

STATE OF INDIANA
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION

Cause No: 49

STATE OF INDIANA)
)
 vs.)
)

INFORMATION

COUNT I

OFFICIAL MISCONDUCT

I.C. 35-44.1-1-1(1)

A LEVEL 6 FELONY

COUNT II

BATTERY RESULTING IN BODILY
INJURY

I.C. 35-42-2-1(c)(1) and I.C. 35-42-2-1(d)
(1)

A CLASS A MISDEMEANOR

COUNT III

BATTERY RESULTING IN BODILY
INJURY

I.C. 35-42-2-1(c)(1) and I.C. 35-42-2-1(d)
(1)

A CLASS A MISDEMEANOR

TRAVIS LEWIS W/Male
DOB [REDACTED] 1990

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), says that in Marion County, Indiana

COUNT I

On or about February 10, 2022, TRAVIS LEWIS, a public servant, to-wit: an officer with the Indianapolis Metropolitan Police Department, knowingly or intentionally committed an offense to-wit: battery, in the performance of his official duties;

COUNT II

On or about February 10, 2022, TRAVIS LEWIS did knowingly touch Paul Johnson in a rude, insolent, or angry manner by grabbing Paul Johnson's genitals, resulting in bodily injury, that is: pain;

COUNT III

On or about February 10, 2022, TRAVIS LEWIS did knowingly touch Paul Johnson in a rude, insolent, or angry manner by throwing Paul Johnson to the ground while handcuffed, resulting in bodily injury, that is: a laceration and/or pain;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

March 28, 2022
Date

RYAN MEARS
Marion County Prosecutor
19th Judicial Circuit

/s/ Robert Beatson
Robert Beatson, #31221-49
Deputy Prosecuting Attorney

State's Witnesses:

C. Stewart/IMPD/S1785
M. Clonce/IMPD/41929
J. Henry/IMPD/43851
J. Hartley/IMPD/43849
S. Spears/IMPD/S1058
Paul Johnson

AFFIDAVIT FOR PROBABLE CAUSE

THE STATE OF INDIANA, COUNTY OF MARION, SS:

Sergeant Craig Stewart swears (affirms) that:

On February 10th, 2022, Paul Kenneth Johnson, Jr. (B/M, DOB [REDACTED]-1979) telephoned 911 and the Indianapolis Metropolitan Police Department (IMPD) to report a burglary in progress from within the address at 82 [REDACTED] East 21st Street, Indianapolis, IN.

Believing individual(s) were attempting to force entry into this residence, Mr. Johnson was screaming for help as officers from the Indianapolis Metropolitan Police Department arrived. Initially responding to this run, IMPD Officers Lewis (42865/B334), Clonce (41929/ B359), and Hartley (43849/B371) arrived and quickly made contact with Mr. Johnson and other parties within the residence. After securing this scene and determining there was no burglary in progress or attempted burglary at this residence, officers conducted a brief field investigation. After having had a protective order incorrectly confirmed (cause 49D17-2010-F6-032063) that prohibited Mr. Johnson from being at this location and contacting parties at this residence, Mr. Johnson was placed under arrest and subsequently transported to Eskenazi Hospital. A report of this incident was made under IMPD case number IP22013196.

On February 13th, 2022, an officer on the scene of this incident filed a formal complaint that IMPD Officer Travis Lewis used force that was both “unnecessary and excessive” during this incident with his/her immediate supervisors. This initial complaint outlined that Officer Lewis forcefully threw Mr. Johnson, handcuffed behind his back, to the asphalt outside a marked car without controlling his descent. Additionally, this complaint alleged that Officer Lewis had his hand(s) in the area of Mr. Johnson’s genitals, covered by his boxer shorts, before Mr. Johnson verbally complained of pain. Lastly, this complaint stated that upon review of this officer’s body-worn camera (BWC) footage of the incident, he/she observed “...Officer Lewis reach towards (Mr.) Johnson’s private area and then twist his hand. [Mr.] Johnson immediately started screaming. A couple of minutes after on the video, [Mr.] Johnson made the statement ‘my balls.’”

On February 14th, 2022, Officer Lewis’s immediate supervisor(s) reviewed the incident report and BWC evidence from this incident as part of their investigation. In their findings, it was reported that it “...appears that Officer Lewis does grab the suspect’s genitals and apply pressure during the incident... [and that Mr. Johnson] ...immediately screams out when grabbed by Officer Lewis.” Furthermore, the reviewing supervisor found the BWC footage of how Mr. Johnson went to the ground was “consistent” with this same formal complaint.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/S/ Craig Stewart _____
AFFIANT

DATED: March 22, 2022

Affidavit for Probable Cause

From: Sergeant Craig Stewart

As the actions of Officer Lewis toward Mr. Johnson, while under arrest and secured in handcuffs, were determined to be “unnecessary, excessive, and not proportionate to [Mr. Johnson’s] actions at the time,” a criminal investigation of Officer Lewis’ behavior was initiated and assigned to Detective Sergeant Craig Stewart with the IMPD Special Investigations Unit (SIU) under case number PIU2022-0008.

As this investigation began, Sergeant Stewart reviewed the incident report and photos of Mr. Johnson’s injuries. Additionally, Sergeant Stewart retrieved and reviewed BWC footage from Officers Travis Lewis, Jared Henry, John Hartley, Megan Clonce, and Tyler Kinnaird before interviewing witnesses and Mr. Johnson.

In reviewing the video evidence from Officer Lewis’s BWC from this incident, it appears that responding officers made contact with Mr. Johnson shortly after arriving and found him near the top of the staircase inside the residence wearing only light blue boxer shorts. After securing the scene, Mr. Johnson was handcuffed behind his back and later had a black sweatshirt placed over his upper body and arms (while still handcuffed behind his back). A matching pair of athletic pants were pulled up and loosely secured around his waist. Mr. Johnson was also provided with a pair of athletic shoes. After Mr. Johnson was dressed, Mr. Johnson was escorted outside of the apartment toward marked police cars parked in front of the residence. Throughout this video, Mr. Johnson becomes increasingly agitated and verbally asserts that the protective order was invalid and that he should be released from custody. Mr. Johnson continues to call for “help” and for a “camera” while claiming officers would cause him harm as he was walked outside.

In reviewing evidence from a first-person perspective from Officer Lewis’s BWC, at approximately 1hr and 20 minutes (from a total of 1:57:54 of video) into the video, officers are attempting to load Mr. Johnson into the back seat of a fully marked police car to transport him to the Marion County Jail. During this time, Mr. Johnson is yelling, “no,” while Officer Lewis responds by telling Mr. Johnson to “stop resisting” and to “put your legs in the car.” It becomes apparent that Mr. Johnson is defensively resisting officers’ attempts to secure him into the vehicle by first kneeling on the ground with his upper body face down on the back seat of the police car, just inside the rear passenger door, and then, later, by laying on the back seat with his legs extended while continuing to refuse to bend his legs and get into a seated position. At no point during the time officers were attempting to load Mr. Johnson into the police car was Mr. Johnson forcibly resisting officers or appeared to attempt injury upon them. His resistance was in physically stiffening his body to prevent his legs from bending and sitting in the car. During this time, Mr. Johnson’s pants are seen around the area between the knee and ankles while his boxer shorts/underwear remain around the area of the hipbones on the front or just below the top of the buttocks.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

/S/ Craig Stewart _____
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Figure 1-Officer Lewis's closed hand; red interior light; (Lightened)

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Figure 2- Officer Lewis's closed hand with illumination

At approximately 1:22:30 into Officer Lewis's BWC, Mr. Johnson is seen standing outside of the vehicle before sitting on the back seat. Mr. Johnson's boxer shorts are near the area of the hips, and his pants are gathered near the ankles. Officer Lewis is seen (from the perspective of his BWC) attempting to load Mr. Johnson's feet into the vehicle while Mr. Johnson continues to protest. At approximately 1:22:49, Officer Lewis continues to try to load Mr. Johnson into the car while telling him to put his legs into the car. At approximately 1:23:22 in the video, Mr. Johnson begins screaming, but the BWC footage is dark to discern what is taking place due to the technical limitations of the BWC equipment at night and without much in the way of ambient or direct light. A short time later, the vehicle's red dome light is turned on and illuminates the interior (Figure 1). At approximately 1:23:27 into this video, Officer Lewis's BWC shows Officer Lewis's wrist (as evidenced by the opening of the glove worn and the gap at the start of shirt sleeve) on top of Mr. Johnson's right hip or hipbone and his hand in the area of Mr. Johnson's genitals outside of the front of his boxer shorts below the navel. It appears that Officer Lewis's hand is in a closed position and rotating in a twisting motion in this area while Mr. Johnson is yelling and shifting his body in response. At approximately 1:23:39, it appears that Officer Lewis disengages and backs away from Mr. Johnson, who is still illuminated by the red interior light and seen breathing heavily. Officer Henry is shown in a position on the driver's side of the rear seat as he attempts to pull Mr. Johnson into the car from the opposite side. His position appears to afford him a largely unobstructed view of Mr. Johnson's torso.

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At approximately 1:23:49, Officer Lewis reengages and tells Mr. Johnson to put his legs in while again placing his gloved left hand in the area of Mr. Johnson's genitals and then closing his hand while Mr. Johnson begins to scream. At 1:23:54, Officer Lewis's hand is clearly seen in closed position while holding an amount of boxer material and possibly a part of Mr. Johnson's genitalia inside. Officer Lewis's hand is illuminated by a flashlight that allows the viewer to clearly see his hand still in the area of Mr. Johnson's genitals before he relaxes his grip and then begins pulling Mr. Johnson's pants up to the area just above the knee at 1:24:01 (Figure 2). As Officer Lewis's BWC continues, it is clear that Officer Lewis temporarily stops having physical contact and disengages from Mr. Johnson before he leans back from the vehicle while Mr. Johnson is leaning on IMPD Officer Henry, who was helping to pull Mr. Johnson into the car from the driver's side. At 1:24:08, Mr. Johnson appears to be breathing heavily but is able to state that he "cannot feel." After several minutes of Officer Lewis and Mr. Johnson discussing dropping two of the charges and taking handcuffs off, Mr. Johnson mentions going to the hospital (at approximately 1:27:02) because "...my balls is bleeding." When Officer Lewis asks for clarification, Mr. Johnson reiterates, "my balls."

Later, at approximately 1:29:13, Officer Lewis's BWC shows Mr. Johnson getting up from his seated position on the edge of the rear seat. Almost immediately, Officer Lewis's BWC becomes obscured. At the same time, he responds to Mr. Johnson, and then at 1:29:24, Mr. Johnson is shown face down on the ground as officers attempt to resecure him. As a result of this action, it appears that Mr. Johnson sustained an abrasion or laceration to the area of his right temple or eyebrow due to his falling to the ground. While Mr. Johnson remained in handcuffs throughout this incident, the remainder of the video documents the arrival of a supervisor on the scene, officers exchanging sets of handcuffs, and an evidence technician photographing Mr. Johnson's injuries before his being transported to Eskenazi Hospital.

Interview of Officer Megan Clonce

On February 20th, 2022, IMPD Officer Megan Clonce provided a recorded statement to the Special Investigations Unit. In her statement, Officer Clonce stated that during this incident, Mr. Johnson was not entirely cooperative with officers' commands and resisted walking outside toward the marked police cars. Officer Clonce advised that Mr. Johnson may have been under the influence of a narcotic. As officers attempted to secure Mr. Johnson in a marked car so that he may be transported to the Marion County Jail, he refused to fully enter the vehicle and kept his legs outside of the car. Officer Clonce stated that she "knee struck him a couple times" in his thighs to end this behavior, but these were ineffective. As Mr. Johnson continued to keep his body rigid and refused to enter the vehicle, Officer Travis Lewis transitioned to lead the effort to get Mr. Johnson into the car.

Officer Clonce stated Officer Lewis instructed Mr. Johnson to "put your feet in," and she observed Officer Lewis's hand around, "...Mr. Johnson's crotch area and Mr. Johnson's pants had fallen, and they were like hanging halfway down his legs..." As Officer Clonce continued, she stated, "I saw his hand like near his crotch area, thought it was kind of odd you know, normally you don't just stick your hand there." Officer Clonce recalled Mr. Johnson making a remark about "my balls," which she assumed referred to his feeling pain from this incident.

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From: Sergeant Craig Stewart

Officer Clonce stated a short time later, despite Mr. Johnson being handcuffed behind his back and his pants being “halfway down,” Mr. Johnson gets out of the car. Standing near the open door that Mr. Johnson stood up from, Officer Clonce stated that she “grabbed the back of his sweater and just was holding him in place...” and she did not feel Mr. Johnson attempt to move further or pull away from her.

Officer Clonce stated that it was at that time that “...Officer Lewis just kind of grab him and then just throw him onto the ground.” Officer Clonce described Officer Lewis as having “...very unexpectedly and forcefully like grab him just almost like a spin around and then just fling him and like throw him on the ground...” and because she was holding onto Mr. Johnson, caused her to fall as well. Officer Clonce explained that due to Mr. Johnson’s uncontrolled fall, she believes he sustained a cut to the area of his temple that was bleeding.

In reviewing Officer Clonce’s BWC footage from this incident, it appears that at approximately 1:24:48 into this video, Officer Travis Lewis placed his left hand over the area of Mr. Johnson’s genitals over his exposed boxer shorts, and then Mr. Johnson began to scream (Figure 3). Seconds later, Assisting Officer Hartley’s flashlight illuminates the area and briefly highlights this contact. As the BWC coverage continues and documents the discussion between Officer Lewis and Mr. Johnson, at approximately 1:30:11, Mr. Johnson is observed beginning to stand from the vehicle. Because Officers and Clonce are standing at this same doorway, they are quick to assert physical control of Mr. Johnson as he stands. It is clear that both officers have their hands on Mr. Johnson, and at 1:30:15, it appears that Officer Lewis rotates his body weight to throw Mr. Johnson to the ground. As Officer Clonce was holding Mr. Johnson at this time, this sudden action caused her to lose her balance and control of Mr. Johnson and have to catch herself along the rear fender of the passenger side of the vehicle nearby.

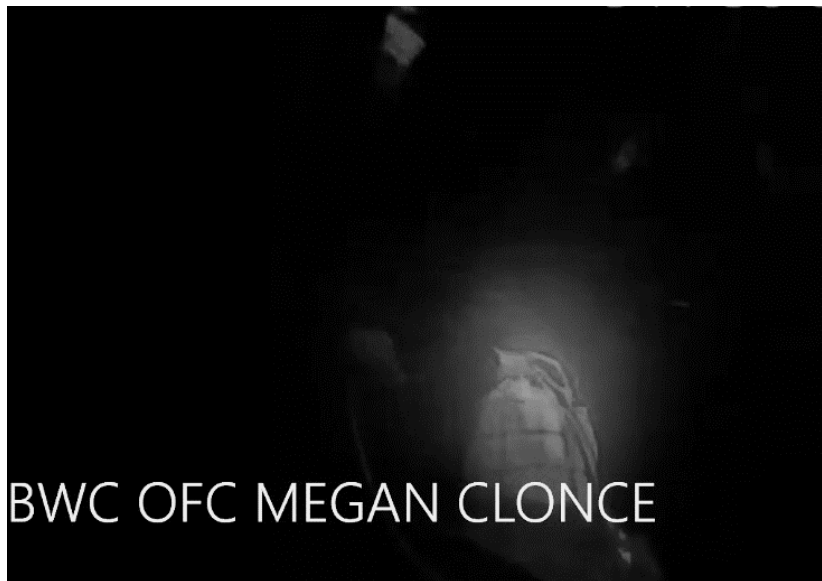


Figure 3 - Officer Lewis's hand over boxer shorts (Lightened)

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Because Mr. Johnson remained in handcuffs and the position of his pants further restricted his movement, officers were able to quickly maintain control of Mr. Johnson on the ground until such time that an IMPD Evidence Technician could document Mr. Johnson's injuries and place Mr. Johnson into different handcuffs. Due to Mr. Johnson's increasing aggravation and apparent injury, Mr. Johnson was later transported to Eskenazi Hospital by ambulance.

Interview of Officer John Hartley

On February 20th, 2022, Officer John Hartley provided a recorded statement to the IMPD Special Investigations Unit about his observations during this incident. In his statement, Officer Hartley explained that after Mr. Johnson was placed under arrest and escorted to the marked police car outside, Officer Lewis attempted to coax Mr. Johnson into the car without much success. Officer Hartley stated that he held the right rear passenger door open and (later) used a flashlight to illuminate inside the vehicle while Officer Lewis was instructing and attempting to physically get Mr. Johnson to place his feet into the vehicle. At this time, Officer Henry was also trying to assist Mr. Johnson into the car from the driver's side. Despite these efforts, according to Officer Hartley, Mr. Johnson refused to completely get into the car on his own and instead was "...tightening up his whole body to where you couldn't bend his legs to get them in the car...[and]...would not budge." Later, Officer Hartley stated Mr. Johnson stood up from a seated position on the edge of the back seat, and this is when Officer Lewis "grabs him" and Officer Clonce, standing in that same area, made a move to secure Mr. Johnson as well. As this was unfolding, Officer Hartley stated he started walking around from the outside of the rear passenger door, and this is when Mr. Johnson "went to the ground" in an uncontrolled fall before officers resecured him and rotated him to the side so that he was not face down while handcuffed. Officer Hartley did recall that Mr. Johnson incurred abrasion(s) to the side of his forehead as a result of this incident (Figures 4 and 5).

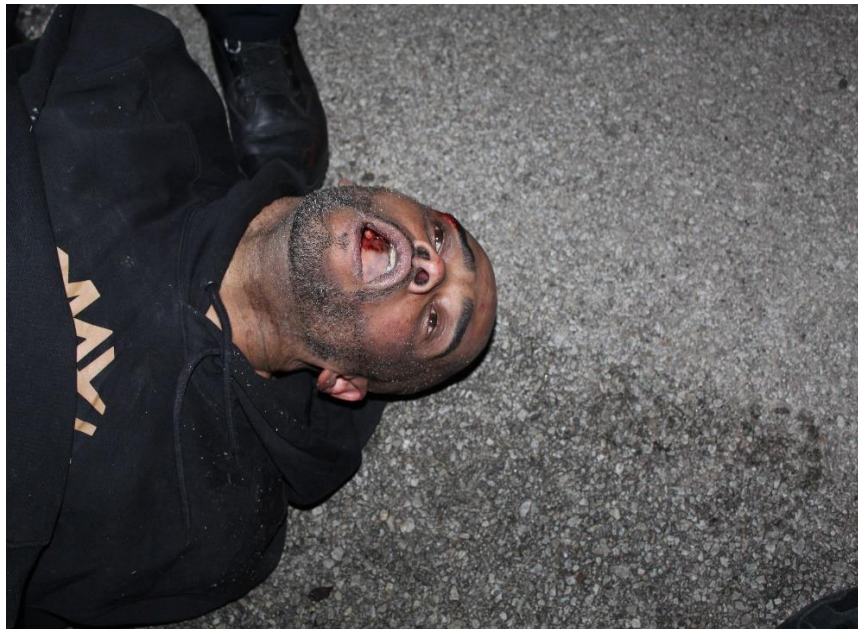


Figure 4 - IMPD ET photo of Mr. Johnson's injuries

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Figure 5 - IMPD ET Photo of Mr. Johnson's injuries

When Officer Hartley was asked about his specific observations about the interactions between Officer Lewis and Mr. Johnson, he explained that due to his position at the vehicle's 'B' pillar (where the doors meet at the vertical frame of the car), he was unable to observe specific points of contact but said there appeared to be "a lot of movement going on."

After reviewing Officer Hartley's BWC during this incident, it is clear that due to his position outside of the vehicle during this time, Officer Hartley's viewpoint was largely obstructed as he indicated in his statement.

Interview of Officer Jared Henry

On February 18th, 2022, IMPD Officer Jared Henry provided a statement regarding his observations during this incident.

In his statement, Officer Henry stated that he arrived on the scene and found Officers Clonce, Lewis, and Hartley outside with Mr. Johnson as he was resisting being placed into the police car parked outside of the apartments. Officer Henry stated that Officer Lewis asked that he enter the back seat of the police vehicle from the driver's side and to help get Mr. Johnson entirely inside the car as Mr. Johnson was continuing to keep his legs outside of the vehicle. As Officer Henry positioned himself to use bodyweight leverage to pull Mr. Johnson into the car, his head was over the top of the area of Mr. Johnson's shoulders, affording him an unobstructed view of Mr. Johnson's torso, legs, and Officer Lewis's efforts to put Mr. Johnson inside (Figure 6). In describing his observations from the back seat, Officer Henry stated, "...I believe I saw Officer Lewis grab...Mr. Johnson's...crotch area, Mr. Johnson's

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pants were down past his ankles, and he just was grabbing right up in like his crotch in the middle of his boxers, and it looks like he was like squeezing it...”



Figure 6 - BWC image of Ofc. Henry's perspective of Mr. Johnson

Officer Henry stated that Mr. Johnson stood from the vehicle a short time later, but as is evidenced on Officer Henry's BWC, his view of Mr. Johnson exiting the car on the passenger (opposite) side was partially obstructed by the roofline and trunk lid of the police vehicle. From his recollection, Officer Henry stated that once Mr. Johnson stood up, "...I'm not sure if, you know, Officer Lewis shove Mr. Johnson or, you know, grabbed him and just kind of threw him." Officer Henry continued with, "I know there was, like, a motion, and you know [Officer] Lewis and Mr. Johnson both went towards the rear of the car, and Mr. Johnson was on the ground." Lastly, Officer Henry recalled that it "...didn't seem like whoever shoved him or threw him or whatever happened had control of Mr. Johnson, you know to protect his face or anything like that while he's in handcuffs." As a result of this action, Officer Henry did observe an abrasion or laceration to Mr. Johnson's right eyebrow.

Interview of Victim Paul Johnson

As a part of this investigation, Paul Johnson provided a statement of his recollections from this incident on February 17th, 2022.

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In his statement, Mr. Johnson stated that he had smoked marijuana and later telephoned for police services because he believed someone was attempting to force entry into the apartment while he was inside. Mr. Johnson stated during his arrest, and before he could be transported to Eskenazi Hospital, he resisted being placed into a police vehicle. Mr. Johnson admitted that “[I] stuck my leg out and tried to, you know, force my way back out, and ...four or five guys...force me to get back in there.” Mr. Johnson further stated that officers “...were trying to get me into the car, um, at some point, you know, they used the door to slam on my ankles to try and get me to you know...move my leg in...at some point in time they even squeezed my testicles.”

Mr. Johnson stated that officers squeezed his testicles “as they’re trying to put me in the car or the ambulance; I don’t know like I said, it’s like you know I know they didn’t get me in the car successfully.” Later, Mr. Johnson expressed uncertainty about when pressure was applied to his testicles and whether it was in the car or before he was loaded into the ambulance.

Mr. Johnson stated he is uncertain about the circumstances of how he ended up on the ground or incurring the injuries identified and documented by officers.

Interview of Officer Damon Young / Findings

As part of this investigation, I conferred with IMPD Officer Damon Young as a reference source for the use of force used during this incident. On February 28th, 2022, Officer Young was provided a copy of Officer Lewis’s incident report for context before viewing approximately five to seven minutes of BWC evidence from Officers Lewis and Clonce while they attempted to load Mr. Johnson into the vehicle.

Officer Young was asked to observe both videos as they related to any use of force, specifically the allegation that an officer used their hand(s) to grab and squeeze the genitals as pain compliance in order to elicit cooperative behavior from Mr. Johnson while he refused to put his legs into the vehicle. Additionally, Officer Young reviewed the BWC in an attempt to evaluate the level of force that officers used on Mr. Johnson after he stood up from within the car.

Officer Young stated that there is the possibility that Officer Lewis had flesh from or parts of Mr. Johnson’s genitals inside of the boxer shorts that appeared to be gathered in his hand, but he cannot say so definitively because the genitals are not exposed, and contact would have been through clothing during this incident.

Officer Young confirmed that officers are trained to restrain areas of the head and the pelvis as methods of suspect control, but a review of the video after shows that Mr. Johnson was not actively attempting to kick or otherwise injure officers and, as he was lying on the back seat with his upper body held by Officer Henry, there appears to be no need to place his hands near the pelvis to control Mr. Johnson.

Regarding the takedown of Mr. Johnson, after he exited the vehicle, Officer Young advised that in his view, the action would have been appropriate if (the fall) was controlled by officers. It is not known if Mr. Johnson’s feet were entangled with officers or if his pants being near his ankles impacted his balance, but in his view, there was not a deliberate effort to drive Mr. Johnson into the ground based on the limited video from BWC.

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On March 1st, 2022, Officer Young was asked a follow-up question regarding an officer's squeezing of the testicles or genitals outside of a lethal force situation or during the course of a search for purposes of pain compliance and whether or not doing so is an approved technique based on department policy. Officer Young explained that "[a] prudent officer uses techniques in which they have confidence gained through training and experience to accomplish their goals. Squeezing the genitals for the purposes of pain compliance is not an academy-taught technique." Furthermore, Officer Young stated that he believes "...the level of experience needed for an officer to understand and apply appropriately varying levels of force with this technique would require significant practice and application with a number of training partners under close supervision with qualified medical professionals." Lastly, Officer Young stated that, "[w]ithout significant experience this technique would violate the use of force principles taught in the [IMPD] training academy."

During this incident, Mr. Johnson was transported to Eskenazi Hospital to receive treatment as officers noted a heightened level of agitation as well as visible injuries to Mr. Johnson's head and after a complaint of pain to the testicles.

On March 21, 2022, Sgt. Stewart consulted with Eskenazi Hospital Charge Nurse Abby George and reviewed the Eskenazi Hospital medical records from Mr. Johnson's stay from February 10, 2022, through his discharge on February 15, 2022.

According to the Eskenazi Hospital medical records, Mr. Johnson was in a state of agitation upon his arrival to the emergency department and was given Ativan to reduce his stress levels. Medical records indicate that a toxicology test was not administered and the presence of any illegal substances could not be confirmed, but PCP usage was suspected. Due to his injuries, a CT scan of Mr. Johnson's head and face were provided, and these results determined "no evidence of intracranial contusion or hemorrhage."

All of the above events occurred in Indianapolis, Indiana, Marion County.

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