) of the allegations, were unfounded and six (6) were relevant. Further review of the six (6) allegations that were relevant, resulted in three (3) that were substantiated. In the case of the remaining three (3) allegations, the actions of the officer(s) involved were proper and lawful.

The investigation did not discover any additional complaints against the police. A complete description of the allegations and results can be found later in this report.

## Recap of Events

The protesters initially gathered in front of the post office, then moved in front of the police station. They then walked around town, returned to the police station, then walked north on Main Street. The protesters then walked south on Main Street stopping at the police station, a second time.

The Chief had some brief interaction with the protesters the first time they gathered in front of the police station. He had a moment of silence with them and requested that they stay on the sidewalk and not block traffic during the protest.

There were no citizen complaints, and there was no physical police interaction with the protesters before the protesters returned to the police station the second time.

Therefore, the focus of this investigation was limited specifically to the interaction of the police, once the protesters returned and stopped in front of the police station, the second time.

Several important events occurred during this timeframe:

- Protesters were blocking traffic on Main Street
- A male subject (Dimas) was blocking traffic in the northbound lane
- Dimas' arrest
- Police officers were ordering protesters to get out of the street
- The interaction with protesters and police as police escorted Dimas to the building
- A protester (McCann) being taken into custody
- Protesters blocking the entrance door to the police station
- The interaction of the police and protesters at the front door of the police station
- A female (Turnbaugh) being moved away from the front door and falling down the stairs
- McCann jumping over the railing and his subsequent arrest
- The interactions of the police and protesters when McCann was taken inside
- The interaction of the police and protesters when the police were closing the door to the police station

## **Investigation Process**

### **Materials Reviewed**

The following items were reviewed as part of the investigation.

- The internet posting of the notice of the demonstration
- Two press releases from the town
- 51 videos from June 3, 2020
- 2 photographs from June 3, 2020
- Email from Attorney Stephen Adler
- Nine citizen complaints from June 3, 2020
- Five responses to resistance forms completed by the police officers
- St. Johnsbury Town Policies and Procedures-Specifically:
  - Fair and Impartial Policing
  - Crowd Control
  - Internal Affairs Citizen Complaints
  - Body Worn Camera Policy
  - Response to Resistance
  - General Rules of Conduct

### **Interviews**

A total of 14 people were interviewed as part of this investigation. All interviews were recorded with the consent of the interviewee. They consisted of:

- Three citizens who filed complaints
- Three people that were arrested (one of those is also one of the people who filed a citizen complaint)
- Five St. Johnsbury police officers

- Four witnesses who viewed the protest from a building across the street from the police station

## **Review of Scene**

This investigation focused on the site of the incidents that occurred in two areas:

First, the area in front of the police station on Main Street in St. Johnsbury. It is a wide, level street. It is a busy street at the intersection of Eastern Avenue. Looking north, visibility is limited, for any traffic traveling up Eastern Avenue and turning right (north) onto Main Street. The intersection has no traffic control; therefore, traffic does not stop.

Second, the stairs leading up to the entrance of the police station are wide, with a landing of approximately 5 feet in depth, at the top. There is one glass pedestrian door that opens out to gain entrance.

## **Process Review of Evidence, Complaints and Policies**

The 51 videos and two photographs were analyzed and reviewed in detail. They were cross-referenced.

The videos were compared to the statements of the 14 people interviewed and rechecked for agreement and accuracy to determine the actual facts.

The citizen complaints were reviewed and compared with the actual facts. Each allegation was classified based upon facts and police department policies.

The policies of the police department were analyzed to determine if policies had been violated.

## Summary of Citizen Complaints

There were nine separate complaints filed by citizens involving the actions of St. Johnsbury police officers on June 3, 2020 at approximately 2PM to 3 PM. The nine complaints were filed by seven different people.

In total, there were 18 allegations involved in those nine complaints. The allegations were against four different officers.

Four separate types of allegations were made:

1. Officers not wearing body cameras
2. Officers pushing/shoving a female down the stairs
3. Officers closing/slamming a door on people
4. Officers arresting people that were defending the girl pushed/shoved down the stairs

This investigator attempted to contact and interview all of the citizens who filed complaints. Three (3) of the citizens were contacted and agreed to an interview. Three (3) other citizens were contacted and 2 voicemail telephone messages were left for each person. None of the three responded. Another complainant provided no phone number on the complaint form and no active phone number could be located. A visit to that complainant's address found no one at home.

Each of the 18 allegations were separately reviewed using all interviewee's statements and videos. Utilizing the St. Johnsbury Police Policy on Internal Affairs/Citizen Complaint, the allegations were categorized under Section III, Complaint Processing, Section C. [See Attached Complaint Processing Chart]

- Twelve (12) of the allegations were unfounded against the officer named in the allegation.
- Three (3) of the allegations were substantiated.
- Three (3) of the allegations found the officer involved exonerated, as the actions of the officer were reasonable and proper under the circumstances.

## **Analysis of Pertinent Police Policies**

### **Body Worn Camera Policy**

A review of the Body Worn Camera Policy found that officers Gray, Bickford and Schartner used their body cameras in compliance with policy.

Officer Kostruba, who was in plain clothes that day, is given an exemption under Section V. E. 2. Her camera was in the same building as she was, but in a different office at the time she responded to assist the Chief.

The Chief was in immediate need of assistance. It was not reasonable for her to take time to retrieve her body camera before responding to assist the Chief.

According to policy, the Chief should have been wearing his body camera. However, two good reasons were provided by him, during his interview, describing why he does not wear a camera. He stated during his interview that he does not normally wear a camera as his duties are administrative. He said that he usually does not have any occasion where he would need to activate his body camera. According to the Chief, if he is on scene of an incident, there are always other officers present first who have cameras rolling.

He stated the storage of video is very expensive. He had previously decided not to increase that expense by wearing his body cam, which would most likely be duplicating video by other officers who were on scene.

### **Response to Resistance Policy**

Each officer (5) involved in the interactions with protesters completed a Response-to-Resistance Form involving their actions on the day of the protests.

All 4 officer reports were reviewed by the Chief. He found appropriate force used by Schartner and no excessive force used by Gray, Bickford or Kostruba.

Each form was reviewed as part of this investigation, including the Chief's report. The maximum level of police response reported was physical control. All information in the Response-to-Resistance Forms corresponds with the video evidence and statements compiled during the investigation. Based on my review, I agree with the Chief's findings on the use of force involving the four officers. Additionally, I find no excessive use of force by the Chief on that day.

The actions of all of the police officers were in compliance with this policy.



## **Crowd Control Policy**

The purpose of the policy states: “The purpose of this policy is to establish guidelines for managing crowds preserving the peace during demonstrations, protests, large gatherings, and the handling of civil disturbances.”

The policy states that “effective law enforcement presence at assemblies and gatherings in a posture that guarantees the constitutional rights of participants and promotes an orderly, lawful demonstration in the best interest of public safety and community.”

In section IV. A., the policy states “officers may take appropriate enforcement action when a demonstration violates the provision of state law.”

On June 3, 2020, Mr. Dimas was intentionally blocking traffic at a busy intersection and refused a lawful order by officers to move out of the way.

The protesters blocking the door to the police station, refused lawful police orders to move out of the way for the safety of the officers and the arrested subjects.

Additionally, some of the protesters refused lawful police orders to allow them to close the door to the police station. Both of these orders were given to protect the safety of the subjects in custody, two members of the public (one was a child), as well as the officers inside the police station.

The actions of the St. Johnsbury Police Officers at the protest on June 3, 2020, were in compliance with this policy.

## **General Rules of Conduct**

These policies were reviewed as part of this investigation. No violation of these policies was found.

## **Fair and Impartial Policing**

These policies were reviewed as part of this investigation. No violation of these policies was found.

## Review of Video and Audio

Fifty-one (51) videos and two (2) photographs were reviewed as part of this investigation. The collected data from various information sources includes:

- 4 body cams, from 3 St. Johnsbury Police Officers
- 37 videos from the building camera on the police station
- 6 videos from the internet
- 4 videos supplied by a witness
- 2 photographs supplied by a witness

Overall, the videos and the statements of all the people interviewed were consistent. Because of the chaos and the point of view of each witness, the evidence presents a slightly different perspective in some cases.

On the police station building, camera video at 13:54 on June 3, 2020, the video depicts the protesters returning to the police station the 2<sup>nd</sup> time. The protesters start to block traffic in the southbound lane. Mr. Dimas can be seen standing in the northbound lane.

On the police station building camera video at 13:57 hours, the videos show Mr. Dimas blocking traffic in the northbound lane. It shows Officer Kostruba motioning to him to get out of the road, Chief Page's approach to him and his arrest. The video reveals that only minimal force was used to handcuff him. The video shows protesters starting to move out of the road.

On the video labeled **Protester 1**, Mr. Dimas can be seen standing in the northbound lane blocking traffic. The Chief can be heard calmly telling Dimas that he is going to be arrested because he refused to get out of the road when he asked him to do so. This video shows Dimas being handcuffed and Capt. Gray telling protesters to get out of the road or they're going to be arrested.

At 13:58 hours (on the same building camera) and the video labeled **Your Facebook**, depicts the crowd attempting to block the Chief's and Officer Kostruba's path of travel with Dimas. The video shows Mr. Mccann bumping into Officer Kostruba and throwing an elbow into her.

At 13:58 hours (on the same building camera) Carmen Turnbaugh can be seen on the stairs yelling and waving her hand. She was the only one on the stairs at this time. Turnbaugh then continues up the stairs to a location, near the front door of the police station. On the body cam video of officer Bickford, she can be seen standing directly in front of the door to the police station. Others soon join her blocking the entrance.

Also, at 13:58 hrs. (on the same building camera and Bickford's body cam) Turnbaugh is seen holding a sign over her head with both arms raised.

Bickford can be heard on the audio part telling people to "get out of the way or you are going to be arrested" as he arrives at the top of the stairs.

Bickford's body cam reveals that Turnbaugh was moving in a forward direction, toward him, before he contacted her. The video shows the Chief's right arm behind Turnbaugh, and a slight forward movement of the Chief's right arm is observed just as Turnbaugh starts to move. Bickford's body cam also shows Kostruba's left hand going behind Turnbaugh's left shoulder, after Bickford made contact with her.

The video from Bickford's body cam shows he placed his left hand on Turnbaugh's right shoulder to move her past him and out of the way. At the time, she was still holding the sign over her head, further contributing to her instability. As she passed by Bickford, he can be heard saying to her "go". A slight snap of his wrist was observed as he ended contact with her. This occurred as she was losing her balance and falling to the landing.

The video labeled **Your Facebook** shows a similar view. Turnbaugh is standing in front of the door, with both arms raised over her head, holding a sign. As Turnbaugh is moved out of the way, she continues to hold the sign over her head and starts to lose her balance. When she falls to the landing, she slides backward, down the stairs.

The police building camera, and Gray's body cam, then shows McCann jumping over the railing and being grabbed around his upper torso by Captain Gray. McCann offered slight resistance. He was then taken into custody and handcuffed by Gray and Schartner.

Video obtained from Gray's body cam, shows Lemmer blocking Gray's (with McCann in custody) entrance to the police station. Gray attempted to pull Lemmer out of the way and then Lemmer was pulled inside with the assistance of the Chief.

At 13:59 hours, the police building camera shows several female subjects attempting to keep the door open to the police station. This is also well visualized on the body cam of Bickford. Bickford can be heard telling the females that he needs to close the door, to get out of the way and asks them to move their feet that are blocking the door.

The police building camera (13:59 hrs. to 1400 hrs.) shows a struggle between Schartner and Bickford over control of the door to the police station. Both Bickford's and Schartner's body cams depict the same scene. On the audio obtained from Schartner's body cam, he can be heard asking protester Marion Ely, and another female protester, to "please let me close the door." He made several similar requests.

At 1400 hrs. (on the police building camera) Bickford and Schartner's body cams show Ely struggling with the police over control of the door. Ely is eventually taken into custody and brought inside by Chief Page and Bickford.

At the same time, an unidentified female wearing a Red Hat, can be seen adjacent to the door falling down. She is lifted up by Shatner. Shortly thereafter, this same female falls down again as the door is finally closed.

## **Interviews Details**

### **Interviews Of Citizens Who Filed Written Complaints**

**Britnee Lemmer**

#### **Identifying Clothing and Features Depicted on Video**

Wearing gray hoodie and green bucket hat

There were 2 items listed in her complaint:

Captain Gray

1. was not wearing a body cam
2. shoved Carmen Turnbaugh down the stairs

Both complaints were classified as unfounded. Capt. Gray was wearing a body cam; he had nothing to do with Turnbaugh falling down the stairs.

#### **Key Interview Points:**

She was located near front of the protesters when they returned the 2<sup>nd</sup> time to the police station

Overheard heated discussion between the Chief and male subject standing in the road; she did not actually hear the words of the conversation

Kept questioning police as to why they were arresting the male

Went up the front steps as police were trying to bring male inside police station

Heard police officers saying something like--get out of the way or you will be arrested

Observed female either being pushed or falling down stairs; not sure who pushed her or how she started to move

Standing off to the side of the door in front of the glass when she was grabbed by the Chief and someone pushed her inside

Sustained a bruise to her right middle forearm and right shoulder; thinks the bruise occurred when she was grabbed and when she went through the door

Not complaining about bruises; stated she bruises easily

## **Amy Clapp**

### **Identifying Clothing and Features Depicted on Video**

Bright red hair in bun, wearing sweater dress; no mask

There were two items listed in her complaint against two different officers:

Captain Gray

1. threw a girl down the stairs
2. closed the door on people

Captain Gray had nothing to do with anyone falling down the stairs. Additionally, he was not involved in the struggle to close the door to the police station. Both complaints were classified as unfounded.

A lieutenant with a mustache

1. threw a girl down the stairs
2. closed the door on people

There was no lieutenant with a mustache on the scene that day. Both of these complaints were classified as unfounded.

### **Key Interview Points:**

Located near the left side of the stairs by the lawn when protests returned to the police department the 2<sup>nd</sup> time

Heard police officers telling people to move away from the doors

When female fell down the stairs there were people between her and the female- She did not see what happened; just saw female tumble down the stairs.

She then went up the stairs and was behind her friend Britnee Lemmer

Several people were blocking doors to the police station; Lemmer was shoved and police closed the door on another female

## **Ryan Fauci**

### **Identifying Clothing and Features Depicted on Video**

Tan flannel shirt; brown tube-type mask

He had three items listed on his complaint:

Chief Page

1. neglected to wear a body cam
2. shoved a teenage girl down the stairs
3. slammed the door when people were half in/half out

Complaint #1 is sustained. Chief Page was not wearing a body camera

Complaint #2 was unfounded. Chief Page had nothing to do with the female falling down the stairs

Complaint #3 was categorized as exonerated. Chief Page was involved in the struggle to close the door. This action was a proper and lawful action to protect the safety of the officers, those in custody and 2 members of the public inside the police station.

### **Key Interview Points:**

He was located in the street when protesters returned to the police station the 2<sup>nd</sup> time

Heard Chief say to a male standing in the street that he was going to be arrested

He then moved to the sidewalk, just to the left of the center of the stairs

He saw several people blocking the door to the police station

There were many people between him and the female who fell down the stairs-  
He did not see initially what happened; just saw her fall down the stairs

Did not hear any orders from the police officers, prior to the female falling down the stairs

Still on the sidewalk when the second male was arrested and brought up the stairs

There were 4-5 people blocking the door; his view was blocked by the crowd

He's not 100% clear what happened; observed one man's arm inside the doors and the police were trying to close the door

## **Interviews of People Arrested**

**Britnee Lemmer**-See interview above

**Marion Ely**

### **Identifying Clothing and Features Depicted on Video**

Black top; blue and white mask; glasses

### **Key Interview Points:**

Standing by the front door of police station holding a sign

She does not recall the police giving any commands, but said it was very noisy

Blond female (Turnbaugh) was the main person blocking the door

Behind an officer; she was looking over his left shoulder

Saw the same officer she was behind, grab the blonde female with his right hand, officer reeled back, and she saw the female go past her, falling down the stairs

After female fell down the stairs, Ely was holding the door open and was assisted by another female

She was told by an officer the door needed to be closed

The other female was speaking to the officer as she continued to hold the door open

Recalls officer telling her the door needed to be closed and asked her if she wanted to be arrested

Once inside, she was sitting down, and her ankle was cuffed to the wall

While she was calling her mother on her cell phone, a female officer, Kostruba, tried to take her phone from her--She resisted this action by curling up and holding the phone underneath her

The female officer left and returned with another officer at which time they handcuffed her; she thought the assisting officer was Schartner

She had no complaints about any injuries or how she was treated



## **Robert McCann**

### **Identifying Clothing and Features Depicted on Video**

Light blue shirt; white mask

### **Key Interview Points:**

Joined protest only about 10 minutes before it stopped in front of the police station the 2<sup>nd</sup> time

Was very close, 6-10 feet, from the male (Dimas) when the male was arrested in the street

He noted that he does not hear very well, but heard a heated discussion between the person (he knows to be the Chief) and the male subject who was arrested

Male subject was spun around as he was arrested, which ignited the crowd

He wanted answers as to why the officers were not wearing body cameras and kept trying to stay in front of the female officer (Kostruba) to ask his question

Stated he and female officer kept bumping into each other

He was taken into custody by police

He had no idea what happened as he headed up the stairs; he was pushed by someone, crowd went wild, thought he was going to fall so he jumped over the railing

When he landed he hit his knee and forehead-When he stood up, he said he was kind of confused

Trying to get out of the way when time police grabbed him and handcuffed him

When police took him back up the stairs he was not sure if anyone was blocking the door

Once inside he was treated well; they actually loosened his handcuffs at one point to provide comfort

## Interview of Witnesses

### Stephen Adler

#### Key Interview Points:

Location- In his office on second floor, corner office directly across from police station when protesters returned 2<sup>nd</sup> time to police station

Protesters blocking traffic; he estimates 10 to 15 minutes

Observed Chief and another officer were using hand signals to urge protesters to move out of road

Saw a male, wearing a red hat, blocking the road

Saw police take the male (wearing a red hat) into custody; there was no struggle-was surprised when police took male (wearing a red hat) into custody, as male was not the only one blocking traffic

Heard lots of screaming at police; appeared to be trying to obstruct progress of police escorting arrested subject inside

Saw female with blond streak in hair (Turnbaugh) and other females blocking door/holding door open; female (with blond streak in hair) was possibly the main person blocking the door; she was located to left of door arch

Observed officers struggling with the door to open/close

Looked like officer got behind her; trying to have her let go of the door; she stepped backwards and fell

Thought the female who fell (with blond streak in hair) over-dramatized and acted; her response was inappropriate in relation to the amount of force used by the officer

Female who fell down stairs, was one of the most aggressive protesters, was in-the-faces of the police and was screaming the loudest; seemed to be acting for the crowd

Overall police demeanor was restrained and professional

Protesters were the agitators; impression was protesters tried to provoke police to respond aggressively toward them

## **Lonnie Sargent**

### **Key Interview Points:**

Location-On third floor of building across from police station

Estimates protesters were blocking one lane of traffic for 3 to 5 minutes

Saw the male (wearing a red hat) in the lane closest to the building where she was inside, (northbound lane) blocking traffic

Observed arrest of the male; there was no struggle

After the arrest, the crowd swarmed towards the officers and the person who was just arrested; crowd now seemed angry

She was concerned for the safety of the officers

Observed male (in a blue shirt) trying to block the way of Chief Page as he escorted the arrested subject to the police station

Female with white shirt (Turnbaugh) attracted her attention; at this time the female ran up the steps and was standing in front of the police station door

When the female fell (Turnbaugh) she was watching the male subject (in a blue shirt) and did not see the female (Turnbaugh) until she was at bottom of stairs

Officers were still trying to get the door open and were struggling to do so

Observed no excessive use of force by police; described the police as under control

## **Jawzlin Moodie**

### **Key Interview Points:**

Location-On the second, and then on the third floor, of the building across from the police station near the end of the protest; she watched the protest off and on

Observed protesters blocking both lanes for about two minutes; the police came out and directed the protesters out of the way

Observed crowd preventing Chief Page from taking the subject in custody towards the building

Observed female (known to her now as Carmen) run up to the door and also saw other females ascend the stairs and block the doors to police station

Stated that Carmen and other females were trying to block the police from going inside

Carmen was blocking the door and the police were trying to get through the crowd

Did not see details of how Carmen was first moved

Believed Carmen's fall was "dramatic"

Saw protesters holding door open as police tried to close it; described the scene as "like a tug of war almost"

Overall, thought police handled the situation the best they could

Police did not use excessive force; protesters were provoking police

Provided video she [herself] captured of the protest

## **Valarie Webster**

### **Key Interview Points:**

Location- In a building across from the police station on second floor; watched the protest off and on

Observed protesters blocking the southbound lane

Observed police escort male to building

Observed several females, blocking door to police station

Someone was opening the station door and a female lost her balance; thought fall was "dramatic"; looked like she fell backwards

Overall, police did an excellent job keeping the peace; they were not the aggressors

Several people in the crowd were aggressive; most aggressive person was a female, now know to her as Carmen Turnbaugh

## **Interviews of St. Johnsbury Police Officers**

Prior to conducting interviews with each officer, they were provided with a Garrity Warning, which they read and signed.

### **Chief Timothy Page**

#### **Identifying Clothing and Features Depicted on Video**

Uniformed officer; glasses; mustache

#### **Key Interview Points:**

Completed specific courses on crowd control training on the internet from JPMA Staff Development Solutions, LLC

On June 2, 2020, due to a notice that was posted on social media, he became aware of a protest/rally scheduled for June 3, 2020 in St. Johnsbury

Called Kristen Seadale, an organizer of the event; she described the following plans for the demonstration:

- 10 to 15 people
- peaceful protest
- will be on lawn at post office

Chief made request:

- Don't block sidewalks or streets
- Was assured by the organizer they were not going to do that

Later that day a female from Massachusetts, called him to assure him it was going to be a peaceful protest with 10 to 15 people

Chief requested to meet with her when she arrived; she stated she would not be coming to the protest

Chief then requested to meet with the Kristen Seadale and she replied she was not sure if Seadale was going to attend either

Based on the information he gathered from the organizers, the planned event appeared to be a demonstration/rally of 10-15 people expected

Based on this information, he did not increase staffing on the shift; he advised the state police office in St. Johnsbury about the event

Primary goal for day was to keep everyone safe; police staying away was the best option at first

During the morning of June 3, he and his staff were very busy with untimely deaths and an overdose in the town

Around noon time he drove by the post office and observed what he estimated to be 150-200 people at the demonstration

Initial orders to his officers were to stay away from the protesters and give protesters their space

Directed officers to observe from a distance to be sure protesters did not bother anyone and nobody bothered the protesters

As protesters moved around town protesters mostly stayed on the sidewalk and only blocked traffic when they were crossing the street; protesters then returned to the police station

He went out to talk to the protesters; they had several unreasonable demands and kept yelling at him

He offered to have a moment of silence with them, which he did

Protesters responded by getting mad at him because he did not kneel for a full nine minutes; he returned inside

Protesters then marched north on main street. At this time, some were in the roadway; when they turned and headed back south on main street they took over the southbound lane on main street

When they arrived at the police station, he went out in the southbound lane to block their path and again asked them to get out of the road and stay on the sidewalk

He was concerned for the safety of the protesters while in the street; concern was based upon the fact that not everybody was supportive of their cause and the potential existed for someone to be struck by a vehicle; protesters also creating problems for the traveling public

Person, now known to him as Carmen Turnbaugh, came right up to him, was yelling at him with her sign in his face, stating they wanted to be heard and they were not going to move from the sidewalk

He looked and saw a person, later identified as William Dimas, blocking the northbound lane of Main St., at the junction of Main street and Eastern Avenue

Chief was concerned as this is a blind, uncontrolled intersection and vehicles coming up Eastern Avenue do not stop before they turn right (north) onto Main street

Chief told Dimas he had to get out of the road; Dimas replied the only way he was going to get out of the road was if he was arrested;

Chief arrested him for impeding traffic/disorderly conduct; Dimas was handcuffed with no resistance

At this time, the crowd became unruly as he and Officer Kostruba tried to take Dimas into custody; Crowd was chest bumping and shoving them

As they escorted Dimas towards the police station, the crowd tried to pull [Dimas] from them, kept getting in the way, bumping into them and shoving them

Dispatchers observed the crowd getting unruly and called for the other officers to assist

A male, identified later as Robert Mccann (who was arrested) was the most aggressive, pushing and throwing elbows against the Chief and Officer Kostruba

He was concerned for officer safety as the crowd became unruly and they were very outnumbered; it had now become acceptable to bump and push the police and he did not want it to escalate

He directed Officer Kostruba to head for the door with Dimas

Also concerned for Dimas's safety, as he was now in their custody and they needed to protect him

Directed Capt. Gray to arrest Mccann for disorderly conduct

Crowd of protesters ran up the steps and blocked the door / entrance to the police station

Bickford was helping them get through the crowd to the door; Chief was trying to move people out of the way and was reaching to open the door; said they needed to get inside for everyone's safety

Heard officer (s) telling protesters to get out of the way

Did not see Bickford move Carmen Turnbaugh or see her fall down the stairs; did not observe any officer make contact with Turnbaugh

Focused on moving people to get inside- "literally fighting our way to get inside"

Describes situation at the door as chaotic; his focus was to get inside with the individual he had in custody

Once inside, he turned custody of Dimas over to Kostruba

He went back outside to arrest a female (Ely) who'd been stomping on his feet and one of the main people blocking his way while escorting Dimas-He grabbed her by the arm and pulled her into the building; that was the only force used

Gray and Schartner were trying to get Mccann into the building; Bickford then tried to close the door after they were inside

Protesters were trying to keep the door open; Chief concerned the protesters were going to storm inside the lobby and processing room

Identified another female (Lemmer) who was resisting their efforts to close the door and placed her under arrest; she was grabbed by the arm and pulled in the door as well

About the time they closed the door, the state police arrived; the crowd started to quiet down and about half of the protestors left the scene

Gray suggested to the Chief, seeing that the protesters were most upset with the Chief for arresting Dimas and for not wearing a body camera, that he (Gray) go out and talk to the crowd

Gray, Bickford and Schartner went outside and knelt with crowd for nine minutes

He cited 4 arrested protesters and released them; "brought them in because he had to, let them go because he could"

Does not normally wear a body cam as his activities are administrative and noted that, if he is involved in an incident there are other officers there that have body cams

Cameras are expensive and the storage of the video is expensive; tries to have video coverage of events but not over-coverage to limit town's expense

Body cam policy states that they are not to video lawful protests; this was one of the reasons he ordered the officers to stay away from the protesters as they were legally protesting around town

He appreciated the fact that cameras were rolling as it showed chaos when the crowd became unruly; officers use of body cams that day was appropriate and in accordance with policy

Police officers acted very professionally in accordance with policy and went above and beyond to do the job and did not do any more than was necessary; officers did an excellent job that day



## **Lieutenant Mark Bickford**

### **Identifying Clothing and Features Depicted on Video**

Uniformed officer; patriotic colored mask

### **Key Interview Points:**

Has received no specific training on crowd control; has been involved in a few crowd control incidents previously

Heard the day before there was going to be a scheduled protest in St. Johnsbury; Lyndon had about 50 to 60 people protesting earlier

On June 3, he was on days off and was called to come into work; arrived 1:35 to 1:50 PM

Directed by chief to use marked unit to patrol around town, urged to stay in close proximity

Called by dispatch to return to office area to assist Chief; observed protesters blocking both lanes of traffic

Observed chief in the middle of a “bee storm”

Chief was taking one subject into custody and numerous protesters were surrounding him

Made his way through the crowd as crowd was trying to hinder or block Chief’s access with arrested subject (Dimas) up the stairs into the building

Observed 8 to 10 people in close proximity to the doorway; others on the stairs leading up to the door

Some people made a blatant stance right in front of the door to block access to the door

Felt situation was starting to spiral out of control; was concerned for everyone's safety

As he headed upstairs, Chief was just in front of him; does not recall if he made any verbal commands to people in front of the door at this time

From an officer safety standpoint, they had the legal authority to move people out of the way to get inside; it was the least intrusive way to protect everyone’s safety

Female, (now known as Carmen Turnbaugh) was directly in front of the entrance to the door; he made a sweeping motion with his left arm to clear people in front of the door

When his left hand made contact with Turnbaugh's right shoulder; he estimated the force he used [on a scale of 1 to 10 w/1 being the lowest] of about 2, to move her; he described this action as analogous/equivalent to shooing a bee away

Intent of moving Turnbaugh, was to clear the doorway to allow the Chief access (with his subject) to the building; did not intend for Turnbaugh to fall down the stairs

Believes her falling down the stairs was an unintentional result of his contact with her

Once Turnbaugh fell down the stairs, he recalls giving orders to others to get out of the way telling them they were blocking the door

Concerned about the safety of a small boy and his father who were in police lobby on another matter; concerned if they could not shut the door that the lobby could be overrun

Believed best way to de-escalate the situation was to get necessary people inside and then shut the door to keep the other people outside

Told a female (Ely) she was blocking their ability to secure the door; told her two or three times to stop blocking their efforts to close the door or she might be arrested

Only force used was described as an escort-type force to bring Ely into building

Used no force on any of the arrested subjects once inside

He, Gray and Schartner went back outside, took a knee for about nine minutes with the crowd and talked to them; crowd calmed down

When he met with Turnbaugh a few days after the event, they both agreed they regretted the situation with her falling down the stairs; they did not discuss the details of exactly what happened

## **Officer Gerald Schartner**

### **Identifying Clothing and Features Depicted on Video**

Uniformed officer; no mask

### **Key Interview Points:**

Received general training on crowd control from Vermont police academy

Told about planned protest the day before; the estimate was 10 to 15 people planned to conduct a peaceful protest

Directed by Chief just to patrol around town but not follow the protesters

Called by dispatch to assist Chief in front of police station

Observed protesters blocking both lanes of street when arrived

Asked protesters to get out of the road and used hand signals to motion them along; protesters he spoke to responded favorably by getting out of road

Chief had subject in custody and was trying to make his way to police station; saw multiple protesters in Chief's face

Observed one male subject (Mccann) pushing, shoving, and bumping into Kostruba with his shoulders and elbows obstructing her way

Took subject into custody with Gray; only force used was an escort-type force

As he headed upstairs to the police station, he observed multiple protesters blocking entrance to Police Department; their path was also blocked by protesters

His concern focused on the safety of officers, i.e., if any protesters had weapons

Heard one of the officers saying, at least twice, to the protesters blocking the doors, something to the effect--get out of the way or you'll be arrested; asked one protester to move out of the way and she complied

Did not observe any officers using any type of force to move protesters away from doors

Once Mccann jumped over the railing, he grabbed Mccann's arm to place him in handcuffs; no other force was used

As they escorted Mccann up the stairs, he asked one female protester to get out of the way; she complied

He and other officers tried to close the door; females were holding the door open

Recalls other officers telling the females to let go of the door or they would be arrested; he was not involved in the arrest of anyone at the door

Observed a female (wearing a red hat) who was also trying to block their efforts to close the door, fall to the ground; he picked her up and just held her out of the way so they could close the door

Did not use any additional force on anyone once inside the station

## **Officer Daniele Kostruba**

### **Identifying Clothing and Features Depicted on Video**

Plain cloths officer; dark mask

### **Key Interview Points:**

Received general training on crowd control from both Florida and Vermont police academies

Just prior to June 3, received information that a small peaceful protest was going to be held on the post office lawn

Location-In her corner office, right over where the protesters were gathering around noon; Chief advised her to notify him if the protesters were getting out of hand

Remained in her office while the protesters were marching around town  
When protesters returned to the police station the second time, she observed they were blocking the lane closest to the police station

Observed the Chief as the only officer out in the crowd of protesters; she ran down to assist; she was in plainclothes; her badge and gun were visible

Normally does not wear a body cam; hers was in the charger in the squad room at the time she left her office to assist the Chief; she noted that she was in a hurry to assist the Chief and did not bring the body cam, a radio or her vest

Overheard Chief telling the protesters they could protest but could not block traffic

Observed male subject (Dimas) get in the other lane and block a vehicle; she told him to get out of the road; he refused

She then heard the Chief tell him to get out of the road; he again refused and said the only way I'm getting out of the road is if you arrest me

Situation was chaotic and getting worse; it got worse after they placed Dimas under arrest; he did not resist arrest; only minimal force to place him in handcuffs was used

Multiple protesters were refusing to move so they could escort Dimas through the crowd; one person in particular (Mccann) was pushing her

Concern was for everyone's safety as it was getting crazy

As she headed up the stairs, she observed several people blocking their way; one young girl (Turnbaugh) was blocking the door

Orders from her and other officers to those blocking the door were to move, get out of the way, they needed to get inside

She let go of the subject's arm to move the young girl (Turnbaugh) out-of-the-way; however, Bickford moved her (Kostruba) out-of-the-way first; does not remember touching (Turnbaugh) but observed in the video, at a later time, that she appeared to have contact with her using a small amount of force

Saw Bickford move (Turnbaugh) out of the way but does not remember any details; did not see her fall

Once inside, used leg irons to secure female subject (Ely) as no handcuffs were available; later went to use handcuffs on Ely; Ely refused and a brief struggle ensued; Kostruba was scratched by the subject on her arm

### **Captain Dale Jason Gray**

#### **Identifying Clothing and Features Depicted on Video**

Uniformed officer; dark mask

#### **Key Interview Points:**

No specific training on crowd control

Prior to June 3, was advised by Chief 10-12 people were going to protest in front of the post office

First observed protesters when he returned to the police station around 12:30 PM; Chief instructed him to stay away from protesters so as not to provoke them

Called to respond to police station later; when he arrived, he observed protesters blocking most of the road

Told several protesters that they needed to get out of the street or they were going to get arrested; those he spoke with moved

First observed Chief, as Chief was escorting a male subject (Dimas) towards the police station; protesters were blocking their path

He was directed by the Chief to grab male subject (McCann); did not handcuff the subject as there were too many people around and just wanted to get out of there as fast as possible

As he headed up the stairs to the police station, escorting (Mccann) protesters were blocking the door; he heard other officers giving orders to the protesters to get out of the way

Heard lots of commotion; observed a blonde girl fall down the stairs; had no idea what happened to her

Mccann attempted to escape custody by jumping over the railing and tried to get away; regained control of the subject and handcuffed him; then escorted him up the stairs

Gave orders several times to a female (Lemmer) who refused to get out of the way so he could enter; tried to pull her out of the way and that did not work

He ended up pushing her into the lobby so she could be taken into custody; Chief assisted him in taking her into custody; the only force used was a push and pulling action

Not involved in the struggle to close the door; assisted moving female (Ely) once she was inside; only force used was directing subject to proper area

Returned outside to speak with protesters and took a knee with them

### **Unsuccessful Attempts for Additional Interviews**

Attempts were made to contact the following people; they were unsuccessful. There were no responses to my requests for interviews, or the person(s) could not be located:

- Carmen Turnbaugh-Protester and Female who fell down the stairs
- William Dimas-Protester and Arrested Subject
- Ezra Wilson-Filed Citizen Complaint
- Darby Ely-Filed Citizen Complaint
- Nina Webb-Filed Citizen Complaint
- Jeremy Baldauf-Filed Citizen Complaint
- Kristen Seadale- Demonstration Organizer

## **Attachments**

1. 14 Audio Files Containing Interviews
2. Citizen Complaint Processing Chart
3. 5 Signed Garrity Warning Documents
4. Six Videos-Labeled:
  - Your Facebook
  - Protester1
  - Across St.1
  - Across St.2
  - Across St.3
  - Across St.4
5. Two Photographs of Protest Scene