



Investigative Supplement Report

Incident Number: 2017-0092139

Victim: *Shaninger, Jacques*

Offence / Classification: *Matter of Record*

Reporting Detective: *Anthony Chandler*

Date:

I was able to speak to Jacques Shaninger, who is listed on the matter of record report as victim one that was taken for this incident. Shaninger stated that he was driving with his wife and grandchildren in the vehicle on West End Ave. The family had just left the Vanderbilt Basketball game and he was attempting to get to I440. He approached the intersection and had a green light for traffic on West End Ave. He stated that he also noticed a red light for pedestrian traffic crossing Murphy Rd. As Shaninger was making the turn he observed there were no people in the cross walk except for the people who were wearing reflective vest. Shaninger stated that he observed one of the people in the road move to the side in a manner that made him believe that he was free to continue through the intersection. As his vehicle continued to slowly move through the cross walk the people in the cross walk began to jump onto his vehicle. The people began to yell obscenities at him and his family while on the hood of his vehicle. Shaninger stated that the people who were on his car were constantly yelling obscenities at him and his family. Shaninger maintained that he did not engage the people in any manner that was threatening or otherwise. Shaninger feared for the safety of his grandchildren and wife so he continued to drive slowly down Murphy Rd. Shaninger stated that he maintained a very slow speed as he was moving the vehicle while the people were on his vehicle. He did stop when he observed a police officer and felt that it was safe. There is no damage to the vehicle as a result of this incident.

I was able to speak with was Joyce Shaninger, Who is listed at OP3 on the offense report. Shaninger stated that she was in the front passenger seat of the vehicle at the time of the incident. Shaninger stated that they were unaware of the protest that was ongoing. Shaninger stated that she was explaining to her granddaughter what the purpose of people protesting was. As she was speaking to her granddaughter she observed the traffic light on West End Ave turn green.

Shaninger stated that it appeared that the protest was over and that there was no one in the right lane of travel. She did acknowledge that there were two guys that were in the street talking. Once the vehicle made the turn people began to jump onto the hood of the vehicle. All of the people were pounding on the windows of the car and yelling obscenities at the vehicle occupants. One of the protestors that approached the vehicle was using an American flag pole to strike the back window of the vehicle where her

grandchildren were sitting. Shaninger attempted to tell the people that there were kids in the car and for them to please stop, but no one would stop yelling obscenities at the occupants of the vehicle. Shaninger stated that there were no people that were injured to her knowledge. I again attempted to speak to Jack Willey, but there was again no answer. I also attempted to speak to Celia Hughes. Hughes is listed as OP1 on the offense report. There was no answer for her so a message was left.

I was able to get into contact with was Spencer Desautels. He is listed as suspect one on the offense report. He stated that he was a member of the safety volunteers that were assisting pedestrians at the crosswalk. The vehicle turned right onto Murphy Rd. He stated that he stopped his vehicle and looked at him "in the eyes" then proceeded to continue into the intersection. Desautels stated that he would categorize the speed of the vehicle as "rolling". Desautels stated that the traffic crosswalk light was not on green, but was on the countdown to red. Desautels stated that he was standing in the crosswalk but was positioned at the top of the crosswalk. Desautels stated that he was unsure of how many people were in the crosswalk when the vehicle entered the crosswalk. Desautels stated that as the vehicle approached him his thought process was that he did not need to be under the vehicle so he "went up" and got onto the hood of the car. Desautels stated that the only injury he may have sustained was minor bruising. When questioned about the intent of the driver Desautels stated that he did not feel that the driver intended to personally injure him, but that the driver was trying to prove "he was bigger than you and you're going to get out of my way" Once Desautels was on the hood he felt the driver was scared and did not intend to take the situation that far and would not stop until he saw the police officers that were nearby.

I received a message to contact Caitlin Mello, 02/06/1980, at the phone number (240)-606-5989. Mello stated that she was at the intersection of West End Ave and Murphy Rd for a protest that was taking place. Mello stated that she was leaving the protest area that was in front of 3322 West end Ave. Her young daughter was with her. As she approached the crosswalk to cross over Murphy Rd she observed that the traffic light allowing pedestrians to cross was still green. There were people acting as safety personnel and in the cross walk while pedestrians were crossing. These people were wearing reflective vest and blocking traffic as pedestrians were in the crosswalk. She observed a black SUV begin to turn from West End Ave unto Murphy Rd. Mello stated that she heard the safety volunteers yell for the vehicle to stop. The safety jumped in front of the vehicle. Mellow stated that to prevent from being hit the safety volunteers "picked up their feet" to keep from being pulled under the car. There were more personnel that were running up to the vehicle and yelling for the vehicle to stop. There were multiple people that were on the vehicle. The car was traveling at a slow pace, but was not coming to a stop. Mello stated that she had not yet got into the crosswalk when she observed this. Mello grabbed her daughter by the shirt and pulled her back onto the sidewalk. Mello stated that the vehicle did not stop and continued to proceed through the intersection. She stated that there were several of the people in the intersection that "had to jump onto the vehicle" to avoid being pulled under the vehicle. Mello referenced a news story in the Tennessean in regards to a

report that the people were jumping onto the vehicle. Mello claimed that this was not the case. Mello stated that the safety team "stood their ground" and that the safety volunteers pulled their feet up to prevent the vehicle from striking their legs. The vehicle continued down Murphy Rd for several yards prior to stopping the vehicle when police arrived at the scene and told him to stop. Mello stated that neither she nor her daughter were injured and that the two never left the curb so they were not in the crosswalk when the vehicle entered the intersection.

I was able to find the offense report that was completed by the officers that were at the scene. The offense report was completed and was reported as a matter of record so that the incident could be documented. The offense report did provide the names and contact information for all the people who were at the location during the incident that were willing to come forward and speak to officers that were at the scene.

I attempted to contact Jackie Willey next, but there was no answer. A voice message was left for him to call me back.

The next person I attempted to contact was Peter Capretto. Capretto is listed as suspect three on the offense report. Capretto stated that he was a member of the safety volunteer team that was assigned to the intersection of West End Ave and Murphy Road. The purpose was to assist pedestrians crossing Murphy Road at West End Ave. Capretto stated that he was positioned near the gas station located at 3400 West End Ave. Capretto stated that he was facing away from the incident when it occurred. Capretto heard a commotion that was coming from behind him. Capretto claimed that he walked over to attempt to deescalate the situation. As he approached the vehicle, Capretto claimed that he "was hit and put on top of the vehicle near the driver's door." The vehicle continued down Murphy Road until he reached the turn into the parking lot at 3322 West End Ave. Capretto did claim that he did not see the vehicle pull into the intersection. He did state that he observed the vehicle continue driving down Murphy Road "striking people". When directly asked Capretto stated that the vehicle was ignoring the people in the safety vest. He estimated that the speed of the vehicle was approximately 10MPH. Capretto stated that the people that were in the safety vest were standing in the front of the crosswalk and they were not moving from their position. Capretto stated that the vehicle had a lower front end so that striking people would put them onto the hood. Capretto claimed that the light cycle for the crosswalk was in the countdown cycle. Capretto stated that he had some slight bruising as a result of this incident. Capretto maintained that the pedestrians had the right of way and that there was not any possible way that the driver could not realize that they were trying to stop the vehicle. Capretto was never under the impression that he was going to be seriously injured in this incident. Capretto reiterated that none of the people involved were moving toward his vehicle, but were not moving out of his way. Capretto continued to state that he could not speak to the intent of the driver, but did not see a way that the driver could have misinterpreted the actions of the safety volunteers that ended up on the hood of the car.

The next person who I was able to speak to was John Joseph. Joseph is listed as OP 1 on the offense report. Joseph stated that he was present at the intersection when the incident

occurred. Joseph stated that he did not see the beginning of the incident. He confirmed that there were people who were wearing safety vest that were assisting the pedestrians in the crosswalk. Joseph did not see the vehicle strike anyone, but stated that he did see multiple people that were on the hood of the car and assumed that the vehicle had struck them. Joseph stated that he thought the car "come up against one of the people in the intersection, but he didn't see if anyone was hit or jumped on the car". The vehicle continued to move very slowly and appeared to just refuse to stop. Joseph even made the statement that there were people who were "piling on the car" in an effort to stop the vehicle. Joseph stated that no one jumped on the vehicle "until he went against what was being instructed to him". Joseph was not sure who the safety personnel were. Joseph did state that he took some pictures that were taken after the people were already on the vehicle. Joseph was able to send me a copy of the photos that he took. These photos were emailed to me by Joseph. Joseph had no knowledge of any injuries that occurred as a result of this incident. Joseph did not have any other information that related to this incident.

I sent a request to Sgt. Will Amundson for all officers who were at the location to complete a supplement. I also contacted the management for the Tiger market located at 3400 West End Ave. I sent a formal request to the corporate security officials for a copy of the video surveillance from the location.

02/02/2017

I was made aware that Jack Willey had been contacted by Sgt Haworth and his statement was taken. The interview was recorded and added to the incident under the Matter of Record report complaint number. I was able to listen to the recording of the interview. Willey did state in his interview that he was struck with the vehicle just above his knee and knocked back. I was also forwarded multiple messages from people who had contacted police in an attempt to give their statements about the incident. In the voicemails there were several people who referenced media stories that they had seen in regards to the incident. I was able to locate the story that most were referencing from the Tennessean newspaper on their website. I was also able to locate a story of the incident on the WKRN channel 2 website. Both stories had videos associated with the articles. In the video Jack Willey was observed making statements about the incident. Willey did make the statement that protestors jumped onto the vehicle. The first person I was able to get into contact with was Laura Gilbert.

Laura Gilbert was reached at 615-689-6710. Gilbert stated that she attended the protest that took place at 3322 West End Ave. Gilbert stated that she parked her vehicle in the neighborhoods down Murphy Rd from I440. She observed a large group of people leaving the area. Gilbert felt that she was too late for the event and that it had ended. Gilbert stated that she remained on the outskirts of the event. Gilbert did not see the beginning of the incident involving the vehicle. When Gilbert's attention was brought to the vehicle there were already approximately six people on his vehicle. She heard him revving his engine and was trying to get away. I ask Gilbert to clarify how the victim was

gunning his engine. Gilbert estimated that the vehicle began at around 5MPH, and then stated that the vehicle got up to speeds around 20-30MPH. Gilbert did state that this may not have been accurate and that she may have been estimating the speed higher than he was actually traveling. During the interview Gilbert referenced a media article that she read in the Tennessean. Gilbert also stated that she attended safety training with the listed suspects. Gilbert stated that she thought that the people had "thrown themselves on his vehicle to attempt to stop him." Gilbert stated that the safety training she received was to "form a human chain" between the vehicle and the pedestrians. Gilbert stated that she felt the people on the car were doing so in an attempt to prevent the vehicle from leaving the scene. Her main concern was that while there was this many people on his vehicle the victim did not stop his vehicle. I provided all of my contact information so that Gilbert could provide it to other people that claimed to be witnesses to this incident could contact me. Gilbert was also able to send me three emails that contain screen shots and photographs of the incident after all the pedestrians were on the vehicle.

I was forwarded a message from Ian Montgomery stating that he wished to provide his statement of what he observed in this incident. I was able to contact Montgomery and took his statement. Montgomery stated that he was a member of the safety volunteers working at the intersection. Montgomery stated that he did not see the beginning of the incident, but his attention was brought to the vehicle as it was moving with people on the vehicle. I asked Montgomery about the training and I was informed that this was an hour session prior to the protest. Montgomery stated that there was no plan for the streets to be blocked. Montgomery also reiterated that the safety volunteers were told to stand their ground against vehicles that were coming on the direction of pedestrians. Montgomery did state that the protestors were not attempting to be confrontational with the victim, and that they were attempting to stop the car by jumping onto the vehicle. He estimated that the speed of the vehicle was 5-10 MPH.

I attempted to speak to Jack Willey myself, but there was no answer when I called. I was forwarded a message from Karen Johnson who stated that she was a witness to the incident and provided a phone number of 901-438-3834. I attempted to call her, but there was no answer so a message was left. I also received a message from Caitlin Mello asking me to call her back. I attempted to do so but there was no answer. A message was left with Mello letting her know that I had returned her phone call. All of the messages that have been forwarded to me have been in reference to stories that have been posted to the Tennessean.

02/03/2017

I received a message asking me to contact Joseph Schrank at 615-490-9025. I attempted to speak to him, but there was no answer. A voice message was left. I attempted to speak with Jack Willey, Karen Johnson, and Celia Hughes at the phone numbers I had been provided. There was no answer at any of the phone numbers so messages were left again. I was able to speak to Laura Gilbert again based on emails that she had sent to me. The emails were sent to me and provided some photos as well as links to conversations that were taking place on the Facebook page of "no walls, no ban, everyone is welcome here."

There were several photos from the protest that were posted to the page. There were multiple photos that showed the location of the protestors during the event as well as new articles that were associated to this incident. There were several feeds and conversations that were taking place in regards to attempting to locate witnesses to the incident. I did note that there were multiple people who provided the phone number to Midtown Hills so that witnesses could provide statements of what they observed. The Facebook pages are by invitation so I am unable to see all of the post that was posted by the people.

02/04/2017

There were several people that I have not been able to speak with directly. Jack Willey, Celia Hughes, Joseph Schrank, and Karen Johnson, and I have attempted to speak to all of these individuals at the phone numbers provided again. There was no answer for any of the calls. I have continued to search through social media sites that are related to the primary protest site in an attempt to locate references to this incident. Several of the accounts are marked as private so that I have not been able to view them.

02/05/2017

I contacted Jack Willey at the phone number listed. Willey did state that he had a previous back injury that had been aggravated, but that it was not something that he was seeking medical attention for. Willey confirmed that he was positioned in the crosswalk during the time of this incident. Willey referenced a photo that showed the protestors on the vehicle and the pedestrian light was flashing at 0 of the countdown timer. Willey stated that he was unsure specifically where he was standing in the street. Willey claimed that he was one of the first people that were trying to get the vehicle to stop and was one of the first struck. Willey stated that he has attempted to locate video of this incident, but has not had anyone reach out to him with video of the incident. I provided an email to Willey with all of my contact information so that he could send it to possible witnesses of this incident that I have not been able to speak with. Willey did state that the main thing that he could recall was seeing the driver through the windshield. Willey did state that there was a safety briefing prior to the event. These focused on de-escalation. He was unsure if the event was over and stated that he had been working the crosswalk area prior to the incident for approximately twenty minutes. He did confirm that the crosswalk was in the timer. Willey was unable to confirm if there was possibly a break in the pedestrian traffic that could have been seen as no pedestrians in the crosswalk. Willey confirmed that there was no interaction between himself and the driver in this incident. When specifically questioned in regards to if he felt the driver could have felt threatened by the protestors being on his vehicle Willey returned to the fact that the driver turned into the crosswalk and continuing to drive with the protestors on the hood and would not address the question that was asked.

I also attempted to speak to Celia Hughes at the phone number listed on the offense report. There was no answer, but someone did call me back from the phone number. I was informed that this was a wrong number for Hughes. I also attempted to contact Karen

Johnson again and again there was no answer at the phone number provided. I did have a voicemail from Joseph Schrank. When I attempted to call him back there was no answer.

02/07/2017

I was able to speak to Jim Canavan and Civic Bank and Trust located at 3325 West End Ave. I was informed by him that the banks video surveillance does not reach to West End Ave. The only cameras that are recording from the bank are on the building itself. I am still awaiting a copy of the video surveillance that was requested from the Tiger market at 3400 West end Ave. There have also been no independently recorded videos that have been made available. I have attempted to find contact information for two witnesses mentioned by name in the media reports and made direct comments on social media pages. The name Bobbi Negran was referenced in the WKRN channel 2 story. I have not been able to locate any information on any person by that name in any database or social media. Based on this I have been unable to reach out to Negran to take a full statement in regards to this incident. I also attempted to speak to Christina Forte. Forte commented that she was a witness on the Facebook page used by the protest organizers. I was able to locate two possible phone numbers for her (813) 654-2229 and (813) 810-2983. There was no answer to the calls so voice messages were left.

Conclusion

Based on interviews I was able to conduct with all parties who were willing to give statements. The primary parties of this incident were Jacques Shaninger and Spencer Desautels. Based on Shaninger's statement he observed no pedestrians in the lane of travel that he was attempting to turn into. He interpreted movement by Desautels as being given a path to travel in. Once he began to slowly proceed into the lane of travel Desautels remained in front of the vehicle in an attempt to stop the car because Pedestrians were still in the crosswalk area. Once Desautels did not move from in front of the vehicle he stated that his thought was that he needed to avoid going under the vehicle so he got onto the hood of the car. Multiple members of the safety team observed Desautels on the hood of the car and jumped to the conclusion that the driver was maliciously attempting to run over protestors. Several of the safety volunteers did climb onto the vehicle in an attempt to get the vehicle to stop moving. The driver interpreted this as the protestors attacking his vehicle. Given that his wife and grandchildren were in the vehicle with him he was afraid for the safety of his family. The driver observed police officers nearby and made his way to the officers to stop. There is no evidence that the driver was maliciously attempting to cause bodily harm to the protestors that were present in the crosswalk. My investigation reflects this incident is unfounded due to no criminal intent.

On 02/14/2017 I was able to speak to Rosemary Sexton with the DA's screening office. After hearing the facts of the case, It was decided that there was no evidence that the driver committed an intentional act. I was also able to present the facts of the case to the night court commissioner Tom Nelson. Nelson stated that there was no culpable intent on the part of the driver to warrant any criminal charge


Detective Anthony Chandler 566295