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Marana Police Department

Detail Incident Report for 2008-0342

Nature: UNWANTED PERSON
Location: Marana Police Beat 3

Address: 3850 W RIVER RD; sprouts
Marana AZ 85741

Offense Codes: 5705

Received By: Olivito, Tony

How Received: 911

Agency: MPD

Responding Officers: Jenkins, Vincent Norzagaray, Este Powell, Daniel K Ysaguirre, Erin Banghart, Tiffin

Responsible Officers: Jenkins, Vincent

Disposition: Closed unassigned 08/08/20

When Reported: 15:49:20 08/08/20

Occurred Between: 15:47:46 08/08/20 and 15:47:55 08/08/20

NARRATIVE:

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Case History:

Case Notes:

Radiolog:

Unit: 3L1M

Enroute: 15:50:15 08/08/20

Arrived: 16:02:23 08/08/20

Completed: 16:32:08 08/08/20

Unit: 3U1M

Enroute: 15:53:25 08/08/20

Arrived: 16:03:20 08/08/20

Completed: 16:03:21 08/08/20

Unit: 426M

Enroute: 15:49:55 08/08/20

Arrived: 15:54:35 08/08/20

Completed: 17:03:44 08/08/20

Unit: 475M

Enroute: 15:49:59 08/08/20

Arrived: 15:56:08 08/08/20

Completed:16:32:51 08/08/20

Unit: T14M

Enroute: 15:53:35 08/08/20

Arrived: 15:54:29 08/08/20

Completed:16:29:46 08/08/20

CONTACT:**Name:** [REDACTED] **Name Number:** 368559**Race:** 5 **Sex:** M**DOB:** [REDACTED]**Address:** [REDACTED]**Home Phone:** [REDACTED]

Name: [REDACTED] **Name Number:** 2002045**Race:** 5 **Sex:** M**DOB:** [REDACTED]**Address:** [REDACTED]**Home Phone:** [REDACTED]

Name: [REDACTED] **Name Number:** 2002060**Race:** 5 **Sex:** M**DOB:** [REDACTED]**Address:** [REDACTED]**Home Phone:** [REDACTED]

Name: [REDACTED] **Name Number:** 2002061**Race:** 5 **Sex:** M**DOB:** [REDACTED]**Address:** [REDACTED]**Home Phone:** [REDACTED]

Name: [REDACTED] **Name Number:** 2002063**Race:** 5 **Sex:** M**DOB:** [REDACTED]**Address:** [REDACTED]**Home Phone:** [REDACTED]

WITNESS:

Name: [REDACTED]

Name Number: 899006

Race: 5

Sex: F

DOB: [REDACTED]

Address: [REDACTED]

Home Phone: [REDACTED]

SUPPLEMENTAL NARRATIVE: (LWSUPL: Supplement Nbr. 1)

Name: Jenkins, Vincent**Date:** 20:15:56 08/08/20

2008-0342 Supplement #426

BWC- yes

Field Notes Included

[REDACTED]
[REDACTED] and [REDACTED] have been trespassed from
3850 W River Road (Sprouts) by the business management under the listed
disturbance case. NFI

Entered by: Jenkins #426

End of SUPPLEMENTAL NARRATIVE: (LWSUPL: Supplement Nbr. 1)

SUPPLEMENTAL NARRATIVE: (LWSUPL: Supplement Nbr. 2)

Name: Jenkins, Vincent**Date:** 15:50:00 08/08/20

2008-0342 Narrative #426

BWC- yes

Field Notes Included

On 08/08/2020 at approximately 15:50, I responded to 3850 W River Road (Sprouts) reference a disturbance complaint. Staff at the store advised there was an active verbal altercation taking place between them and a group of customers who were refusing to wear medical masks inside the store. Other customers had also become involved in the altercation with the group who was refusing to leave the store.

Just prior to arrival staff at the store advised the group had left in a white pick-up truck [REDACTED] They also reported that one of their employee's had been pushed during the incident. As I pulled into the parking lot, I was directed by several people standing in front of the store towards where the

truck was leaving the parking lot. I conducted a stop on the vehicle near Thornydale and Orange Grove Road while Officer Norzagaray made contact with staff at the store.

I first made contact with the driver of the vehicle, later identified as [REDACTED] (father to the family). [REDACTED] was immediately defensive asking why I pulled him over and asked if he committed a crime. After some verbal de-escalation and education as to why I had reasonable suspicion to stop him, [REDACTED] calmed down enough to where we could speak.

[REDACTED] admitted to being at the Sprouts with his son's who were also sitting in the vehicle, later identified as [REDACTED] and [REDACTED]. [REDACTED] said they went into the store to buy groceries. While shopping, [REDACTED] said they were confronted by an employee who told them they needed to wear medical masks due to the COVID-19 protocols. [REDACTED] said he told the employee that he didn't need to because he had an ADA medical condition that prevented him from doing to. [REDACTED] said this was the reason for his whole family not wearing medical masks.

[REDACTED] said the employee who was joined by the manager, later identified as [REDACTED], told him he still needed to wear a mask or they would have to leave. [REDACTED] said the incident became heated when they refused to acknowledge his reasoning for not wearing the mask. [REDACTED] said the confrontation escalated more as customer near by pulled out cell phones and began recording them. [REDACTED] said the employee's and customers continued to harass them and some began to swear at him and his family.

[REDACTED] stated this caused his family and the group of pro-maskers to swear and shout at each other. [REDACTED] stated his family began to leave the business abandoning their groceries, but said the people continued to follow them putting phones (video recording) in their faces and harassing them. It should be noted that [REDACTED] and his family were all saying they felt harassed and threatened by the group of pro-maskers and the staff from the business. [REDACTED] denied the incident ever became physical, but admitted that things were heated to the point where people were threatening to fight.

During this point in the investigation, I made contact with Officer Norzagaray who spoke to the manager and some customers who remained after the incident. See his supplement for full details. Per Officer Norzagaray, staff confirmed the reason that [REDACTED] was confronted with regards to their mask protocol, but said it was [REDACTED] family who escalated the issue. However, the staff did acknowledge that several customer pulled out cell phones and began recording the incident. They also admitted that the customers were verbally aggressive towards [REDACTED] because they were against mask wearing. It should be noted that this was

brought up as a political issue in [REDACTED] opinion when discussed during my original interview.

Officer Norzagaray was able to send me one of the videos (approximately 49 seconds long) recorded by a customer during the incident. On review, the video shows that [REDACTED] family had already left the store and the customer follows them out the front entrance. [REDACTED] is then seen walking back towards the customer irate over her presence, but is pulled back by one of his sons. After some continued verbal fighting between the two parties, [REDACTED] and his family go to the far side of their vehicle as they go to leave.

During this time one of the staff members from Sprouts continues to follow [REDACTED] family around the back of the vehicle and appears to be filming or taking pictures. This causes a brief verbal altercation between that employee and [REDACTED] to the point that [REDACTED] pushed the employee away from the back of the truck. It should be noted in a follow up interview with [REDACTED] he admitted to the incident, and stated he felt the employee was harassing him to the point of provocation because he would not stop following them, even after they were leaving.

Verbal shouting continues between the two groups until the recording stops a few seconds later. Based on my review of the video, I identified multiple moments of separation and re-engagement started by both sides of the dispute. No other video was provided at that time and no security video from the store was available. Store management confirmed they wanted the group trespass. A copy of the video was later submitted into property for reference.

Post investigation, I determined that the incident resulted from mutual provocation/ aggression on both sides of the involved groups. Each time separation occurred, one or the other party would re-engage in the dispute until [REDACTED] family finally left the parking lot. Based on this, no criminal charges were cited against the involved parties at that time. I again met with [REDACTED] and [REDACTED] I informed them of the trespass order from Sprouts and warned them to not return to the location or they would be arrested.

I also took time to educate the group on better ways to resolve future conflicts. I also informed them on laws related to assault and disorderly conduct, and warned them on the consequences that can result from violation. Once [REDACTED] family was educated they were released from the stop location. A trespass alert was later submitted into records accordingly. Following my contact with [REDACTED], I responded back to the Sprouts store and spoke with [REDACTED] about the incident. We discussed better safety practices regarding future disputes and ways to de-escalate similar incidents. I cleared the location

following our discussion. Peace Restored. NFI

Entered by: Jenkins #426

End of SUPPLEMENTAL NARRATIVE: (LWSUPL: Supplement Nbr. 2)

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SUPPLEMENTAL NARRATIVE: (LWSUPL: Supplement Nbr. 3)

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Name: Norzagaray, Este

Date: 17:24:48 08/08/20

----- (lwmain17244108082020)

2008-0432 SUPPLEMENT #475

Axon BWC Available / Field Notes Incorporated

On 08/08/2020 at approximately 1550 hours, I assisted Ofc. Jenkins #426 at 3850 W River Rd (Sprouts) reference a disturbance complaint. Communications advised there are four males that are yelling and causing a scene over the stores mask requirements. The males have been asked to leave and are refusing. They are associated with a white Ford F-150 [REDACTED] and leaving the parking lot. Staff also reported that one of their employee's had been pushed during the incident.

Prior to my arrival in the area Ofc. Jenkins located the described vehicle and conducted a traffic stop in the area of Orange Grove Rd and Thornydale Rd. I responded to Sprouts to meet with staff reference this incident.

There I met with assistant manager, [REDACTED] provided me the following statement:

On today's date there was a group of four males whom walked into Sprouts. They were advised by Sprouts employee, [REDACTED] they were required to wear medical mask per Covid-19 company policy. The four males disregarded the mask requirement and continued into the store. [REDACTED] then approached the males and advised they could not be in the store unless they are wearing a mask. The males became irate and upset refusing to leave due to the medical mask requirement. [REDACTED] reported he had grabbed a customers phone out of their hands while recording the incident. The males continued to be irate in the store as they began walking out, as staff followed. When the males left the store one male had pushed another Sprouts associate prior to exiting the parking lot.

When asked, [REDACTED] could not recall what the male stated just refused to leave. [REDACTED] could not recall the male mentioning a ADA medical condition. [REDACTED] mentioned the customer was still in the business who witnessed the incident.

I then spoke with customer, [REDACTED] who advised me the following:

While shopping in the store she noticed there were four men not wearing mask. She then began recording the altercation between the associates and the four men. One of men, she described being the older male, grabbed her phone from her hands. [REDACTED] then followed the men out of the business to the parking lot. There she observe one of the men shove another Sprouts employee. I observed the video off [REDACTED]s cell phone.

It was approximately a 49 second video where I observed the following:

[REDACTED] following Sprouts staff as they were escorting the males out of the business. [REDACTED] persistently made comments to one male, I observed wearing a light colored hat, blue shirt, and blue/black sport shorts. The male then approached her telling her to put it on youtube as another male wearing a light colored ball cap, a gray shirt, and black shorts separating him from engaging in any further altercation. As all four males began walking to their truck, a Sprouts employee, [REDACTED] is seen standing near the vehicle. At this time the other male, wearing a red hat, gray shirt, and black shorts ran towards him, ultimately shoving him.

I provided [REDACTED] with the Marana Police Department (MPD) contact information and case number.

I then met with Sprouts bulk clerk employee, [REDACTED] provided me the following statement:

As he was finished with his lunch break he heard a commotion in the business. He observed the four males being irate and angry with staff and assisted in escorting the males out, due to not wearing medical mask. As he walked outside of the business he attempted to take a photograph of the license plate. At this time one of the males exited from the vehicle and ran towards him shoving him backwards. The males then left the area prior to officers arrival.

I contacted Ofc. Jenkins and provided him a synopsis of what was reported. I advised the males walked into the business without medical mask due to Covid-19 procedures. When approached by staff, the males became upset as they were advising them to leave if not wearing a mask. While this occurred witness, [REDACTED] then began recording the incident. Also following and provoking the males to leave. As the males left the business, staff followed, and witness continued recording. As the males leaving Sprouts staff was close behind causing the male to run towards an associate pushing him back. Sprouts would like the men trespassed from the business.

I provided Sprouts, assistant manager, [REDACTED] with the MPD case number and contact information. I also provided [REDACTED] with the MPD case number and resources available to him. This concluded my involvement in this matter. NFI

ENTERED BY NORZAGARAY #475

~~~~~ (lwmain17244108082020)~~~

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End of SUPPLEMENTAL NARRATIVE: (LWSUPL: Supplement Nbr. 3)

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