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Barbara LaWall

Pima County Attorney

October 20, 2014

Detective Jeff Brown
Arizona Department of Public Safety
Special Investigations Unit
P.O. Box 6638
Phoenix, AZ 85005

Re: Investigation of Joel Mann, Arizona Department of Public Safety DR #1400003340

Dear Detective Brown:

I have reviewed the investigation concerning the conduct of Sergeant Joel Mann that occurred on March 29, 2014 after the University of Arizona's loss to Wisconsin in the NCAA basketball tournament. Specifically, I have been asked to determine whether Sergeant Mann committed any criminal acts during his encounters with two separate people during the Tucson Police Department's attempts to disperse the unlawful assembly that formed after the game.

During my review, I have met with you twice and discussed the case. In addition to our meetings, I have read and reviewed all of the reports and interviews you submitted to me. I have also viewed video footage from the helmet cameras from several officers involved in the incident.

Based on my review, it is my understanding that on March 29, 2014 after the University of Arizona's loss in the tournament, several fans exited bars and restaurants in the area of University Boulevard and Tyndall Avenue. The Tucson Police Department deployed approximately 50 Mobile Field Force Officers to disperse the crowd. Police officers declared the gathering to be an unlawful assembly, and gave the crowd a dispersal order over a PA system several times. The majority of the crowd did not respond.

Police officers formed a skirmish line, and attempted to push the crowd away from the area. Several people in the crowd threw bottles, firecrackers and other objects at officers on the skirmish line. Sergeant Joel Mann was behind the skirmish line following it down University Boulevard. It is during this time frame that Sergeant Mann engaged in the conduct that gave rise to this investigation.

The Arizona Department of Public Safety was first asked to conduct a criminal investigation into an incident between Sergeant Mann and Christina Gardilic. Based on the materials I have reviewed, it is my understanding that Ms. Gardilic had watched the basketball game at a local bar. After the game, she and two friends picked up take-out and planned to walk to their car that was parked in the parking garage on Tyndall Avenue.

In her interview, Ms. Gardilcic acknowledged that she saw the police out on the street, and that she was aware something was going on. She indicated that she walked west down University Boulevard and that her intent was to turn the corner at Tyndall Avenue and go to the parking garage. The evidence demonstrates that at the time Ms. Gardilcic was approaching Tyndall Avenue from University Boulevard, she was approaching the back of the skirmish line. The video of the incident demonstrates that Ms. Gardilcic was not paying attention to what was in front of her because she had her head down and was texting on her phone.

Sergeant Mann indicated he saw Ms. Gardilcic approach the back of the skirmish line and decided that he had to stop her. He made this decision not only to protect the officers in the line, but also to prevent Ms. Gardilcic from walking into the main area of the riot. Sergeant Mann approached holding his baton perpendicular across his body. He pushed Ms. Gardilcic with his baton, and she fell back on a bench on the sidewalk. Sergeant Mann indicated he did not see the bench before he pushed her.

Sergeant Mann indicated he saw Ms. Gardilcic get up and move away, and that she did not appear to be injured. In his interview Sergeant Mann indicated his sole intent in pushing Ms. Gardilcic was to keep her away from the back of the skirmish line. Ms. Gardilcic had no injuries from the incident other than some back pain and a bruise on her arm.

After submitting this original investigation regarding the encounter with Ms. Gardilcic, you were again contacted by the Tucson Police Department and asked to investigate another encounter Sergeant Mann had that night. At that time, you and I discussed the matter and decided we would include the second incident in this original investigation. The second portion of the investigation was delayed due to Sergeant Mann being on military leave. You were able to interview him about the incident when he returned.

The second incident involves two people [REDACTED] D [REDACTED] and [REDACTED] M [REDACTED]. Mr. D [REDACTED] and Ms. M [REDACTED] were seated at a table on University Boulevard near Tyndall Avenue while the dispersal order was being given. Neither of them left the area. As the skirmish line approached their location, Sergeant Mann noticed that Ms. M [REDACTED] and Mr. D [REDACTED] had failed to leave the area, and were now on the sidewalk behind the line. Sergeant Mann and others gave commands to leave the area, but neither did. Sergeant Mann pushed Ms. M [REDACTED] and told her to move. She fell off the table she was sitting on and fell into Mr. D [REDACTED] lap. She got up and moved away, and another officer got her to leave the area.

Mr. D [REDACTED] remained seated in the chair and Sergeant Mann pushed him twice more. Mr. D [REDACTED] can be heard asking Sergeant Mann if he could get up. Sergeant Mann continued to give commands to move. Mr. D [REDACTED] eventually got up and left the area. He was not injured. Ms. M [REDACTED] refused to be interviewed about the incident.

Sergeant Mann indicated in his interview that his only intent in pushing Mr. D [REDACTED] was to protect the skirmish line and clear the crowd.

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In order to prove the crime of assault, the State has to prove that a person either: 1) intentionally, knowingly or recklessly caused physical injury to another person, or 2) knowingly touched another with the intent to injure, insult or provoke the other person, or 3) intentionally placed another in reasonable apprehension of injury.

Having reviewed the video footage and statements, it does appear that Sergeant Mann's use of force in these two situations was somewhat overzealous, and not necessary to accomplish the objective he intended. However, it is clear from the evidence that Sergeant Mann lacked any criminal intent in using the force he did. His sole intent in using the force was to protect the back of the skirmish line and to keep people out of the riot area.

Because the evidence does not demonstrate any criminal intent on the part of Sergeant Mann, the State would be unable to prove any criminal charge beyond a reasonable doubt. For this reason, the Pima County Attorney's office declines to file criminal charges against Sergeant Mann in connection with either incident.

If you have any questions concerning this matter, please don't hesitate to call.

Sincerely,



Kellie Johnson
Chief Criminal Deputy

cc: Barbara LaWall, Pima County Attorney
Chief Roberto Villaseñor, Tucson Police Department