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BREAKING

South Whitley police officer no longer with department, charge against teen dropped

Kymmi Amato

Apr 19, 2024



Once he saw the video for himself, he waited several months for a different response before deciding to post the videos to YouTube himself.

SOUTH WHITLEY, Ind. (WFFT) - A South Whitley police officer who was involved in a controversial arrest that showed up in a viral video is no longer with the department.

A statement released today by South Whitley's Town Council president says, "Due to public safety, Officer Brian R.P. Schimmel is no longer with the South Whitley Police Department."

Also released today, a statement from the Whitley County Prosecutor's Office announcing the case against 18-year-old Vivian Augustus was dismissed.

Augustus was pulled over on Jan. 24th for speeding and having a headlight out.

Police say she refused to roll her window down all the way to give Schimmel her ID.

A video shows Schimmel opening the driver's door, pulling her out of the car and pinning her to the ground 90 seconds into the traffic stop.

Schimmel turned his body camera on after he had Augustus in handcuffs.

Schimmel explained to her father, who was called to the scene, "She wouldn't give me her ID, wouldn't give me her registration, so she was assisted out of the vehicle and placed into custody, resisting arrest and failure to identify."

Body cam footage from another officer shows Schimmel describing the arrest to the officer, "She refused to exit so I pulled her ass out, put her in an arm-bar, slammed her to the ground, got her in custody."

In the statement, the county's prosecutor wrote that Augustus was initially charged because the officer had probable cause.

However, Prosecutor D.J. Sigler says the standard for trial is far greater and requires proof beyond a reasonable doubt.

According to the statement, Sigler "indicated that legitimate community concerns about the Augustus arrest and officer conduct before, during and after the traffic stop diminished the State's ability to successfully prosecute the case to conviction."

The prosecutor is concerned some people will believe they don't have to comply with an officer's lawful requests for identification.

"In Indiana, it is absolutely clear that a person pulled over for a traffic violation must provide their identifying information. This is a basic concept that has been written into the law by our legislature. This law will continue to be vigorously enforced."

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