

ASIRT DECISION

**IN THE MATTER OF A USE OF FORCE BY CALGARY
POLICE SERVICE OFFICERS ON NOVEMBER 19, 2023**

Acting Executive Director: Matthew Block

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Introduction

On November 19, 2024, pursuant to s. 46.1 of the Police Act, the Director of Law Enforcement directed the Alberta Serious Incident Response Team (ASIRT) to investigate allegations of an excessive use of force in an arrest during a public protest on November 19, 2023. No officers were designated as subject officers in this investigation and the ASIRT investigation is complete.

ASIRT's Investigation

ASIRT's investigation was comprehensive and thorough, conducted using current investigative protocols, and in accordance with the principles of major case management.

ASIRT investigators interviewed the affected person (AP) and reviewed her medical records related to this incident.

ASIRT also reviewed body worn camera (BWC) footage from 19 police officers and the in-car video from the police vehicle used to transport the AP from the scene to the field booking unit set up at Fort Calgary.

ASIRT investigators also reviewed seven videos recorded by unknown civilian sources that were collected and submitted for consideration by the AP's legal counsel.

Circumstances Surrounding the Incident

On November 19, 2023, an organized protest took place in downtown Calgary. A large group of people broke away from the main body of the protest who had congregated at City Hall and blocked the four lanes of one-way traffic at the intersection of Fourth Avenue S.E. and Macleod Trail. The AP was among this group. Calgary Police Service (CPS) officers moved into the area to disperse the group. Protestors refused to follow police directions.

The AP's husband was the first to be arrested. He appeared to hold himself out as the protest leader and continued to incite the crowd using a megaphone. He refused to speak to police or comply with their directions. The AP tried to follow behind the officers who were calmly escorting him to the southeast corner of the intersection. Other officers repeatedly directed the AP to "move back," however, she persisted in her efforts to approach and needed to be physically pushed back several times. The AP continued to behave aggressively towards police and eventually, witness officer #1 (WO1) grabbed onto the AP and placed her under arrest.

The AP tried to pull away from WO1's grip and was pulled down to the ground. She then tried to get up and again pulled away from WO1, who wrestled her to the ground from behind. In the process, her upper body inadvertently struck the side of a vehicle stuck at the intersection. WO1 then tried to bring the AP to her feet as he held her hands behind her back, and the AP again tried to pull away from his grip towards the crowd of protestors. WO1 spun the AP back around, away from the crowd, and pressed her against the stationary vehicle. WO1 held her there until she could be handcuffed.

During the AP's struggle with WO1, her hijab was dislodged and both the top and back of her head were exposed. Other protestors then alerted officers to the fact that the AP was pregnant. The AP was moved to the southeast corner of the intersection and eventually transported away from the scene to a field booking unit at Fort Calgary. Emergency Medical Services (EMS) subsequently transported her to Rockyview Hospital.

Affected Person (AP) Interview

ASIRT investigators interviewed the AP.

The AP confirmed her attendance at the protest on November 19, 2023. She had been a part of the group who had marched from City Hall and back again and then she followed a group to the intersection of Fourth Avenue S.E. and Macleod Trail. The AP recalled that initially, there were only a handful of officers at the intersection of Fourth Avenue S.E. and Macleod Trail. Vehicles were stopped at the intersection. She was standing on the road beside the driver's side door of a vehicle, but close to the sidewalk. She indicated that there was no communication by the officers other than telling them to "move."

The AP's husband was arrested, and she then followed him out of concern. She denied being "in the face" of the officers and indicated that she was just standing there, and people were asking what was happening. More officers armed with more equipment came, which she felt created a more intimidating presence. The officers began shoving them and yelling at them to, "move back." She recalled saying, "are you kidding me?" in response to them pushing her. She explained that she felt pinned between the officers in front of her and the protestors behind her and was not able to move back.

The AP explained that as she turned away from the officers, a male officer, whom she identified by his first name, grabbed onto the right side of her hijab, near her cheek, and used it to drag her down to the ground. This officer was identified as WO1. She advised that her head and right shoulder struck the vehicle she was standing beside as she fell and landed on her back. WO1 then straddled her on the ground and placed his knees on either side of her hips. She noted that his knees were not on her abdomen, but that sufficient force was being applied to cause pain and make her uncomfortable. He also held her arms down, which were bent at the elbow and positioned on either side of her head.

Other protestors could then be heard yelling, "she's pregnant" and comments to the effect of, "cover her hair." WO1 then picked her back up off the ground, and with the assistance of one or two additional officers, handcuffed her behind her back. At this point, someone from the crowd was allowed through to fix her hijab, which had fallen back and exposed her hair. The AP clarified that her hijab was not readjusted, rather someone else in the crowd had provided their scarf that was then placed on her head. She described that she felt naked with her hair exposed, particularly since there were men in the crowd and that videos of this interaction were subsequently posted on the internet.

The AP was subsequently moved towards a nearby chain link fence. WO1 offered to get her medical care, but in the moment, she felt scared and distrustful and did not accept the offer. She was subsequently transported in a van with her brother, who was also under arrest, to a police station. She requested medical attention and was transferred to another van where she awaited the arrival of an ambulance. While sitting in this second van, she recalled another male officer commenting to her, "you probably won't be doing that again," implying that she had likely "learned her lesson" from what had transpired. Once inside the ambulance, another officer removed her handcuffs, and she was transported to Rockyview Hospital.

The AP advised that she has had to receive many scans on her shoulder, both at the hospital on the date of the incident and on subsequent dates. It is noted that she continued to point to her left shoulder when referencing the scans. Based on a review of all the evidence, it is believed that the AP misspoke earlier in the interview when she referenced striking her right shoulder on the vehicle. The

AP also mentioned experiencing severe migraines and exacerbated jaw problems after the incident, which required many family doctor visits. Although she subsequently delivered a healthy baby, she noted that she underwent lots of additional testing, including x-rays and ultrasounds because of the incident that she believed placed her baby at additional risk.

Overall, the AP felt that the way the police interacted with the protestors on that date was aggressive, degrading, and humiliating – particularly when they were “shoving them like sheep.”

The AP’s legal counsel, who was also in attendance during the AP’s interview, also alleged that WO1 covered his BWC and his microphone during the interaction.

AP’s Medical Records

The AP’s medical records were obtained by ASIRT investigators pursuant to the AP’s signed consent release.

The medical records confirmed that the AP was transported by ambulance to the Rockyview Hospital on November 19, 2023, at approximately 6:00 p.m. and was discharged by 10:00 p.m. after undergoing an obstetric examination.

Upon admission, the AP advised medical staff that she was four months pregnant and had been involved in an altercation with police during which she had been pushed against a car and hit the left side of her head. She further advised that she was then forced onto the ground, handcuffed, and pressure was placed on her lower back. She was reporting abdominal pain and cramping. The AP was not observed to have any abrasions, and an obstetrical exam did not note any concerns. There was no record of any scans being ordered or completed on her shoulder.

Body-Worn Cameras (BWC)

ASIRT investigators reviewed the BWCs of 19 officers, some of which captured relevant portions of the protest and the AP’s arrest or her other interactions with police from different angles. BWCs are typically positioned on an officer’s torso and capture audio and video of activity occurring directly in front of the officer. Not all of the BWC footage that was reviewed captured interactions with the AP. Below is primarily a review of WO1’s BWC footage. Where other officers BWC’s captured a better angle of an interaction with the AP, those observations have also been referenced. WO1’s BWC was recording and had full audio without interruption throughout his interaction with the AP on this date.

WO1 arrived into the area of Fourth Avenue S.E. and Macleod Trail at approximately 4:29 p.m. He initially stood behind the group of protestors who were blocking four lanes of one-way traffic at that intersection. WO1 then approached the AP’s husband to try to speak with him about the situation; however, he refused to engage. The AP’s husband appeared to be a protest organizer as he was pacing in front of the crowd and using a megaphone to galvanize the protestors. WO1 could be heard advising other officers in the vicinity and over the radio of his efforts to speak to the organizer and that he had, “basically told him to fuck off.” Other officers BWC captured further efforts by additional officers to speak to the AP’s husband, which he repeatedly ignored. A decision was eventually made to arrest the AP’s husband at approximately 4:34 p.m.

WO1 and other officers began quickly moving through the crowd from the southeast corner of the intersection and directing the crowd to “stay back.” WO1 ended up positioned in the leftmost lane of Fourth Avenue S.E., beside the driver’s side of the first vehicle stuck at the intersection. The AP continued to push forward so that she was standing on the driver’s side of that same vehicle and to the

right of W01. Upon W01's arrival, other officers were already directing the AP to move back (Figure 1).



Figure 1 – Upon the arrival of W01, the AP (identified with orange arrow) is observed interacting with other officers. The AP was being given verbal directions to move back. The AP and officers are standing in the leftmost lane of four lanes of one-way blocked traffic on Fourth Avenue S.E. beside a maroon vehicle, which was the first vehicle stuck at the intersection in that lane.

W01 and other officers were observed pushing the AP back on more than one occasion and repeatedly providing her with direction to “stay back” (Figures 2, 3, and 4).



Figure 2 - The AP (seen on right of image) being physically pushed back by WO1 for the first time.



Figure 3 - The AP (identified with orange arrow) being pushed back by another officer for the second time. WO1 can be seen pointing (hand circled in blue) while giving a direction to stay back.



Figure 4 - The AP advanced a third time towards officers despite clear and repeated directions to stay back.

The AP had been pushed back to the front of the stationary vehicles, where there was sufficient space to have created distance from the officers had she chosen to do so. Instead, the AP again advanced towards officers while repeatedly commenting to officers, "are you serious? you're pushing a woman!" A woman, who identified herself as the AP's sister-in-law in a separate civilian video, began trying to pull the AP away from the officers, but the AP aggressively shrugged her off and again advanced

towards the officers (Figure 5).



Figure 5 - The AP's sister-in-law (wearing green sweater) is observed unsuccessfully trying to physically pull the AP away from officers. This image was sourced from the BWC of Witness Officer #2 (WO2).

WO1 immediately grabbed onto the AP to effect her arrest (Figure 6).



Figure 6 - The AP advanced again towards officers despite their clear directions and efforts to move her

back from that area. WO1 was seen grabbing (hand circled in blue) onto the AP to effect her arrest.

The AP then proceeded to try to turn towards the crowd and pull away from WO1. She was pulled backwards, down to the ground (Figure 7).



Figure 7 - The AP being pulled backwards down to the ground. The AP's arms can be seen extended in front of her. The video clearly depicts that the AP's direction of travel was away from the stationary vehicle, and her body did not strike the vehicle on the way down to the ground. In this image, it is also noted that the AP's hijab is intact and that WO1's hand is not observed to be grabbing onto the side of her hijab to drag her down.

WO1's BWC is completely obstructed for a couple seconds by the AP's body; however, the sounds of a struggle could be heard. Other officers BWC captured this portion of the AP's arrest.

The AP is observed landing on her buttocks on the ground. She then immediately pushed out against

officers and tried to stand back up (Figure 8).



Figure 8 - The AP is observed trying to get back up after being pulled to the ground by officers. This image was sourced from the BWC of Witness Officer #3 (WO3).

WO1 tried to retain control over the AP as she began moving forward toward the stationary vehicle. WO1 told the AP, "you're under arrest" as he tried to gain control of her. WO1 took the AP to the ground from behind for a second time. It was unclear if it was the AP's forward momentum that caused WO1 to lose his footing and fall onto her or if WO1 was deliberately wrestling the AP to the ground. The AP ended up being pushed forward and struck her head on the stationary vehicle (Figure

9).



Figure 9 - The AP struck her head on the stationary vehicle as both she and WO1 fell to the ground. This image was sourced from the BWC of WO3.

WO1 was heard repeatedly telling the AP to, "stop resisting." He was observed using his body weight to try to gain body positioning control over the AP.

When the AP came back into view on WO1's BWC, she was lying on the ground on her back, with the WO1 leaning over top of her. The top of her hijab had already slipped back off the top of her head, exposing her hair. The AP continued to struggle while on the ground, and WO1 momentarily grabbed

onto the right side of her hijab, while trying to restrain her (Figure 10).



Figure 10 - WO1 is observed holding the AP down on the ground by grabbing onto a portion of the AP's hijab covering her right cheek. The top of the AP's hijab has notably slipped backwards off the top of her head during her struggle with police.

The AP continued to resist. WO1 pinned her to the ground by holding both of her bent arms against the

ground as he remained positioned over top of her (Figure 11).



Figure 11 - The AP was pinned to the ground by WO1 holding both of her arms down.

Within two seconds, WO1 began rolling her onto her side to get back up. As he did so, the AP once again began resisting and pulling away towards the crowd. WO1 used both hands to pull her arms behind her back and spun her around away from the crowd. He then held her against the stationary vehicle and another protestor was observed tossing a red and white scarf across the roof of the vehicle towards the AP (Figure 12).



Figure 12 - The AP being held by WO1 and other officers against the vehicle. It is noted that at the time

of this image, a red and white scarf has already been placed on the AP's head to cover her hair. This image was sourced from the BWC of Witness Officer #4 (WO4).

WO1 told the AP to “stop” and held her firmly between the vehicle and his body, thereby obstructing his BWC temporarily. WO1 asked for someone to assist with handcuffing the AP. When the AP came back into view, while being handcuffed, it was noted that she now had a red and white scarf covering the top of her head.

Another protestor was then observed standing directly beside the AP and telling WO1, “she’s pregnant and you’re attacking her!” WO1 responded by saying, “she is the one who attacked me.” The protestor persisted in trying to argue and advised that she had it on video. Another officer was heard telling the protestor, “you are not here to fight, you are here to fix it,” and she proceeded to start tying the red and white scarf onto the AP’s head (Figure 13).



Figure 13 - Another protestor is permitted to assist with covering the AP's head with another scarf.

While the scarf is being tied on the AP’s head, the AP continued to try and turn to face WO1 and verbally berate him. When WO1 responded to some of the AP’s comments by saying, “I had no idea that you were pregnant,” the AP continued screaming and becoming increasingly agitated, including continuing to try to pull away or push back against WO1 while handcuffed. WO1 told her multiple times to “relax” and to “stop” before finally advising other officers that, “she needs to go.”

With the assistance of another officer, WO1 escorted the AP to the southeast corner of the intersection. The AP refused to calm down and kept screaming out to the crowd and tensing up while walking with officers. The AP continued to try to argue with various police officers. It was noted that all of the officers responded calmly to the AP in the face of her continued screaming and swearing. WO1 repeated to the AP multiple times that he was “not going to argue” with her. After several

minutes, a calmer conversation between WO1 and the AP ensued, where they exchanged first names, and pleasantries as they awaited transportation away from the scene. WO1 asked the AP if she would like to be seen by a medic and she declined.

When transportation arrived, WO1 advised officers that the AP indicated she was pregnant and that she had been taken to the ground. WO1 advised the AP previously declined EMS, but the AP now indicated that perhaps she should be seen. Officers confirmed they would have an ambulance meet them at their destination.

Civilian Video Evidence

ASIRT investigators reviewed seven videos filmed by unknown civilian sources obtained via the AP's legal counsel. Five of these videos captured primarily the arrests of other persons unrelated to this investigation or similar footage to what could already be seen on BWC's from a slightly different angle. The remaining two videos are summarized below.

The first video was filmed from the vantage point of the front row of protestors, facing the blocked vehicles at the intersection. It captured the arrest of the AP's husband, followed by the AP refusing to follow police directions to move back. The AP was observed having to be pushed back by police more than once. The AP was then pulled to the ground, and a crowd of people largely obscured the video. When the AP came back into view, she was leaned up against a vehicle and her hair was exposed. A police officer was observed unsuccessfully trying to pull her hijab back up onto her head. A red and white scarf then materialized on the roof of the vehicle, and that same officer retrieved the scarf and placed it onto the AP's head. Another protestor was observed being permitted to approach and tie the scarf around the AP's head. The AP was observed to be in a consistently agitated state. Police continued yelling at the protestors to "move" as they were crowding the area.

The second video was an overhead view being filmed from a building further east on Fourth Avenue S.E. The video is approximately 11 minutes long. The quality of the video is somewhat diminished given that it was taken from a considerable distance away. The video initially panned to show the dozens of vehicles being blocked in the four lanes of one-way traffic before zooming in on the protestors lining the intersection.

Police began arriving in the area approximately one minute into filming, at which point many of the protestors opted to sit down on the road rather than follow police directions to move out of the intersection. Approximately three minutes into filming, the AP's husband was observed being escorted by police from the centre of the four lanes of traffic to the southeast corner of the intersection. The AP is observed following a crowd behind her husband's arrest, which a number of officers were then required to intercept and began directing the crowd to move back. The AP was observed interacting with WO1 and other officers. She was also observed aggressively resisting her sister-in-law's efforts to pull her away, and in so doing, her hands continued to gesture wildly.

When she was grabbed by WO1 and pulled away from the vehicle, the flag pole that she was holding struck the hood of that vehicle twice as she tried to pull away from police. Once on the ground, the AP was observed tensing up and trying to push her way back up to standing. WO1 fell onto the AP from behind as he was wrestling to gain control of her arms, and they landed next to the vehicle. The video panned away briefly to the arrest of other persons, who were notably trying to push through the crowd to interfere with the AP's arrest.

The AP was then observed getting up off the ground and once again trying to pull away from WO1,

before she was spun around and pressed up against the vehicle approximately four minutes into the video (Figure 14).



Figure 14 - The AP (circled in yellow) is observed continuing to try to pull away from W01 after having been taken to the ground twice already.

An officer was observed trying to unsuccessfully adjust the AP's hijab to cover her hair as she was standing beside the vehicle. The video panned away briefly and when it focused again on the AP, she was observed to have a red and white scarf covering her head and another protestor was adjusting it for her. Additional police presence began arriving in the area approximately five minutes into the video and the video began panning the overall scene. On at least three occasions, the video panned over the AP, who was still being held against the vehicle, and on each occasion her body was notably jerking away from police who were continuing to restrain her.

When the officers began escorting the AP away from the vehicle over to the southeast corner of the intersection, the AP was observed again jerking and pulling her body away from the officers despite being handcuffed behind her back. The bulk of the remaining five minutes of the video captures officers dispersing the crowd and shows the AP and other arrestees lined up against a southeast fence.

Overall, the civilian videos reviewed are consistent with what was observed on the BWCs. The overhead video captured a clearer view of the AP's continued resistance both towards her sister-in-law's efforts to de-escalate the situation prior to her arrest, and towards officers throughout her arrest.

Analysis

Section 25 Generally

Under s. 25 of the Criminal Code, police officers are permitted to use as much force as is necessary for the execution of their duties. For the defence provided by s. 25 to apply to the actions of an officer, the officer must be required or authorized by law to perform the action in the administration or enforcement of the law, must have acted on reasonable grounds in performing the action and must not have used unnecessary force.

All uses of force by police must also be proportionate, necessary, and reasonable.

Proportionality requires balancing a use of force with the action to which it responds.

Necessity requires that there are not reasonable alternatives to the use of force that would also accomplish the same goal. These alternatives can include no action at all. Analysis of police actions must recognize the dynamic situations in which officers often find themselves, and such analysis should not expect police officers to weigh alternatives in real time in the same way they can later be scrutinized in a stress-free environment.

Reasonableness looks at the use of force and the situation as a whole from an objective viewpoint. Police actions are not to be judged on a standard of perfection, but on a standard of reasonableness.

Section 25 Applied

At all times on this date police were acting in the lawful course of their duties to preserve the peace. The protest had largely proceeded without any issues, until a splinter group of protestors decided to break off from the main group and wilfully took steps to disturb the peace and instigate conflict.

When the splinter group of protestors decided to conduct a sit-in at a busy intersection, the police duties to prevent offences or investigate any offences that occurred were also engaged. The sit-in consisted of protestors sitting on the ground or standing and walking in a busy major intersection. Their actions brought all four lanes of one-way westbound traffic along Fourth Avenue S.E. to a complete standstill, which persisted for a minimum of eight minutes until steps were taken to allow some traffic to get through. These protestors were not only necessarily instigating conflict with police, but they were also knowingly inciting a response from the drivers they were impeding.

As noted, four lanes of one-way traffic on Fourth Avenue S.E. were being blocked at Macleod Trail. This meant that the vehicles coming off the Memorial Drive ramp at Fourth Avenue S.E. or who were travelling west over the Fourth Avenue S.E. bridge could not see the blockade ahead and try to avoid the disruption. Impacted commuters could not even turn around as they would then be travelling against the lawful flow of traffic. It is unclear if this was a calculated move on the part of the splinter

group's organizers, but they certainly walked past other intersections before choosing to stop there.

Protestors sought to overwhelm police by their sheer numbers, and they refused to follow police direction to clear the intersection. They also became increasingly aggressive towards police officers who tried to get them to move on. Officers would have been well within their authority to arrest any one of those protestors, including the AP, for mischief. That is not what occurred here. The AP was lawfully arrested for assaulting a police officer, obstruction of an officer in the execution of his duties, and resisting arrest.

The allegations of excessive use of force made against WO1 primarily relied on the evidence of the AP and several videos taken by unknown civilian sources, which did not, on their own, capture a complete picture of what occurred. They were helpful, however, in providing perspectives that the BWC's alone could not capture. The reconciliation of all available video footage, both civilian videos and BWC's, was the most objective evidence available for consideration and was given preferential weight in this analysis.

The AP's evidence is not entirely consistent with the video evidence, which reduces its reliability. First and foremost, the AP has framed her initial interaction with officers in a way that suggests that she was just benignly standing in the officers' vicinity, expressing concern with respect to her husband's arrest, and being unnecessarily shoved by police. She described that she was in the midst of turning away from officers, seemingly implying that she was complying with their direction to "move back," when she was grabbed by her hijab and thrown to the ground. Both the BWC's and civilian videos provide objective evidence to the contrary.

The videos confirm that the AP was among a group of people who were following behind her husband as he was arrested. The group's continued persistence in trying to interfere with that lawful arrest constituted obstruction. The AP was observed actively verbally antagonizing police, refusing to follow police directions to "move back," waving her hands around, and aggressively resisting her sister-in-law's efforts to pull her away from officers, which would have de-escalated the situation. When officers physically pushed her back, she chose to continue to advance towards them contrary to their directions. The AP was not observed turning away from police to comply with their directions, instead she was observed turning away from WO1 as he initiated her arrest. Rather than the AP complying with police direction, she chose to instead engage in a further act of resistance.

The AP's description of how she was taken to the ground and how and where she hit her head on the vehicle were inaccurate. The AP recalled striking her head and being pulled to the ground by her hijab at the outset of her arrest. The videos confirmed that the AP was pulled away from the vehicle, onto her buttocks, at the time of her initial arrest. She did not appear to land with any remarkable degree of force. She was also not pulled to the ground by her hijab, and it was noted to still be properly affixed to her head when she landed on the ground. It was the AP's continued efforts to resist arrest and to pull away from WO1 that resulted in her hijab being displaced and to her being knocked down into the vehicle where she struck her head. There is no evidence to support that WO1 deliberately pushed the AP's head into the vehicle or purposefully tried to displace her hijab.

Throughout the police interaction, the AP appeared to be under the misapprehension that she should have been treated differently by police officers by virtue of her gender and by the fact that she was pregnant. Officers would have had no way of knowing that the AP was pregnant. Gender is also not determinative of what constitutes reasonable force; rather, it is more so the actions of the AP that dictate the appropriate police response.

The level of force used against the AP escalated according to the AP's own continued aggression and resistance. Officers initially pushed the AP backwards a couple of times. The physical pushing of the AP by officers was observed to involve the application of minimal force. When those efforts did not achieve the desired outcome and the AP continued to advance towards officers, she was pulled down to the ground in a controlled manner, causing her to land on her buttocks. It was not until the AP continued to actively pull away from WO1, that she was once again taken down to the ground, which caused her to inadvertently strike her head on the vehicle and land on her stomach. She was then turned onto her back and held down on the ground briefly before being stood up. When the AP again began trying to pull away from WO1, her arms that were being held behind her back were used as leverage to swing her around until she was pressed against the vehicle.

The amount of force applied to the AP by WO1 throughout her arrest was minimal. Each of his actions can be readily recognized as basic techniques that are reasonable, proportionate, and necessary to maintain physical control of an individual who has been detained and who is actively resisting arrest. No more force than necessary was used by WO1 during his arrest of the AP.

Conclusion

On November 19, 2023, the AP was lawfully arrested for assaulting a police officer, obstruction, and resisting arrest. The arrest occurred in the context of an ongoing protest, which was obstructing a busy downtown Calgary intersection.

WO1 was required or authorized by law to control the AP and acted reasonably in doing so. The use of force by WO1, and other officers assisting with the AP's arrest, were proportionate, necessary, and reasonable. As a result, there are no reasonable grounds to believe that an offence was committed.

Original signed

Matthew Block
Acting Executive Director

December 17, 2025

Date of Release