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PROSECUTOR REPORT: FOR IMMEDIATE RELEASE

BACKGROUND

On February 4, 2022, officers of the Purdue University Police Department arrested Adonis Tuggle for Resisting Law Enforcement, a Class A misdemeanor, in West Lafayette, Indiana after responding to a complaint of a domestic incident between Mr. Tuggle and his then girlfriend (Victim's name is being withheld). After his arrest, Mr. Tuggle made a complaint that the arresting officer battered him and used excessive force to execute the arrest. Representatives of the Purdue University Police Department requested that the Indiana State Police conduct an investigation regarding Mr. Tuggle's allegations. On February 22, 2022, the Tippecanoe County Prosecuting Attorney recused himself from the case and I was appointed Special Prosecutor by Tippecanoe County Circuit Court Judge Sean Person. I accepted jurisdiction on February 25, 2022. Since that date, I have reviewed the investigation prepared by the Indiana State Police and I have had multiple communications with Indiana State Police Investigators, Purdue University Police Officers, and representatives of Purdue University. I have made repeated attempts to contact the victim of the domestic incident. She has been unavailable because of personal issues. I did, however, have multiple conversations with the victim's mother (the mother's name is also being withheld) and another representative of the victim.

FACTUAL FINDINGS

On February 4, 2022, an individual called the Purdue Police Department to report what appeared to be a domestic dispute on Harrison Street near the Lynn Hall of Veterinary Medicine on the Purdue University Campus in West Lafayette, Indiana. The caller reported, "... woman in driver's seat, guy outside of door screaming really loud." "I think she's trying to leave. He won't let her leave." The police dispatcher acknowledged she could hear the screaming over the telephone. The caller further states, "he's trying to get her out of the car. He's trying to grab her too. I can't tell for sure."

Officer Jon Selke of the Purdue University Police Department was dispatched to investigate. Officer Selke arrived at the scene and the following was documented on the officer's body worn camera. Officer Selke exited his vehicle and observed Adonis Tuggle standing outside the victim's vehicle with the door open. The victim was positioned in the driver's seat of the vehicle. Officer Selke said, "Alright, what's going on?" Mr. Tuggle replied, "This is my girlfriend. She's been acting fucking crazy." Officer Selke then twice instructed Mr. Tuggle to move to the rear of the vehicle and "stand behind the car." Mr. Tuggle ignored the officer. The victim then said to Mr. Tuggle, "Give me my phone," and Mr. Tuggle retrieved the victim's phone

from his pocket and handed it to her. Officer Selke asked, "Why do you have her phone and her wallet?" Mr. Tuggle replied, "Because she's not listening to me and I'm trying to get her attention." Officer Selke once again asked Mr. Tuggle to move to the rear of the vehicle and he did not comply. Officer Selke said to Mr. Tuggle, "I asked you nicely. I'm about to put you in 'handcuffs.'" Mr. Tuggle ignored the officer's commands for a third time and failed to comply with his request. Officer Selke then grabbed Mr. Tuggle's arm and placed a handcuff on one wrist. He turned Mr. Tuggle's body against the vehicle in order to handcuff the other wrist and Mr. Tuggle began fighting with the officer. The view of the body worn camera becomes obscured in the commotion. During that time, Officer Selke's right hand can be seen holding down Mr. Tuggle's left arm. Officer Selke twice radioed for assistance stating that he was, "in a fight." One minute and thirty seconds after the physical interaction began, a second officer arrived on scene and assisted Officer Selke in securing Mr. Tuggle in handcuffs.

The victim exited her vehicle after Officer Selke attempted to place Mr. Tuggle in handcuffs. She began recording the incident with her cellphone shortly thereafter and the one-minute-long video that she recorded was subsequently posted on Mr. Tuggle's Instagram account. That video shows much of the interaction which was obscured on the officer's body worn camera. Mr. Tuggle was positioned on his back and Officer Selke was positioned on top of him. Officer Selke can be seen using his right hand to hold down Mr. Tuggle's left arm and using his left arm to hold down Mr. Tuggle's chest and body. At one point in the video, Mr. Tuggle's right hand can be seen reaching around Officer Selke and resting on Officer Selke's handgun which was secured in a holster on his duty belt. The video concludes just as the second officer steps into the upper right-hand corner of the frame.

Mr. Tuggle explained in a later conversation with Sergeant Sandifer of the Purdue University Police Department, "The officer grabbed my arm and I tried to stop him in self-defense. I was fighting with the officer." Sergeant Sandifer asked Mr. Tuggle, "Are you ok? Are you injured in any way?" And he replied, "I'm fine."

LEGAL ANALYSIS

When Officer Selke arrived at the scene of the apparent domestic dispute, he observed evidence which provided probable cause that Mr. Tuggle was committing the criminal offenses of Conversion, pursuant to Indiana Code section 35-43-4-3, Criminal Confinement, pursuant to Indiana Code section 35-42-3-3, and Interference with Reporting a Crime, pursuant to Indiana

Code section 35-45-2-5. Officer Selke asked Mr. Tuggle three separate times to step to the rear of the vehicle which was a request the officer was legally authorized to require. Mr. Tuggle refused to comply with each request and the officer attempted to detain Mr. Tuggle. Mr. Tuggle then actively resisted arrest and Officer Selke had the legal authority to use reasonable force to effect an arrest. Indiana Code section 35-41-3-3(b) provides in pertinent part: "A law enforcement officer is justified in using reasonable force if the officer reasonably believes that the force is necessary to effect a lawful arrest." When Mr. Tuggle began actively resisting Officer Selke's efforts, Officer Selke was legally justified in escalating his use of force to overcome the force Mr. Tuggle used to resist arrest. Mr. Tuggle told Sergeant Sandifer that "[t]he officer grabbed my arm and I tried to stop him in self-defense." Regardless of whether Mr. Tuggle believed the arrest was lawful, he was not justified in using self-defense to prevent Officer Selke from arresting him. Indiana law has long held that, "... [A] citizen may not use force to resist a peaceful arrest by an individual he knows, or has reason to know, is a police officer performing his duties regardless of whether the arrest in question is lawful or unlawful." *Cole v. State*, 878 N.E.2d 882, 886-87 (Ind. Ct. App. 2007).

CONCLUSION

On February 4, 2022, Mr. Tuggle was involved in a domestic incident with his then girlfriend. The incident was observed by a citizen who was so concerned about Mr. Tuggle's girlfriend that he called the police for help. When Officer Selke arrived on scene, his observations corroborated the information he had received from dispatch and Officer Selke had probable cause to believe Mr. Tuggle had committed or was actively committing the crimes of Conversion, Criminal Confinement, and Interference with Reporting a Crime. Officer Selke instructed Mr. Tuggle on three separate occasions to move to the rear of the vehicle so he could separate the parties and continue his investigation. When Mr. Tuggle refused, Officer Selke warned Mr. Tuggle he would be handcuffed if he failed to comply. Again, Mr. Tuggle refused. Officer Selke secured Mr. Tuggle's right wrist and handcuffed him. When he attempted to handcuff Mr. Tuggle's left wrist, Mr. Tuggle began fighting with Officer Selke. Officer Selke used reasonable force to overcome Mr. Tuggle's resistance and avoided a potentially dangerous situation. At no time did Officer Selke choke Mr. Tuggle. Officer Selke placed his forearm on Mr. Tuggle's chest and briefly on the side of his neck until assisting officers arrived. Officer Selke's actions were both lawful and justified under the circumstances. The reasonableness of Officer Selke's actions were confirmed by Mr. Tuggle's own confirmation that he was not injured.

I recognize there are times when police officers fail to live up to their public trust and expectations. This, however, was not one of those occasions and the public response to this incident was therefore unfortunate. Mr. Tuggle released a video that failed to depict his own behavior which

necessitated police use of force. His tactic was effective in provoking passion and deflecting criticism of his behavior. And while I agree Officer Selke could have spent more time attempting to de-escalate the situation, that consideration is not within the scope of my responsibility. The situation was tense, uncertain, and rapidly evolving. The full investigation reveals that Officer Selke did exactly as we expect our police officers to do. He intervened on behalf of the victim and successfully restrained Mr. Tuggle until backup arrived without injuring him. For that, Officer Selke should be commended, not vilified.

NO CHARGES WILL BE FILED AGAINST OFFICER SELKE.

Probable cause exists for multiple criminal charges against Adonis Tuggle. However, I will honor the requests of Officer Selke, representatives of Purdue University, and the wishes of the victim relayed to me by her mother and decline to file such charges.

NO CHARGES WILL BE FILED AGAINST MR. TUGGLE.