
RE: St. v Tyler Jones1 message

Fri, Jul 9, 2021 at 11:15 AM

From: Mark Hayward [<mailto:mhayward@unionleader.com>]**Sent:** Wednesday, July 7, 2021 3:48 PM**To:** Barter,Matthew <mbarter@manchesternh.gov>**Subject:** Fwd: St. v Tyler Jones

Hello Lt. Barter,

Hey, once again thanks for having me in a couple weeks ago to discuss the Valenti matter. I don't ever want you to open the paper and be surprised at what you read about MPD or think that I didn't give you an opportunity for input into an article.

So that's why I'm emailing you about the recently settled case of st. v. Tyler Jones. For your information, I'm forwarding an email I sent Shawn Sweeney of Hills County Attorney's Office about the Tyler Jones matter. Much of the email to him concentrates on the prosecution of the case. I am sending you some questions from the police perspective. I've talked to Jones (MPD put out a press release about his arrest), and I wanted to give you the opportunity to respond to some criticisms he had about the matter.

- He thinks it would have been handled differently were he white. He thinks MPD would have just called him up on the phone and asked him to come down to discuss the matter with police. I'm not sure if that's the case, but can you please explain why you did what you did?

Manchester police can unequivocally say that race played no role in this situa on whatsoever. As you will read below, the approach that was made was based upon a totality of the circumstances of the informa on the officers had the exact me of the call. As in any situa on like this, ensuring the safety of the public, the officers, and the suspect is paramount and our approach to ensure safety for all is what guides how we respond to high risk calls, such as this.

Manchester Police was initially called by the property manager, because there was a language barrier with the victims in this case. As officers were responding they received the following information:

- This was a "Weapons" Call: Anytime officers respond to a weapons call, there is immediately a higher sense of concern because of the safety issues inherently involved.
- The call was located at a large apartment complex: This provides unique challenges, due to the high population density and the setup of the buildings, which as you will see, makes safe approach and investigation a challenge.
- The suspect was known to the caller and identified as "Tyler Jones"
- This weapons call was an escalation of ongoing conflict between the victim and the suspect. The caller reported that Jones had attacked the "Husband" two weeks prior (I Believe you have a copy of that report).
- The caller reported the following "They were walking down the hallway with their kids today and Jones opened the door with a rifle and followed them through the hallway with the firearm". Jones then followed the family outside and told the female victim he "was going to do something with her kids"

Some important points here that contribute to the responding officers approach...again, officers are getting this while responding and in the moment, but it is the only information to work with at the time. Officers are trying to make the best informed decisions possible with the information they have:

1. This incident is an escalation of conflict.
2. The weapons system involved is a rifle: A rifle adds a significantly higher threat to the entire situation. Rifles are far more accurate at distance, the ballistics are much more powerful, the magazine capacity is much higher. Overall the lethality is much greater.
3. There was more than just a display of the weapon – there were direct actions by Jones that increased the threat level – including following the family outside, making a veiled threat towards the children, and the fact that victims included children. Such disregard for the children's safety adds to the understanding of the psyche of the suspect.

When officers arrived on-scene and began talking to the victims and the caller directly, they learned more information:

- When Jones followed the family, he held the rifle at the "ready position" – indication there was some skill in weapons manipulation and knowledge in how to effectively use the weapon.
- Jones had been exhibiting disturbing behavior recently and had punched the husband in the face during an altercation a few weeks prior.
- Jones had left a note that read "the next broke bitch who decides to steal my clothes, packages, or detergent is getting popped, Apt 30, come see me". Officers viewed a photograph of this note.

The fact that there had already been an assault, and there was a note left prior about "getting popped" (a reference to shooting someone) shows that there is likely intent to commit violence.

Based on the knowledge of an armed individual with a rifle, officers began developing a plan on how to safely make contact with Jones. What we think about in developing that plan is keeping everyone involved safe, the structure setup, and the weapons system. An apartment building with long narrow hallways is difficult. There is little room for officers to have any type of cover between them and a threat. Also, the ability for a suspect to access another apartment is a concern that we need to take into account (essentially for the suspect to leave their apartment and gain access to another apartment to do harm or further evade apprehension). Also, as mentioned before, the ability for a rifle to be very accurate at distance with more rounds, adds to the danger.

As experience has told us, these volatile situations can go bad very quickly, so we often decide if we need to evacuate other apartments prior to making contact with a suspect to help mitigate risk. Of course, that takes time, so we need to evaluate if it is warranted or not. Also, we want the right resources on-scene. Often times, we do call on-duty

SWAT officers to the scene to assist. SWAT Officers have access to more ballistic protection, less lethal munitions, as well as the necessary training to safely resolve these situations. In this incident, on-duty SWAT Officers were requested to come to the scene to assist in making contact with Jones.

As officers on-scene were developing their plan and SWAT Officers were enroute, they had officers in an unmarked vehicle conducting surveillance on the suspects' car. This was done so that if the Suspect did try to leave, he could be intercepted or a Motor vehicle stop could be conducted. While the plan was being developed and resources were on their way, Jones did exit and get into his vehicle. SWAT Officers arrived at the same time and they conducted a felony motor vehicle stop.

He said the arrest involved a SWAT vehicle, guns pointed at him, knees at his back, etc. Is that normal situations such as this?

As mentioned above, yes – SWAT Officers did come to assist and a felony stop was conducted. Officers did have their weapons out because, as explained above, the threat of an armed individual (who had access to at least a rifle) was very real. Officers are going to take the appropriate precautions to detain such a suspect. To ask anything different of the officers is to put them and the public in significant danger. Whenever we are detaining an armed suspect for suspected criminal conduct, the preferred method is a felony stop or similar approach. What we want is time and distance. A felony stop allows for this. When officers rush up on an armed individual, that is when bad things happen, including injury to the officer and suspect. Time and distance allows for calm and deliberate actions to be taken to safely detain the individual. This detention does include having the suspect lay on the ground in the prone position and officers approaching, isolating an arm, controlling movement through placing a knee briefly on the back, and handcuffing the suspect. This is normal police tactics that safely get the suspect in custody without unnecessary force. I'm sure you have seen felony stops conducted, and this is normal procedure on a high risk apprehension. Doing so is the best way possible to mitigate the risk of the suspect acquiring a weapon they may have concealed or fighting officers when the officer approaches.

He said there was history between him and the other family. A few weeks before the incident, his accuser in the criminal threatening case actually assaulted him, and he did not press charges. (I confirmed that with a police report.) Wouldn't that have a bearing on your decision of how to effect an arrest?

As mentioned above, the fact that there was incidents before this did weigh into our approach. The report also indicates that the victim in this incident was also assaulted and neither party wanted to pursue charges. The main take-away is that we were seeing an escalation of behavior from Jones. These types of escalation are concerning and even more reason to approach contact with Jones in the safest way possible with the appropriate resources.

What I'm most concerned about: MPD put out a press release about his arrest, along with his mug shot. Does

- MPD feel it has an obligation to update a press release when someone it charges with a crime is found not guilty or charges are dropped? Why or why not?

In regards to the press release – we do think that this type of crime warrants a press release. We do normally (as of now) release mug shots with press releases. I know that the Union Leader supports this and has advocated that mug shots continue to be released. We are examining that policy, but as for now – yes we do release mug shots as it seems to be an expectation of the community. As for an obligation to update the press release – we let the County Attorney's Office deal with press matters based on their decisions. We are always happy to comment on the outcomes of cases if there is a public interest, but there are far too many to update all of our press releases on the case outcome. In this one, I can tell you we did not know the outcome until I got this email from you.

Thanks lieutenant. I plan to write this on Friday for Monday's newspaper. Can you get me something by 9 a.m. Friday?

Mark