



**TOWN OF CANAAN, NEW HAMPSHIRE, POLICE DEPARTMENT  
INTERNAL INVESTIGATION AND REVIEW OF USE OF FORCE  
DURING ARREST OF CRYSTAL EASTMAN ON NOVEMBER 30, 2017**

**RE: OFFICER SAMUEL P. PROVENZA  
CANAAN POLICE DEPARTMENT**

**JULY 2018**

**INTRODUCTION**

Attorney Shawn M. Tanguay from the law firm of Gardner Fulton & Waugh, PLLC, which represents the Town of Canaan, New Hampshire, has engaged the services of Municipal Resources, Inc. (MRI) to conduct an internal investigation and review regarding a complaint filed by Crystal Eastman of Canaan, New Hampshire, through her attorney, R. Peter Decato, on February 8, 2018. This complaint alleges that Officer Samuel P. Provenza used excessive force when he arrested and placed Crystal Eastman into physical custody on November 30, 2017, during a motor vehicle stop. He charged her with Disobeying a Police Officer RSA 265:4 and Resisting Detention RSA 642:2.

This investigation focused on the circumstances surrounding the motor vehicle stop of Ms. Eastman and the resulting physical force utilized when Officer Provenza placed her into custody. The review also included department policies, use of police video cameras and the reason for Officer Provenza's cruiser camera being inoperable at the time of this arrest.

MRI Senior Police Consultant Mark J. Myrdek was assigned to this project; Alan Gould, MRI President, served as the Project Manager. The investigation involved interviews with the complainant, witnesses, Chief of Police Samuel Frank, Officer Provenza, supervisors at Canaan Police Department and the prosecutor for the Canaan Police Department. There was also a review of various documents, policies, and video footage of the event by witnesses.

## REVIEW OF DOCUMENTS AND VIDEO

The following documents were reviewed prior to conducting the interviews:

1. Medical records obtained from Crystal Eastman through her attorney, including EMS Reports, Dartmouth Hitchcock Records, and Radiology Reports outlining injuries.
2. Police reports filed by Canaan Police Officers.
3. Correspondence from Decato Law Office to the Canaan Police Department.
4. Audio calls to the Canaan Police reporting a suspicious vehicle on November 30, 2017, as well as radio transmissions regarding this complaint and the motor vehicle stop of Crystal Eastman.
5. Cell phone video taken by a witness during a portion of the arrest of Crystal Eastman.
6. Hanover Police Dispatch Log from November 30, 2017.
7. Dispatch Report from the Grafton County Dispatch outlining Crystal Eastman complaint about being assaulted by Officer Provenza.
8. Canaan Police Department Policies on Firearms and Deadly Force, and Response to Resistance.

## DOCUMENTS OBTAINED DURING INVESTIGATION

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| MJM 1 | Garrity Warnings for Officer Samuel Provenza.                                       |
| MJM 2 | Audio recorded interviews of witnesses by Chief Frank.                              |
| MJM 3 | Cell phone video of a portion of the arrest of Crystal Eastman, taken by witnesses. |
| MJM 4 | Phone calls and radio recordings of the complaint and motor vehicle stop.           |

## MEDICAL RECORDS REVIEW FOR CRYSTAL EASTMAN

Crystal Eastman is 5 feet 3 inches tall, weighs 125 pounds, and has a slim build.

On May 7, 2018, prior to the interview of Crystal Eastman at the Decato Law Office in Lebanon, the medical records regarding the treatment of Ms. Eastman's injuries were reviewed. These records were obtained by her attorney from Canaan EMS and Dartmouth Hitchcock Hospital. Attorney Paul McDonough allowed notes to be taken of these records and placement of pertinent information into this report. Attorney McDonough did not want to release any medical records at the time. However, he indicated that if these records were requested, he would consider releasing them to whoever made a request.

Ms. Eastman's reporting of how she received the injury to her left knee were explained throughout the medical records of EMS personnel, Emergency Department staff, SANE Nurse and Radiology. The injury is described as having occurred when she felt Officer Provenza's body make contact, with force, to her left knee. Although in her recorded interview she explains that she did not see the contact, she felt force on her left knee and heard a pop, causing her to fall to the ground.

The most descriptive explanation of her injuries are outlined in the notes made by Dr. Jessica Sin, MD on December 7, 2017. Dr. Sin reviewed the radiograph and MRI of Crystal Eastman's left knee, described her injuries as being [REDACTED]. She further explained that her findings are "... [REDACTED]

In this investigator's opinion, this type of injury is caused by impact, not only damaging the ACL but bruising of this area as well, indicative of impact as described by Dr. Sin, not just a twisting of the knee during this arrest.

## INTERVIEWS

The interviews conducted with Crystal Eastman and Officer Samuel Provenza were recorded with their permission. The information contained in this report is an outline of these recorded interviews.



**CRYSTAL EASTMAN**

**CANAAN, NEW HAMPSHIRE**

**Recorded interview by Mark J. Myrdek**

This interview took place on May 7, 2018, at 11:25 pm, at the law office of Peter Decato in Lebanon, New Hampshire. Also present for the interview were Attorney Paul McDonough, representing Crystal Eastman, and the Senior Law Clerk Keely Marie.

Crystal Eastman is employed by the New Hampshire Department of Transportation and is assigned as a heavy equipment operator at the State Highway Shed located on Route 118. On November 30, 2017, she had worked a complete day at a storage pit in Rumney, operating equipment and moving items within this pit. Ms. Eastman said that November 30, 2017, was a normal work day for her. She explained that during her shift, towards the end of the day, she received information that her daughter and a friend of hers were not going to be allowed to ride the bus home from school that day. Crystal explained that she had been having ongoing issues with the driver of her daughter's bus and she had filed complaints against this driver in the past. Ms. Eastman had spoken with the Vice Principal at the school, Mr. Little, and an agreement was reached to allow her daughter to take the bus home. Ms. Eastman left the work site in Rumney and went back to the State Highway Shed. Then she left to head back to Canaan to meet her daughter and her friend at the bus stop. Ms. Eastman was driving her vehicle, a white Chevrolet SUV, with New Hampshire registration number [REDACTED]

Crystal Eastman describes in her interview that prior to getting to her daughter's bus stop, she observed the bus dropping off other students, so she decided to follow the bus to observe the actions of the bus driver. Crystal Eastman said she was following the bus for between five and ten minutes, and when she got to the area of Whispering Way, she observed the blue lights of a cruiser behind her. She pulled her vehicle over, turned the engine off and immediately recognized Officer Provenza approaching her vehicle as she rolled down her drivers-side window. Ms. Eastman recognized the officer from previous contacts with him in Canaan.

According to Ms. Eastman, Officer Provenza came to the driver's side of her vehicle and said, "Hey Crystal, what's going on?" Crystal initially thought the school may have called the police regarding the issue of her daughter not being allowed on the bus, so she began to tell him why she was following the bus her daughter was on. Ms. Eastman told Officer Provenza that she believed the bus driver speeds, and in the past the bus driver has allowed her husband to ride on the bus, even though he has not passed a background check and might be a pedophile. Crystal described her demeanor as being very agitated while speaking with Provenza.

Crystal said that while speaking with her, Officer Provenza stuck his head in her window and sniffed her. She described him as being close enough that he could have kissed her. Crystal said she asked Provenza, "What the fuck are you doing? Why are you sniffing me?" She said Officer



Provenza told her that he had received a complaint that her vehicle was suspicious and following the bus. Ms. Eastman said she was still irritated and asked if she was under arrest. Officer Provenza then asked for her license and registration, and she again asked if she was under arrest. Crystal said Provenza responded that they could stay there all day, but he needed her license and registration. Crystal said she asked him, "Why? You know who I am." She proceeded to remove her license from her wallet which was located inside the winter jacket that she was wearing. Crystal went to hand the license to him through the window when she realized she needed to get her registration from the glove box, so she began to lean across the seat, probably pulling the license back in with her. Crystal said that while reaching across the seat she saw her cell phone, and she grabbed that to activate the camera.

Ms. Eastman stated that Officer Provenza then began grabbing at her driver-side door and told her she was under arrest. Crystal said she also grabbed the door to keep him from opening it because he seemed to be acting like a "psychopath." She said eventually he opened the door and she turned to face him, wrapping her right arm around the steering wheel to keep him from taking her out of the vehicle. Crystal said she was holding on very tightly to the steering wheel when Provenza, while facing her, grabbed her hair behind her head with his left hand and with his right hand on her jacket near her chest began to pull her out of the vehicle. Crystal said during this time she was screaming for him to stop pulling her hair and yelling for her husband, Doug. She said she did manage to beep the horn on her vehicle at one point before Officer Provenza could handcuff her. Crystal described her hair as being in a pony tail, indicating that this is the way she wears it while working.

Ms. Eastman said that Officer Provenza was pulling her out of the vehicle and attempting to get a handcuff on her left hand while spinning her around. At one point she ended up facing into her vehicle on the driver's seat with her feet outside the door and her body "half in and half out." She said that her left hand did get cuffed during that time. Crystal explained that she was still struggling to keep from being handcuffed when she felt her left knee get hit and she heard it pop, causing her to feel significant pain. Ms. Eastman said that during this struggle her other hand was eventually cuffed, and she fell to the ground yelling to the officer that he had just broken her leg. When asked if she saw Officer Provenza hit her knee in any way, she said "No, but I felt it." Crystal said Provenza was directing her to stand at one point. However, she kept telling him she could not walk because of the injury to her leg. She said that while she was sitting on the ground handcuffed, she observed Chief Frank walking towards her, and he came over to assist moving her out of the road to the rear of her vehicle.

Ms. Eastman said she told Chief Frank that she did not want Officer Provenza touching her and that he had broken her leg. Crystal said that the Chief assisted her in lighting a cigarette while she waited for the ambulance to arrive. Crystal observed Officer Provenza speaking with the bus driver when the bus passed by where she had been stopped, and she also spoke with her daughter, who had been brought back down to the scene after she got off at her bus stop. Ms.

Eastman said she was given a summons while she was in the ambulance before being transported to Dartmouth Hitchcock Hospital.

Ms. Eastman stated that while she was standing at the rear of her vehicle after being arrested, she noticed the video dash camera on Officer Provenza's cruiser. She said she asked Chief Frank if that video was working. Provenza responded that it was not, but he wished it was during this time.

Crystal noted that she owns a small pocket knife which she often carries, and when she got home later that evening she located this pocket knife in her lunch box, which was between the front seats of her vehicle. She indicated that the police report said Officer Provenza removed that knife from her and she did not recall having it on her person at the time and did not know how it ended up in her lunch box.

When asked if at any time she tried to bite Officer Provenza on the hand while he was taking her from the vehicle, Crystal said she did not try to bite him because she did not want to get any body fluids on her. When asked her if she ever kicked a Provenza during the struggle, she said she did not.

**CHIEF SAMUEL FRANK**  
**CANAAN POLICE DEPARTMENT**  
**Interviewed by Mark J. Myrdek**

At a May 18, 2018, meeting, Chief Samuel Frank at the Canaan Police Department supplied a copy of the police report filed by Officer Provenza regarding the arrest of Crystal Eastman, along with copies of policies regarding Use of Force and Response to Resistance. The Chief also provided recorded interviews he conducted on December 6, 2017, of witnesses who saw some of the arrest, as well as a cell phone video taken by one of these witnesses. Chief Frank said that initially the witnesses, who are teenagers, were reluctant to speak about what they saw because they were fearful that one of them would be in trouble for taking cell phone video of the arrest. These audio recordings and cell video are copied to the investigative file at Municipal Resources Inc. as a record in this investigation.

Although these witnesses do not supply any information that adds to this investigation, their interviews are outlined later in this report. The cell phone video that was captured on the phone of a witness and made available with the assistance of the Mascoma High School Technical Staff, does not add information that is helpful in this investigation. However, it is a record kept in this investigation.

Chief Frank explained that on November 30, 2017, Officer Provenza was working an afternoon shift and his cruiser was at the town highway garage receiving normal maintenance during the



day. Chief Frank said that this cruiser is assigned to Provenza and he would normally take the cruiser home. However, the Chief had to pick up Officer Provenza and bring him to the police department for him to get his cruiser to start his shift.

Chief Frank said that each cruiser is equipped with a cruiser camera that his department purchased as used equipment from the Lebanon Police Department a few years ago. He said each video camera is activated as soon as the cruiser is turned on and runs continuously during a shift. The Chief continued, saying that the only exception is Officer Provenza's cruiser camera, which has had problems activating in this manner since they installed it into that cruiser. This camera, according to the Chief, must be activated manually by Provenza pushing a button which causes the camera to boot up. This must be done each time he begins his shift. Chief Frank said that since the incident involving Crystal Eastman, this problem has been corrected in Officer Provenza's cruiser with the help of the IT person for the Town of Canaan, and it activates with the starting of the cruiser.

Chief Frank stated that on November 30, 2017, it appears that Officer Provenza received the call for this suspicious vehicle following the bus, and he rushed out and did not activate the cruiser camera. The Chief does not feel this was intentional by Provenza; he feels it was an oversight given the circumstances.

Chief Frank said that he was at the police station when Officer Provenza took the phone call regarding the suspicious vehicle following the bus, and he stayed at the station while Officer Provenza responded to the call. He said a short time later he heard Officer Provenza calling for assistance, so he responded to Provenza's location. He said he arrived there within minutes and he noticed that Officer Provenza had a female in handcuffs and on the ground still in the area of the roadway. Chief Frank later recognized Crystal Eastman as the person under arrest, and he assisted her out of the road to the back of her vehicle. He said Crystal was complaining of an injury to her leg, and the ambulance was called to have her treated.

Chief Frank said that Officer Provenza gave him an explanation of what occurred, and after Ms. Eastman was transported, he went to speak with the teenagers who may have witnessed the incident at a home next to where the stop took place. Chief Frank said after speaking with them briefly, Provenza concluded that they did not have any information at that point which was important to the arrest. Chief Frank said it was later that he heard these witnesses might have a video, so he went to the school to interview them at a later date and he obtained the cell phone video with the help of the school staff.

Chief Frank was asked about a knife that may have been taken from Crystal Eastman during the arrest and if he recalled seeing it or handling it as evidence. He said that he thought he remembered a knife being taken from Ms. Eastman during her arrest and he thought either he or Officer Provenza placed it back in her vehicle after she was transported to the hospital.



When asked if he was aware of the extent of Crystal Eastman's injury to her leg, Chief Frank said he was not. However, "If you fight with the police, sometimes you get injured." When told that the injury to her knee seemed to be serious and may have been a result of contact to the knee in some way, the Chief said that knee injuries can occur in many ways and maybe she had a previous injury to that knee.

Chief Frank explained that he learned of the complaint about the arrest of Crystal Eastman after he left the scene of the arrest on November 30, 2017. He had gone back to the police department to prepare for a class he was teaching that evening. He said that while teaching the class he was informed by the Sheriff's Department that Crystal Eastman's husband, Doug Wright, had called to complain. Chief Frank said he returned Mr. Wright's call later that evening and set up an appointment to meet with him at the police department the next morning. He thought that meeting was going to take place after 8:30 am; however, he could not recall. The Chief said he waited the next morning for Mr. Wright to come in. By late morning Mr. Wright had not come in or contacted him, so he left the station, and while driving through town, he noticed Mr. Wright's vehicle parked at the town offices. Chief Frank said he went to the town office later that morning and spoke with the town manager who informed him that Mr. Wright had been in to speak with him about the arrest and Mr. Wright was not comfortable speaking with Chief Frank about the incident at this point. Chief Frank said he told the town manager he was prepared to take information from Mr. Wright, but he needed him to come in to write a statement. As of the date of this interview, Mr. Wright has not been in to file a complaint. Chief Frank provided the files and correspondence he has received from the Decato Law Office. Included was a letter dated February 8, 2018, informing him of an official complaint lodged against Officer Provenza by Crystal Eastman. Chief Frank opened a complaint file on this incident at that time. The Chief stated that neither Mr. Wright nor Ms. Eastman have come in to write a statement regarding this complaint. Chief Frank's policy is that he requires a written complaint from Crystal Eastman to move forward with an investigation. He said he has not responded to the letter sent on February 8, 2018, from Attorney Decato informing him of the complaint.

Chief Frank said that he learned sometime after the incident that the teenagers he spoke to the day of the arrest might have a video of the incident. He went to the school on December 6<sup>th</sup> to record their statements and obtain the cell phone video. The Chief said that after conducting these interviews and looking at the video, he had no evidence that would assist him in an investigation.

When further questioned about other complaints he may have received regarding Officer Provenza's handling of citizens during traffic stops or other encounters, Chief Frank said he has received some complaints and in one instance he did review the cruiser video involving the incident with the person complaining and found that Provenza acted properly. Chief Frank said he considers Officer Provenza to be a very aggressive officer, and because he is very proactive in his motor vehicle enforcement, this causes people to take issue. When asked if he regularly

reviews cruiser videos of his officer's interactions with the public, he said that he has on occasion. However, he has not seen a problem with Officer Provenza or any other officers during their interaction with the public to this point.

### **OUTLINE OF INTERVIEWS WITH WITNESSES**

Chief Frank provided the audio recordings of the interview of four teenagers who were present in a residence adjacent to the motor vehicle stop and subsequent arrest of Crystal Eastman on November 30, 2017. Upon reviewing them, although they supply some corroborating information about what may have been said during the arrest, they have no information that would assist in determining the force used or how Crystal Eastman sustained her injury. The following information was derived from the audio recordings made by the Chief during his interviews:

██████████  
**CANAAN, NEW HAMPSHIRE**

██████████ was interviewed by Chief Frank on December 6, 2017, and he told the Chief that he walked past Officer Provenza and the vehicle he had stopped in front of his house. ██████████ was familiar with Crystal Eastman because he is good friends with her daughter, ██████████. He said he went into the house and later came outside after Crystal was in handcuffs and sitting on the ground. ██████████ did confirm that ██████████ took a cell phone video of the incident. This interview does not have any pertinent information.

██████████  
**CANAAN, NEW HAMPSHIRE**

██████████ was interviewed by Chief Frank on December 6, 2017, and she told the Chief that she saw Crystal Eastman's vehicle get pulled over. She then went into the house and only heard a female screaming, "You're pulling my hair." ██████████ said that when she came outside she could only hear the female arguing with the officer.

██████████  
**CANAAN, NEW HAMPSHIRE**

██████████ was interviewed by Chief Frank on December 6, 2017, and he told the Chief that he came out of the house when he heard a horn honking outside. He said as he was going outside he heard the female scream something about pulling her hair. ██████████ said he did not witness this, but when he got outside the home he noticed the female already on the ground in handcuffs. ██████████ said his friend ██████████ did get some cell phone video of what he observed,



utilizing [REDACTED]'s phone and did hear the female complain to the officer of her knee being injured and her hair being pulled.

**CANAAN, NEW HAMPSHIRE**

[REDACTED] was interviewed by Chief Frank on December 6, 2017, and he told the Chief that he was inside a residence near the motor vehicle stop of Crystal Eastman. He said that he heard a female screaming, "You're pulling my hair" and swearing, so he and [REDACTED] went outside to see what was going on. He said he saw a female sitting on the ground, appearing to be in pain. [REDACTED] said that [REDACTED] used his cell phone to video what they could see when they arrived outside. [REDACTED] told Chief Frank that he and [REDACTED] were afraid to admit they took a video of the event, and then [REDACTED] lied, telling the Chief that [REDACTED] took the video. It was clarified in this interview that [REDACTED] took the video in question with his cell phone. [REDACTED] did not supply any further information that would add to this investigation.

**OFFICER SAMUEL PROVENZA**  
**CANAAN POLICE DEPARTMENT**

**Recorded interviewed by Mark J. Myrdek**

This interview took place on at 1:10 pm on May 15, 2018, at the Canaan Police Department in an interview room. Officer Provenza was represented by Chris Kilmer of the AFSCME union. Officer Provenza allowed the interview to be recorded. The following is an outline of that recorded interview. Officer Provenza was read and explained his Garrity Rights and indicated he understood each of the rights explained. Provenza signed the Garrity Waiver and that document is attached with this report.

Officer Provenza joined the Canaan Police Department as a part-time officer in December 2011 and attended the part-time police academy. He became a full-time officer in 2014 and graduated from the full-time academy in August 2014.

Officer Provenza stated that he was familiar with Crystal Eastman prior to November 30, 2017, because he had had previous contacts with her and her husband. He indicated that he was also familiar with her vehicle, a white Chevy SUV, because he has seen it around town and associated that vehicle with Crystal Eastman or Doug Wright.

Officer Provenza said that he was working an evening shift on November 30, 2017 and had been picked up by the Chief prior to his shift so that he could get his cruiser that was being serviced at the town garage.



Officer Provenza explained that while he was at the police department being briefed by the Chief prior to his shift beginning on November 30, 2017, a phone call came into the station from Butler Bus Company. Provenza said the dispatcher from the bus company reported a white Chevy Trailblazer was following a bus in Canaan and was acting suspicious, according to the bus driver. Officer Provenza said he immediately transferred the call to Hanover Communications Center and he got in his cruiser and headed towards the area where the bus driver reported the suspicious vehicle. Provenza said he thought the Chief was aware of the call because he either overheard his conversation with the bus company or he informed the Chief on his way out.

Officer Provenza drove to the area where the suspicious vehicle was reported, and he observed a white SUV behind a school bus. He said he did not recognize the vehicle initially as being the vehicle owned by Crystal Eastman. Provenza said he activated his blue lights and the vehicle pulled over and stopped. As Officer Provenza approached the vehicle he recognized the driver as Crystal Eastman, and he asked her what was going on. He described Ms. Eastman as acting nutty and weird. He said that she continued to tell him that the bus she was following was speeding and possibly had a pedophile on board. Officer Provenza said Crystal was not making sense and she was rambling. He said he noticed her eyes were bloodshot, so in an attempt to determine if she might be impaired, he moved his head toward the window and sniffed to see if he could detect an odor of alcohol or marijuana. Officer Provenza said that Crystal told him he could not sniff her, and he responded saying to her that he could. Provenza said that she began yelling and swearing at him, telling him she said did not want to talk with him anymore. Officer Provenza said at this point he was not sure if he was dealing with a person who was impaired or having some type of mental issues. He told Crystal that he was conducting an investigation and asked her numerous times for her license and registration. He said that Ms. Eastman argued with him that she did not have to produce the license and registration, and he told her that she could be arrested if she did not produce those for him.

Officer Provenza said Crystal finally produced her license and held it out at the window, and as he went to reach for it she “snatched it back out of my fingers.” At that point he told Ms. Eastman she was under arrest and he tried to open the door. He said Crystal pulled the door closed on his right hand and he yanked the door open. Officer Provenza said at that point she wrapped her right arm into the steering wheel and started screaming, “Doug, Doug!” Provenza told me he repeated over and over to her, “Crystal, get out of the car. You’re under arrest.” He said her right arm remained wrapped around the steering wheel and he reached in, pulling on her jacket and her arm trying to get her out of the vehicle. Officer Provenza said at one point Crystal tried biting his left hand. He then was able to get one handcuff on her left wrist and he began applying pressure for her to come out of the car. However, she kept her right arm locked into the steering wheel while she continued to scream, honk the horn and flail her arms and legs. He said she told him that the pressure from the cuff was hurting her, and he directed her to give him her other hand. Officer Provenza said she then began to slide out of the seat with



one arm still on the steering wheel and her feet on the ground facing inside the car. Crystal eventually let go of the steering wheel and continued to flail her arms and legs wildly. Provenza said Crystal's left arm was behind her back and her right hand was under her body, which was still leaning over the seat.

Officer Provenza said as he was attempting to get Ms. Eastman's right arm from under her body, she began to yell, "You broke my leg; you broke my fucking leg." She continued screaming and kicking at him. Provenza was able to radio for assistance at this point, and he was able to get her right arm out from under her and get the second handcuff on. He said he moved Crystal onto the ground and she continued to attempt to get up while complaining about her knee. Provenza also took a knife from her pocket and placed it inside her vehicle. When shown a photo of the knife Crystal had that day, he could not positively identify it. However, he said it was possible it was the same knife.

Officer Provenza said that Chief Frank arrived on scene shortly after this point and he began speaking with Crystal, trying to calm her down while waiting for the ambulance to come check her injuries. Provenza thought the summons he prepared for Crystal to appear in court was given to the ambulance personnel or he handed it to Crystal before she was transported to the hospital.

Officer Provenza was asked how much time he thought elapsed between the time Crystal Eastman's vehicle was stopped and the time he had to place her under arrest. He thought it might have been a total of two minutes. When asked if he ever grabbed her hair, Provenza said he never pulled her hair and he would have remembered if he had. When asked if he ever applied pressure from his body onto Ms. Eastman's knee area to take her out of the vehicle, Officer Provenza said he never put any part of his body on her legs. When asked if he ever thought to try to speak with Crystal longer in an attempt to calm her down before deciding to arrest her, Provenza said he knew that he needed to try field sobriety tests with her, and asking her to step out of the car to speak with her further would not have been successful.

Officer Provenza stated that he did observe Crystal trying to use her cell phone at one point, but he said it was obvious she purposely pulled her license from him and she was not attempting to reach for her cell phone when that happened. When asked what getting her license would have changed in dealing with Crystal because he already knew who she was, Provenza said if he had gotten the license, he then would have checked its validity and he would have asked her to step from the vehicle and would have continued his investigation.

Officer Provenza stated that looking at this in retrospect, there may have been other ways to handle the situation and that one alternative would have been being more forceful with her, but he felt she was not cooperating and thought this was the best way to deal with her at the

time. He adamantly denied ever making contact with Crystal Eastman's knee in any way that would have caused the injuries. He could not explain how she may have received the knee injury.

Officer Provenza was asked to explain how the video camera system was operated in cruiser assigned to him and why this system did not appear to be working on November 30, 2017. He said that the cruiser cameras were obtained from the Lebanon Police Department when Lebanon upgraded their cruiser cameras a few years ago. He said that when the camera was installed into his cruiser there was a problem with the camera automatically activating when the cruiser was started. He explained that, since the camera has been in his cruiser, he has had to manually activate the camera when starting the car. He said this process takes a few minutes to power the camera up and then it operates as designed. He said that when he received the call regarding a suspicious vehicle following the school bus at the start of his shift on November 30, 2017, he immediately went to his cruiser and drove out to the location of the suspicious vehicle. Officer Provenza said that in his rush to get to the area of the bus and the suspicious vehicle, he simply forgot to push the button on the camera to activate it when he left the police department. He said this was an oversight and was not done intentionally.

**DOUG KING**

**District Engineer/New Hampshire Department of Transportation**

**Interviewed by Mark J. Myrdek**

Doug King was interviewed on June 11, 2018. Mr. King is one of Crystal Eastman's supervisors and sees her on a regular basis while she is working. When asked if he could recall seeing Crystal Eastman on November 30, 2017, while she was working for DOT, Mr. King told me he keeps a diary for each day he works and his notations for November 30, 2017, indicated he visited the Rumney Pits where Crystal was operating heavy equipment that day. Mr. King said that he did not receive any complaints about Crystal not being able to perform her duties that day and she would have had to climb on and off of heavy equipment all day. Mr. King indicated that if Crystal or anyone else was to be injured while working for DOT under his supervision, he would have been notified and he has never received any reports that Ms. Eastman was injured while working November 30, 2017.

**FINDINGS**

This investigation was conducted to determine if the level of force used by Officer Provenza when he arrested Crystal Eastman was justified, given the circumstances. One of the components of any complaint involving use of force and the arrest of an individual is the careful review of the conduct of the officer and the individual arrested that eventually led to the physical custody arrest of that individual to determine if the officer's actions leading to the custodial arrest were proper. Other components are the credibility of the statements given



during the interviews and the physical evidence presented during the investigation that either support or refute the claim made by the individual who was arrested.

Crystal Eastman explained during her recorded interview that she was “agitated” when she was stopped by Officer Provenza. She explained that she was upset about the ongoing problems with the bus driver and how her daughter was being treated on that particular bus. There is no evidence to support that Crystal Eastman was impaired to any degree. Ms. Eastman described becoming more agitated when the officer put his head into her vehicle to see if he could determine why she was acting in this manner and even more so when he asked for her license and registration, when he clearly knew who she was. Crystal did present the license to Officer Provenza. However, she pulled it away from him either when she reached for her cell phone or the registration, or intentionally for some other reason. This action apparently led Officer Provenza to place Crystal Eastman under arrest and he attempted to open the driver’s door to take her into custody. Ms. Eastman admits to resisting this arrest, trying to keep Provenza from opening the door, and even placed her right arm into the steering wheel to prevent him from taking her from the vehicle. She admits to screaming and honking the horn on the vehicle while resisting being removed from her vehicle.

Crystal Eastman and Officer Provenza give similar, but not exact, accounts of what took place when Provenza was trying to remove her from the vehicle and place her into custody. Crystal was resisting being removed from the vehicle and Officer Provenza was using physical force to remove her. In a physical struggle like this, often each person has a different recollection of what exactly occurred. In this case we know that Crystal Eastman said she felt some contact to her left knee that caused her to hear a pop and to feel pain as she was being handcuffed. Crystal admits she did not see Officer Provenza hit her knee, but it can be logically assumed he would have been the only one to contact her knee. Her injuries were later well documented by physicians at Dartmouth Hitchcock Hospital. These injuries are consistent with contact to the side or rear of her left knee, not a twisting of any type. Bruising to this area are documented as well.

It is the opinion of this investigator that the injury to Crystal Eastman’s left knee was caused by contact from some portion Officer Provenza’s body to the back of Ms. Eastman’s left knee. The use of physical force to take Crystal Eastman into custody was justified initially, and it required physical contact while placing the handcuffs on Ms. Eastman. Officer Provenza is a much larger individual than Ms. Eastman, and by utilizing proper pressure techniques, compliance could possibly have been gained by continuing to apply that pressure to the left hand which was cuffed. If Ms. Eastman was kicking her legs, Provenza also may have been justified in trying to keep her from kicking. A new issue is created when Officer Provenza denies making any contact with Ms. Eastman’s knee or legs, yet she received this very serious injury. Provenza also denies pulling Eastman’s hair, as stated by Eastman and supported by the statements from witnesses who heard her yelling to Provenza to stop pulling her hair. This raises a question of Officer Provenza’s credibility during this investigation. Officer Provenza

used force, and admits to using force, but the type and amount of force used may not be accurately represented by Provenza.

The medical records clearly indicate specific contact injuries to Crystal Eastman's left knee. The only possible explanation of how she received this injury is that it occurred when contact was made by Officer Provenza to her left knee area. It is difficult to understand how Provenza would not know this had occurred at some level during the arrest of Ms. Eastman.

The evidence is clear that this injury occurred during the arrest of Ms. Eastman. However, it cannot be stated with certainty that Officer Provenza intentionally caused the injury to Ms. Eastman's knee while taking her into custody. The question remains as to whether or not this contact by Officer Provenza was intentional or unintentional. Therefore, the complaint of excessive use of force by Officer Provenza in this instance is **NOT SUSTAINED**.

Respectfully submitted,

MUNICIPAL RESOURCES, INC.

By: Mark Myrdek  
Mark J. Myrdek (CSP)  
Senior Police Consultant







**GARRITY WARNING**  
**ADMINISTRATIVE**  
**INTERNAL INVESTIGATION**

This is to inform you that I have been engaged, on behalf of Attorney Shawn Tanguay who represents the Town of Canaan, New Hampshire, to question you regarding your use of force during the arrest of Crystal Eastman in Canaan on November 30, 2017. This questioning will concern your actions leading up to and during this custodial arrest. The questions will relate specifically and narrowly to the matter under investigation. I am not about to question you for the purpose of instituting a criminal prosecution against you.

Please note, you are entitled to all the rights and privileges guaranteed by the law and the Constitutions of the State of New Hampshire and the United States of America, including the right not to be compelled to incriminate yourself. Further, you are hereby put on notice that if you refuse to answer these questions relating to the performance of your official duties or fitness for duty, you could be subjected to termination from your position with the Canaan Police Department. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal legal proceedings.

Since this is an administrative investigation and any self-incriminating information you may disclose will not be used against you in any criminal legal proceedings, you are expected to answer the questions fully, completely and truthfully. If you refuse to answer these questions or if you attempt to provide false, untrue, or deliberately erroneous information, or attempt to hamper the investigation in any way, this, in itself, may be grounds for dismissal proceedings.

You will be allowed to have a witness, which includes a union representative, during this interview if you so choose but, he/she may not represent you in a legal capacity or as counsel.

Do you understand what I just explained to you? (YES)(NO)

yes

Do you have any questions concerning what I just explained to you? (YES) (NO)

NO

List questions and responses, if any.

TIME 1:50 DATE 5-18-18 SIGNATURE \_\_\_\_\_

1312

WITNESS \_\_\_\_\_

INVESTIGATOR \_\_\_\_\_