

Attorney: Student won't be charged

Boy was forcibly arrested
for leaving back of bus

Segann March

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The 14-year-old student forcibly arrested by Evansville Police after leaving the back of a school bus Aug. 8 is no longer facing felony or misdemeanor charges, according to his attorney, Tanisha Carothers.

Last week, Carothers told the Courier & Press the juvenile was facing a felony charge of battery of a public safety official and misdemeanor counts of resisting arrest and disorderly conduct. Thursday morning, she said the Vanderburgh County Prosecutor's Office decided not to pursue charges.

A spokeswoman for the prosecutor's office said she could not comment on the case because a juvenile is involved.

Carothers said the decision is "fair and just."

"There's a difference between

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Camera still of Evansville Police using force on a 14-year-old. PROVIDED

Student

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resisting and seeking clarity,” Carothers said. “While some of his comments obviously may be offensive, they are not to the level that would constitute resisting. Again, it may be a little offensive to the police station, to the police department, and we can understand that. However, at no point did he threaten them, and at no point did he ever say he would harm them or anyone close to them.”

While formal charges were dropped, the juvenile was expelled from AIS-Diamond, Carothers said. She said the two boys involved in the actual fight on the bus did not receive any charges or reprimands from the Evansville Vanderburgh School Corp.

EVSC spokesman Jason Woebkenberg said the district could not legally comment on the incident or confirm whether the student received disciplinary action or what discipline may have been given to other students.

Carothers says the juvenile is still “traumatized” by the situation and is seeking therapy. She said she hopes the incident sparks a community conversation.

What exactly happened Aug. 8?

Multiple videos — filmed by students inside the bus and bodycam footage released by the Evansville Police Department — surfaced on Facebook on Aug 9, showing three officers arresting the juvenile shortly after a fight broke out between two other students on the bus near Gum and Southeast Eighth streets.

According to the 911 call released to the Courier & Press, the bus driver called the school’s transportation office which then called police.

When police arrived, they “lawfully detained” all AIS-Diamond students on the bus while they investigated the fight, according to police Sgt. Jason Cullum. Police say the juvenile used the emergency exit to leave the EVSC bus and was verbally aggressive toward officers on the scene.

Carothers said her client wanted to

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Tanisha Carothers

attorney for 14-year-old boy arrested

avoid police interaction altogether and complied with the officers’ orders to get back on the bus. She said the juvenile was not involved in the fight and was taken to the ground as he was making his way back toward the bus door.

“In today’s world — the video is a little hard to watch, especially when we have so many acts of violence that are not being met with that level of aggression,” Carothers said. “I mean we have how many mass shootings right now where shooters have been simply walked out in handcuffs and treated to Burger King? This is versus an unarmed 14-year-old, not involved in a fight and who’s being rowdy at best.”

Videos recorded inside the bus show three officers struggling to arrest the teenager. The videos show a female officer repeatedly striking the boy in the back.

“There were no safety concerns,” Carothers said. “So the amount of force that was used on an unarmed teenager is just alarming and the amount of force that was used because he was being verbally aggressive. I don’t know if that constitutes being hit in the back five times by the officer. You know, at one point he says, ‘I can’t breathe.’ He has asthma.”

Police say they are standing by the actions of the arresting officers as necessary and said the motion used on the minor was an “empty-hand hit to the suprascapular nerve cluster,” a technique taught to officers as a means of subduing a person who resists arrest.

The Courier & Press asked Evansville police to explain their tactics when handling minors. Cullum said there is no separate training for handling minors when it comes to defensive tactics.

Carothers said police painted the juvenile as an instigator in the fight on a social media post.

“We know that Subject #1 (juvenile arrested) played a role in encouraging the violence and physically pushed a student back into the fight,” EPD’s Facebook post read. “While Subject #1 did not throw any punches, he was directly involved in the incident and his lawful detainment by police was a necessary step in the investigation.”

Carothers said EPD has not released all bodycam footage of the incident and said one video shows officers cursing at the children on the bus and taunting them by calling them “elementary children.”

Police did not respond to several attempts to comment on those claims.

The Courier & Press requested all bodycam footage from the incident Wednesday and personnel files of officers present during the interaction and haven’t yet received the files or the footage beyond what was released on social media by police.

Carothers questioned the EVSC’s transportation policies and the police department’s policies when interacting with children. She said the situation could have been easily avoided had there been better communication between officers and the juvenile.

“In the legal field, we talk about ‘mens rea’ or having the mental capacity of understanding what’s going on,” she said. “At the beginning of the altercation, I don’t think he had the mens rea to understand what was going on. And by the time he did, the situation was high intensity. It could have easily been avoided with some proper communication.”

Community response

The Rev. William Payne, a community activist and minister of justice at Memorial Baptist Church, is hosting a public forum Sept. 3 to address policing in the community and ways to bridge the gap. The event will take place 6-8 p.m. at the C.K. Newsome Community Center, 100 E. Walnut St.

Last week, Evansville NAACP President Rev. Gerald Arnold said the chapter is still investigating the incident and questioning various police department and EVSC policies.