

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1084929

SUMMARY OF INCIDENT

On March 21, 2017, at approximately 9:35 AM, while conducting narcotic surveillance on the XXXX block of W. Jackson Blvd., Officer A observed Subject 1 entering a backyard counting money, and later, exiting the backyard holding unknown items. Officer A believed Subject 1 purchased narcotics and related this information along with Subject 1's description to Officers B and C, who were conducting narcotic surveillance on the XXXX block of W. Jackson Blvd. Subsequently, Officers B and C observed Subject 1 as the individual matching the description given by Officer A. Officers B and C approached Subject 1 as he was holding bags of narcotics. Officers B and C conducted an investigatory stop, placed Subject 1 into custody, and transported him to the 19th District for processing. While at the 19th District, Subject 1 requested medical attention and was taken to the hospital. Subject 1 alleges that there was misconduct during his arrest.

ALLEGATIONS

It is alleged that on March 21, 2017 at approximately 9:35 AM, at XXXX block of W. Jackson Blvd., the accused, **Officer B #XXXX**:

1. Twisted Subject 1's arm;
2. Punched Subject 1 about the head and ribs;
3. Did not immediately transport Subject 1 to the nearest district;
4. Strip searched Subject 1 in the alley;
5. Had unnecessary physical contact in that Officer B tore Subject 1's jeans;
6. Did not intervene during the strip search;
7. Stopped and seized Subject 1 for an unreasonable length of time; and
8. Assisted other officers while Subject 1 was in custody.

It is alleged that on March 21, 2017 at approximately 9:35 AM, at XXXX block of W. Jackson Blvd., the accused, **Officer C #XXXXX**:

1. Twisted Subject 1's arm;
2. Punched Subject 1 about the head and ribs;
3. Did not immediately transport Subject 1 to the nearest district;
4. Strip searched Subject 1 in the alley;
5. Had unnecessary physical contact in that Officer C tore Subject 1's jeans;
6. Did not intervene during the strip search;
7. Stopped and seized Subject 1 for an unreasonable length of time; and
8. Assisted other officers while Subject 1 was in custody.

APPLICABLE RULES AND LAWS

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals

Rule 5: Failure to perform any duty

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- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty
- Rule 22:** Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department

- G02-02:** The First Amendment and Police Actions
- G03-02-01:** Use of Force Model
- G03-02-02:** Force Options
- G06-01-01:** Field Arrest Procedures
- G06-01-02:** Restraining Arrestees
- G06-01-03:** Conducting Strip Searches
- G08-01-02:** Specific Responsibilities Regarding Allegations of Misconduct
- S04-13-09:** Investigatory Stop System
- S10-02-03:** Gang and Narcotics-Related Enforcement

The Fourth Amendment of the United States Constitution

INVESTIGATION

IPRA¹ conducted **Subject 1's audio statement** on July 27, 2017 and received his letter on April 17, 2017. Subject 1 stated he left a friend's building located on West Jackson Blvd. on March 21, 2017. Subject 1 stated while he was texting on his cell phone he saw a hand come towards him. He realized an officer's hand approach him. Subject 1 said that the officer, now known as Officer B, reached towards Subject 1 and Subject 1 "knocked" Officer B's hand away because "he was startled." Subject 1 stated there were no verbal commands and he did not see the police vehicle approach. Subject 1 said he screamed for help. Subject 1 stated that another officer, now known as Officer C, exited the police vehicle and approached Subject 1 and Officer B. Subject 1 stated that Officer B twisted Subject 1's right wrist causing Subject 1 to drop his telephone. Officer C grabbed Subject 1 to handcuff him. Subject 1 stated that the officers did not find drugs on him and that he only had his cell phone on his person.

Subject 1 stated that Officer C escorted him to the police vehicle while Officer B searched the area. At this time, Subject 1 said he yelled for help. Subject 1 stated that Officer C moved towards Officer B, but then Officer C proceeded back to the police vehicle. Subject 1 stated that Officer C began closed fist punching the left side of Subject 1's head and ribs while Subject 1 was sitting in the police vehicle, which lasted approximately thirty seconds. Subject 1 stated that he temporarily lost consciousness.

Subject 1 stated that both officers took him from the alley of Jackson Blvd. and XXXXXX XXXX to the alley of Van Buren St. and Congress Pkwy. Subject 1 stated he did not recall whether

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

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the officers spoke to Subject 1 in the vehicle. However, Subject 1 heard an officer state, "Let's take him elsewhere, let's take him somewhere else." Next, Subject 1 detailed that Officer C exited the vehicle, pulled Subject 1 out of the vehicle, took the handcuffs off, and handcuffed Subject 1's left hand to inside of the vehicle door. Subject 1 said Officer C began strip searching Subject 1. Officer C first patted down Subject 1. Subject 1 stated that Officer C unbuckled Subject 1's belt, pulled down his pants, and tore the left side of Subject 1's pants.

Subject 1 stated that Officer C put gloves on and proceeded to search in Subject 1's buttocks. During this time, Subject 1 stated to the officers that he did not have anything. Subject 1 specified that Officer C said, "shut the fuck up," and Subject 1 stayed quiet. Subject 1 stated that Officer C searched him for approximately thirty minutes in the alley. During the strip search, Subject 1 stated that Officer B watched from approximately five feet away. Officer C searched the police vehicle again, but did not find anything. While Officer C searched the police vehicle, Officer B was near the rear of the vehicle on the passenger's side. Subject 1 stated Officer B was "looking down the street [as if] he seen something in the alleyway." Subject 1 explained that Officer C then searched his person again, told him to lift his foot up, and then "all of a sudden [Officer C] found" heroin under Subject 1's left foot.

After the strip search, Subject 1 stated that Officers B and C drove Subject 1 to the alley of the XXXX block of XXXXX XXX and Jackson Blvd. For approximately five to ten minutes, Subject 1 said that Officers B and C assisted other officers who occupied a gold Tahoe truck while Subject 1 sat in Officers B and C's vehicle. Subsequently, Subject 1 stated that Officers B and C drove to an alley on Springfield Ave. near Jackson Blvd. and XXXXX XX. Subject 1 stated that Officers B and C conducted surveillance for about thirty to forty-five minutes. Subject 1 stated that Officers B and C drove to an alley between XXXXXX XXXX and Jackson Blvd. While parked in the alley, Subject 1 said Officers B and C listened to the radio for approximately thirty to forty-five minutes. While in the vehicle, Subject 1 stated that Officer B told him that he could either help the officers, or go to jail. Subject 1 told the officers he had no information related to the narcotics trade that he could provide them. Subject 1 stated the officers detained him for approximately one to one and a half hours prior to arriving at the 19th district. Once the officers transported Subject 1 to the district, Subject 1 requested medical attention for his wrist. Subject 1 explained that he had "sharp pain" on his wrist. Subject 1 refused to proceed to the back of lockup until he received medical attention. Subject 1 stated he began "hollering" and "laid out and went into [a] little fit." Subject 1 stated that XXXXXXXX XXXXXXXX informed him that he sustained a fracture to his right wrist and scrapes on his body. In addition, Subject 1 stated that XXXXXXXX XXXXXXXX told him that his ribs were uninjured. Subject 1 explained that the officers arrested him for possession of heroin, to which he plead guilty. Subject 1 stated he never resisted and was not charged for resisting. (Atts. 4, 34)

IPRA conducted **Officer B's audio statement** on August 16, 2017. Officer B was accompanied by counsel. Officer B stated that while on surveillance on March 21, 2017, Officer A, who was covert, communicated over the radio that a male black (now known as Subject 1) in a light grey coat entered the backyard of XXXX W. Jackson Blvd. holding money. Officer B stated that Officer A further noted that this location is known for high narcotics sales. In addition, Officer A stated to Officer B and C that Subject 1 began walking eastbound on Jackson Ave., and that Officer A believed Subject 1 purchased narcotics. Officer B stated he was a block away from the

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location to which Officer A was referring. Officer B stated he broke surveillance and arrived at the alley between XXXXXX XXXX. and Jackson Ave., which is on the XXXX block of W. Jackson Blvd. When he arrived at the location, Officer B stated he observed Subject 1 as the individual Officer A described because the individual was wearing the described coat.

Officer B stated he was walking westbound as Subject 1 was walking eastbound. Officer B further stated that he approached Subject 1 on the sidewalk and announced his office, but Subject 1 was concentrating on the bags. Officer B stated he observed Subject 1 counting bags containing heroin. Officer B indicated that Officer C exited the vehicle after Officer B and approached Subject 1 approximately five feet behind Officer B. Officer B did not recall whether Officer C said anything while approaching Subject 1. Officer B stated he grabbed Subject 1's arms to place handcuffs on him. Officer B told Subject 1 to turn around and handcuffed him. Officer B stated that Officer C did not place his hands on or grab Subject 1. Officer B stated that Officer C recovered fifteen one-inch-by-one-inch ziplock bags of narcotics from Subject 1's hands. After the narcotics were recovered, Officer B stated he conducted a pat down on Subject 1 for "less than a minute." Officers B and C placed Subject 1 in their police vehicle.

Once Subject 1 was in the police vehicle, Officer B stated that he and Officer C relocated to the alley south of XXXX W. Jackson Ave., which is approximately one hundred to two hundred feet away from the initial stop. At this time, Officer B stated Subject 1 began to move in the backseat. Officer B told Subject 1 to stop moving, but Subject 1 did not comply. Officer B stated that he and Officer C exited the vehicle because he believed Subject 1 was hiding something in the back seat. Officers B and C exited the vehicle and asked Subject 1 to exit the vehicle. Officer B indicated that Officer C escorted Subject 1 outside of the vehicle and did not remove Subject 1's handcuffs. Officer B stated that Officer C patted down Subject 1 and Officer C did not find anything. Officer B stated that he thinks he patted down Subject 1 after Officer C. Officer B stated he did not recall whether he said anything to Subject 1 while he exited the vehicle and during the pat downs. Officer B stated Subject 1 was patted down from the waist to his ankles. Officer B stated that he and Officer C neither pulled Subject 1's pants down during the pat down nor punched Subject 1. After the pat down, Officer B stated they searched the back seat directly behind the driver's seat of the vehicle where Subject 1 sat, but did not find anything. Officer B stated they were parked in the alley of the XXXX block of W. Jackson Blvd. for approximate five to ten minutes.

Officer B stated he and Officer C constantly communicated with Officer A. Officer B stated that he and Officer C could not leave a covert vehicle alone for officer safety reasons. Officer B stated that Officer A told Officers B and C that Officer A was going to leave the surveillance point in "a couple of moments." Officers B said he did not immediately go to the district because he and Officer C waited until Officer A was ready to leave the area. Officer B stated they waited a couple of minutes for Officer A because Officer A was in a covert vehicle, and per protocol and officer safety. Officer B said he and Officer C made sure Officer A was safe prior to leaving the area.

Officers B and C transported Subject 1 to the 19th District, which is two to five miles away from where they waited for Officer A. Officer B stated that he did not speak to Subject 1 during the transport. Officer B stated Subject 1 did not ask for any help or state he was in pain or injured. Officer B did not recall whether Subject 1 said anything at all during the transport. Officer B stated

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they detained Subject 1 for approximately thirty minutes prior to arriving at the 19th District. Officer B stated it took approximately fifteen to twenty-five minutes to transport Subject 1.

Officer B stated that Subject 1 requested medical attention once inside the 19th District. Officer B stated that once he told Subject 1 that he would be taken into lockup and charged with possession of a controlled substance, Subject 1 “threw himself on the floor.” Officer B stated that while Subject 1 was handcuffed to the bench he laid down on the floor. Officer B stated that Subject 1 yelled, “I’m not getting up” and “fuck you all.”

Officer B stated he told Subject 1 to “get up” and “we are taking you to lockup.” Officer B indicated that this is when Subject 1 yelled “fuck y’all,” “I ain’t getting up,” and “I’m gonna lay down and you do your job.” Officer B stated that Subject 1 then requested medical attention. Officer B said that Officer C told Subject 1 to “get up” and “let us go to lockup;” however, Subject 1 did not get up. Officer B said he helped Subject 1 stand up, and Sergeant A called the paramedics. Lastly, Officer B stated he did not assist other officers while Subject 1 was in custody. (Att. 46)

IPRA conducted **Officer C’s audio statement** on August 16, 2017. Officer C was accompanied by counsel. Officer C stated that on March 21, 2017 he worked enforcement for narcotic investigations and surveillance with Officer B in an unmarked vehicle which he drove. Around 9:30 pm, while on the XXXX block of W. Jackson Ave., Officer C received radio communication from Officer A. Officer C said that Officer A stated that he observed a male black wearing a light grey coat with blue jeans walking to the location of XXXX W. Jackson Blvd. while counting money. Officers C and B acknowledged Officer A’s communication. Officer C further said that Officer A stated that Subject 1 exited XXXX W. Jackson Blvd. and went eastbound on Jackson Blvd., which meant that Subject 1 was walking towards Officers C and B’s direction. Officer A further told Officer C that Subject 1 was observed with items in his hands and Officer A believed Subject 1 purchased narcotics.

Officer C stated that Officer B proceeded to a vacant lot near XXXX block of W. Jackson Blvd. while Officer C drove southbound to park in an alley. Officer C stated when he exited the vehicle, Officer B looked westbound at the vacant lot and seconds later Subject 1 arrived at the lot. Officer C indicated he observed a plastic bag in Subject 1’s hands, but could not determine what the bag contained until he got closer to Subject 1. Officer C related that once he got closer to Subject 1 he observed the bags contained a white powdered substance. Officer C stated that Officer B made initial contact with Subject 1 and that Officer B advised Subject 1 to stop. Officer C stated he did not say anything while approaching Subject 1. Once he reached Subject 1, Officer C told him to place his hands behind his back and Subject 1 complied. Simultaneously, Officer C stated he recovered the plastic bag in Subject 1’s hand. Officer C stated he brought Subject 1’s right hand behind Subject 1’s back to place Subject 1 into custody. Officer C stated that Officer B grabbed Subject 1’s left hand to put it behind Subject 1. Officer C stated that neither officer twisted Subject 1’s hands. Officer C stated he believes Officer B placed handcuffs on Subject 1, but does not completely recall. Officer C stated he conducted “a mixture of a pat down and custodial search.” Officer C patted down Subject 1’s waist, pockets, front, back, and “making sure nothing tucked in his inner area.” As well, Officer C stated he searched inside Subject 1’s pockets. Officer C stated that he did not find any weapons on Subject 1. Officer C then escorted Subject 1 to his vehicle and placed Subject 1 into it.

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Officer C stated he then drove to the alley south of the XXXX block of Jackson Blvd. near the intersection of Jackson Blvd. and XXXXXX XXXX. Officer C stated he proceeded west in that alley and stopped in the middle of the alley because the covert vehicle was still in place conducting surveillance. Officer C said while waiting for the covert vehicle, Subject 1 made movements by shifting left to right and pushing his body forward in the back seat of the vehicle. Officer C stated he told Subject 1 “stop shifting because you are making me think as if you are...trying to put something back there.” Officer C said that Subject 1 responded, “I’m not doing anything.” Officer C stated he exited the vehicle, along with Officer B, and took Subject 1 out of the vehicle. Officer C stated neither officer removed Subject 1’s handcuffs. Officer C stated he immediately looked at Subject 1’s hands for contraband. Officer C stated he also searched the vehicle’s back seat to make sure nothing was tucked into it. Officer C stated he did not find anything in Subject 1’s hands or back seat. Officer C stated that Officer B also searched Subject 1 while Officer C searched the back seat. Officer C stated he did not pull Subject 1’s pants down or conduct a strip search. Officer C stated he did not remember whether he searched underneath Subject 1’s clothes. Officer C described Subject 1’s pants as having rips by design. Officer C stated that Subject 1 asked why they came back to the previous location to which Officer C told him that they were not done conducting their investigation. Officer C specified that he did not tell Subject 1 about the covert vehicle and that he needed to wait for it. Officer C stated that neither he nor Officer B punched Subject 1. Officer C stated he had Subject 1 in custody for approximately 20 to 25 minutes prior to arriving at the 19th District.

Officer C stated that he and Officer B arrived with Subject 1 at the 19th District around 10:20 pm to 10:25 pm. It took approximately fifteen to twenty minutes to arrive at the 19th District from the alley. During the transport, Officer C stated that he explained to Subject 1 the reason he was in custody. Officer C discussed that Subject 1 voluntarily gave information related to drug transactions. Officer C stated he already knew the information from working narcotic surveillance. Officer C stated that Subject 1 did not have injuries and Subject 1 did not complain of any injuries during the transport.

Officer C stated that Subject 1 did not request medical attention when he arrived at the district or while he was being processed. As Subject 1 was to be charged and taken to the lockup room, Officer C said Subject 1 became uncooperative. Officer C stated that Subject 1 “threw himself to the ground.” Officer C indicated that Subject 1 said that “he is not going nowhere” and said, “he took psych meds.” Officer C stated that Subject 1 did not follow verbal commands to “get up.” Officer C stated Subject 1 then requested medical attention. Officer C said that Subject 1 did not get up until the Chicago Fire Department personnel helped Subject 1 up. (Att. 47)

IPRA conducted **Officer A’s audio statement** on August 28, 2017. Officer A was accompanied by counsel. Officer A stated that he worked on March 21, 2017 with Officers C and B and Sergeant A. Officer A stated he possessed information from previous surveillance of suspicious narcotic activity related to XXXX W. Jackson Blvd. Officer A stated he was a covert officer in a covert vehicle. Officer A stated that Officers B and C were his enforcement officers on the incident date and he was in constant communication via the radio with them. Officer A stated that while on the XXXX block of W. Jackson Blvd., he observed a male black wearing a grey jacket and blue jeans who approached the rear of a residence and shortly after exited. Officer A

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stated he radio called Officers B and C. Officer A stated he gave the description of this individual, what he was doing, and the direction he was headed to Officers B and C. Officer A stated that Officers B and C responded to his call stating that they were conducting an investigatory stop on the individual (now known as Subject 1). Officer A indicated that he was about a block and a half from Officers B and C who were out of his field of vision.

Officer A stated that Officers B and C communicated to him that they stopped Subject 1, were going to place Subject 1 into custody, and eventually, transport Subject 1 to be processed. Officer A stated that when Officers B and C communicated to him that they were ready to transport Subject 1 to the district, Officer A was near the intersection of Adams St. and Springfield Ave. Officer A stated that Officers B and C did not communicate to him what occurred at each moment during Subject 1's stop, other than that Subject 1 possessed narcotics. Officer A stated he does not recall if Officers B and C said they conducted a pat down or search. Officer A stated that Officers B and C did not tell him whether Officers B and C had any physical contact with Subject 1.

Officer A indicated that Officers B and C began communicating again with Officer A once Subject 1 was in custody. Officer A stated that Officers B and C did not go to Officer A's location for assistance. Officer A stated that he communicated to Officers B and C when he was leaving. And, Officers B and C responded that they would closely follow because the covert vehicle always had to have a vehicle near it. Officer A stated he went to the 19th District. While at the district, Officer A stated he did not recall whether Subject 1's pants were sagging or down. Officer A stated he did not see any injuries on Subject 1. (Att. 50)

The City of Chicago **Fire Department Ambulance Report** Incident # XXXXXXXXXX indicates no visible injuries on Subject 1. It further states that Subject 1 did not complain of pain or injury, but stated he wanted to go to the hospital. The report specifies that Subject 1 did not respond to any questions. (Att. 39)

Subject 1's **medical records** from the Hospital indicate that on March 22, 2017 he reported to hospital personnel that he had been assaulted by the officers who arrested him, receiving multiple closed fist punches to his head and arms.

The ensuing evaluation of Subject 1 showed that he currently was suffering from a partial dislocation of, and injury to, his right wrist. Subject 1 explained to hospital personnel that he had a previous injury to his wrist that was treated non-operationally in November of 2016. The records indicate that the doctor applied a splint to Subject 1's right wrist and instructed Subject 1 to maintain the splint at all times.

A CT scan showed that Subject 1 was suffering from a left nasal bone fracture as well as mild soft tissue swelling about his left eye, specifically about his left periorbital. The records indicate that the age of the fracture is indeterminate. The scan also shows mucosal thickening of the left sinus as well as opacification of the left ostimeatal unit. (Att. 49)

COPA contacted Doctor 1, who is named as the attending physician on Subject 1's medical records. Doctor 1 stated although he is named on the records, he did not treat Subject 1. Doctor 1

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provided Doctor 2's contact information stating he would be able to answer questions related to Subject 1's treatment. COPA contacted Doctor 2 via telephone numerous times; however, the attempts were met with negative results. COPA also contacted Doctor 3, who ordered Subject 1's CT scan, and the trauma and radiology departments via telephone numerous times; however, the attempts were met with negative results. (Att. 54)

Subject 1's **Arrest Report** CB# XXXXXXXXX and **Original Case Incident Report** RD# XXXXXXXXX lists his charge as possession of a controlled substance other than methamphetamine. The incident narrative section discusses that while conducting narcotics surveillance, Officer A observed Subject 1 counting money, and later, Subject 1 manipulating unknown items. Officer A believed Subject 1 purchased narcotics, and related this information along with Subject 1's description to Officers B and C. Officers B and C observed Subject 1 matching the description. Officers B and C approached Subject 1 at which time Subject 1 counted bags containing a white powder substance. Officers B and C placed Subject 1 into custody and recovered the narcotics. The Watch Commander Comments state that Subject 1's hand was bandaged. Moreover, the section states that Subject 1 "appeared normal prior to the request for medical attention." (Atts. 5, 7)

The **Supplementary Report** RD# XXXXXXXXX, authored by Officers C and B on March 22, 2017, states that Subject 1 became uncooperative in the processing room once he was advised that he would be going to lockup. Subject 1 threw himself to the ground while stating "fuck you I'm going to sleep and ain't going nowhere." Subject 1 refused commands to stand up. Subject 1 laid on the ground and stated he wanted to go to the hospital. The Chicago Fire Department ("CFD") was notified to arrive at the district. Subject 1 continued to be uncooperative once CFD arrived. Subject 1 was transported to the Hospital by CFD. (Att. 53)

On July 10, 2017, IPRA searched for Officers B and C's vehicle **GPS data**, however, the GPS data has a ninety day retention period. Therefore, it was no longer available. (Att. 54)

On July 11, 2017, IPRA requested **video footage** from the 19th District lockup area and holding cell for March 22, 2017 and March 23, 2017. However, the requested video footage has a thirty day retention period and was no longer available. (Att. 21)

On July 10, 2017, IPRA requested **Body-Worn Camera** and **in-car camera footage** related to Officers B and C and their vehicle. However, the officers did not have body-worn cameras and unmarked cars are not equipped with in-car cameras. (Att. 22)

IPRA requested **Crime Scene/Evidence Photographs** related to CB # XXXXXXXXX. The photographs depict Subject 1 with his eyes closed lying on a bed at the hospital. The photographs do not depict visible injuries on Subject 1's face and head. There are photos that depict Subject 1's right arm, from his forearm to fingers, bandaged. (Att. 29)

IPRA conducted a **POD search** on July 4, 2017 for the incident locations. The search results indicated no cameras found. (Att. 32)

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Subject 1's **preliminary hearing**, XX XX XXXXX, took place on April 18, 2017. Officer B testified as a witness. Officer B's testimony is substantially similar to the statement he made to COPA. In addition, the court found probable cause to arrest and charge Subject 1. (Att. 52)

IPRA attended Subject 1's **criminal court hearing**, XX XX XXXXX, on July 17, 2017 at the Cook County Criminal Court Building. Subject 1 plead guilty to the charge of possession of a controlled substance. He was sentenced to one year in the Illinois Department of Corrections. IPRA observed a brace on Subject 1's right arm. (Att. 33)

The **Illinois State Police Laboratory Report** states that Officer B submitted 3.2 grams of powder from fifteen bags for testing and analysis. The report lists the finding as heroin. (Att. 51)

ANALYSIS/CONCLUSION

Officer B:

Allegation #1:

COPA recommends a finding of Not Sustained for Allegation #1 against Officer B that he twisted Subject 1's arm, in that there is insufficient evidence to prove or disprove that Subject 1's arm was twisted in excess of the necessary motion to place him in handcuffs. Subject 1 claims Officer B twisted his arm. His medical records indicate he suffered a partially dislocated right wrist, a doctor applied a splint on him, and instructed him to maintain the splint at all times. The ET photos show Subject 1 with his right arm bandaged, and COPA observed a brace on Subject 1's right arm during his criminal court hearing.

In order for an officer to handcuff an arrestee, the officer must manipulate the hand or arm of said arrestee. There is no evidence to prove or disprove that the manipulation of Subject 1's hand and/or arm by Officer B was excessive, and not merely incidental to Subject 1's handcuffing. Although Subject 1 presented with a dislocated right wrist to the Hospital, COPA cannot say that it is more probable than not that Officer B's actions were the proximate cause of that injury, as Subject 1's arrest was approximately four months after his self-reported right wrist injury from November 2016. It could be considered just as probable that the manipulation necessary to simply handcuff Subject 1 was enough to exacerbate his prior injury. Therefore, COPA recommends a finding of Not Sustained for Allegation #1 against Officer B.

Allegation #2:

COPA recommends a finding of Unfounded for Allegation #2 against Officer B, that he allegedly punched Subject 1 about the head and ribs as the allegation is contradictory and inconsistent to the evidence gathered through COPA's investigation. Subject 1 stated that the second officer that approached him is the officer that punched Subject 1. Officers B and C' stated that Officer B approached Subject 1 first, and then, Officer C approached Subject 1 second. As such, Officer B did not punch Subject 1 because he was not the second officer that approached Subject 1. This allegation is not based on the facts revealed through the investigation. Therefore, COPA recommends a finding of Unfounded for Allegation #2 against Officer B.

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Allegation #3:

COPA recommends a finding of Exonerated for Allegation #3 against Officer B, that he did not immediately transport Subject 1 to the nearest district. It is more likely than not that it was proper for Officer B to not immediately transport Subject 1 to the district. Per G06-01-01, “[m]embers will transport an arrestee immediately to the appropriate Department facility and in a Department vehicle equipped with a protective divider or a squadrol, *unless circumstances would make this unreasonable or impractical* [emphasis added].”

Officers B, C, and A stated that covert officers and enforcement officers work in conjunction with one another. Officer B was one of the enforcement officers for Officer A, who was the covert officer. Officer B stated that he did not immediately transport Subject 1, the arrestee, to the district because he waited until Officer A was able to leave the area. Officer B explained he waited for Officer A for officer safety reasons and protocol. Furthermore, Officer B made sure Officer A was safe prior to leaving the vicinity to transport Subject 1 to the district.

Officers C and A corroborated Officer B’s statement. Officer C stated that he needed to wait for Officer A because he was a covert officer conducting surveillance. As such, he and Officer B waited in the alley for Officer A. Similarly, Officer A stated that Officers B and C closely followed his covert vehicle because the covert vehicle always had to have another vehicle near it.

It would have been unreasonable and impractical for Officer B to immediately transport Subject 1 to the district. Officer B needed to ensure that Officer A was safe and Officer B’s vehicle was near Officer A’s vehicle when leaving the area. It is more likely than not that circumstances made transporting Subject 1 immediately to the district unreasonable and impractical. Therefore, COPA recommends a finding of Exonerated for Allegation #3 against Officer B.

Allegation #4:

COPA recommends a finding of Unfounded for Allegation #4 against Officer B, that he allegedly strip searched Subject 1 in the alley. The allegation is contradictory and inconsistent to the evidence gathered through COPA’s investigation. Subject 1 stated that the second officer that approached him is the officer that strip searched Subject 1. Officers B and C’ stated that Officer B approached Subject 1 first, and then, Officer C approached Subject 1 second. As such, Officer B did not strip search Subject 1 because he was first officer that approached Subject 1. This allegation is not based on the facts revealed through the investigation. Therefore, COPA recommends a finding of Unfounded for Allegation #4 against Officer B.

Allegation #5:

COPA recommends a finding of Unfounded for Allegation # 5 against Officer B, that he allegedly had unnecessary physical contact in that he tore Subject 1’s jeans. The allegation is contradictory and inconsistent to the evidence gathered through COPA’s investigation. Subject 1 stated that the second officer that approached him is the officer that tore his pants. Officers B and C’ stated that Officer B approached Subject 1 first, and then, Officer C approached Subject 1 second. As such, Officer B did not tear Subject 1’s pants because he was not the second officer

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that approached Subject 1. This allegation is not based on the facts revealed through the investigation. Therefore, COPA recommends a finding of Unfounded for Allegation #5 against Officer B.

Allegation #6:

COPA recommends a finding of Not Sustained for Allegation #6 against Officer B, that he allegedly did not intervene during the strip search. There is insufficient evidence to prove or disprove the allegation. During the alleged strip search, Subject 1 stated that Officer B watched from approximately five feet away. However, Officer B stated that Officer C only patted down Subject 1 during the incident. Officer C stated he conducted a mixture of a pat down and custodial search, but did not strip search Subject 1 at any point. There is no other available information to corroborate or refute the allegation; therefore, COPA recommends a finding of Not Sustained for Allegation #6.

Allegation #7:

COPA recommends a finding of Exonerated for Allegation #7 against Officer B, that he stopped and seized Subject 1 for an unreasonable length of time. Subject 1 stated that Officers B and C drove Subject 1, while in custody, around the vicinity of the XXXX block of W. Jackson Blvd. for approximately one hour and fifty minutes before transporting Subject 1 to the 19th District. Officer B stated that he and Officer C had Subject 1 in custody for approximately thirty minutes before transporting Subject 1 to the 19th District. Officer C stated that he and Officer B had Subject 1 in custody for approximately twenty to twenty-five minutes before transporting Subject 1 to the 19th District. Officer C further stated that they arrived at the district between 10:20 pm and 10:25 pm. Both officers stated it took them about fifteen to twenty-five minutes to drive to the 19th District.

According to Subject 1's times, if Subject 1 was stopped and arrested at approximately 9:30 pm and it took approximately thirty minutes to arrive at the 19th District, they left the XXXX block of W. Jackson Blvd. around 11:20 pm and arrived at the 19th District at 11:50 pm. According to the officers' times, they stopped and arrested Subject 1 at approximately 9:30 pm, left the XXXX block of W. Jackson Blvd. around 10 pm, and arrived at the 19th District between 10:20 pm and 10:25 pm.

The arrest report states that Subject 1 was arrested at 9:30 pm which corroborates the officers' statements. Additionally, the Event Query Report generated instantaneously when the arrest report was generated at the 19th District lists the time at 11:22pm. As such, the officers and Subject 1 were at the 19th District by 11:22 pm. This further corroborates the officers' statements. Based on COPA's investigation, a reasonable inference can be made that since Subject 1 was uncooperative when arriving at the district, the officers could not immediately process Subject 1. Hence, the arrest report was generated at 11:22 pm, approximately an hour after arriving at the district.

Next, Officers B and C stated that upon observing Subject 1 with narcotics, they searched, questioned, and placed Subject 1 into custody. According to the officers' statements, Subject 1

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was suspiciously moving in the back seat and the officers suspected Subject 1 was hiding contraband. So, the officers searched Subject 1 again for contraband. After that, per protocol, the officers waited for Officer A, the covert officer, and then proceeded to the 19th District. The officers stated it took approximately thirty minutes, which is corroborated by department reports. Thirty minutes is a reasonable time to conduct the above because it was necessary under the circumstances to achieve the purpose of the stop. As such, more likely than not, Subject 1 was not stopped and seized for an unreasonable length of time. Therefore, COPA recommends a finding of Exonerated for Allegation #7 against Officer B.

Allegation #8:

COPA recommends a finding of Not Sustained for Allegation #8 against Officer B, that he allegedly assisted other officers while Subject 1 was in custody. There is insufficient evidence to prove or disprove the allegation. For approximately five to ten minutes, Subject 1 claims that Officers B and C assisted other officers who occupied a gold Tahoe truck while Subject 1 was in custody. Officer B stated he did not assist other officers while Subject 1 was in custody. Officer A stated that Officers B and C did not assist him. Even if Officers B and C did not assist Officer A, there is no evidence available to determine whether they could have stopped and assisted any other CPD officer. Therefore, COPA recommends a finding of Not Sustained for Allegation #8 against Officer B.

Officer C:

Allegation #1:

COPA recommends a finding of Unfounded for Allegation #1 against Officer C, that he twisted Subject 1's arm. The allegation is contradictory and inconsistent to the evidence gathered through COPA's investigation. Subject 1 stated that the first officer that approached him is the officer that twisted his arm. Officers B and C' stated that Officer B approached Subject 1 first, and then, Officer C approached Subject 1 second. As such, Officer C did not twist Subject 1's arm because he was not the first officer that approached Subject 1. This allegation is not based on the facts revealed through the investigation. Therefore, COPA recommends a finding of Unfounded for Allegation #1 against Officer C.

Allegation #2:

COPA recommends a finding of Not Sustained for Allegation #2 against Officer C that he punched Subject 1 about the head and ribs, in that there is insufficient evidence to prove or disprove the allegation. Subject 1 claims Officer C punched his head and ribs while he was seated in the police vehicle. His medical records indicate he suffered from a left nasal bone fracture and mild soft tissue swelling about his left eye, however, the age of the fracture is reported as indeterminate. Without knowing the fracture's age, it is possible that Subject 1 was suffering from the fracture prior to his interaction with Officer C. On the other hand, Officers C and B both stated that Officer C did not punch Subject 1. The Hospital informed Subject 1 that his ribs were uninjured. The ET photos also do not show injury on Subject 1's face. There is no evidence available to determine whether Subject 1's fracture was the result of Officer C. Just as his injury to his wrist was incurred several months before this event, it is also possible that he fractured his nasal bone prior to March

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22, 2017. Therefore, COPA recommends a finding of Not Sustained for Allegation #2 against Officer C.

Allegation #3:

COPA recommends a finding of Exonerated for Allegation #3 against Officer C, that he did not immediately transport Subject 1 to the nearest district. It is more likely than not that it was proper for Officer C to not immediately transport Subject 1 to the nearest district. Per G06-01-01, “[m]embers will transport an arrestee immediately to the appropriate Department facility and in a Department vehicle equipped with a protective divider or a squadrol, *unless circumstances would make this unreasonable or impractical* [emphasis added].”

Officer B, C, and A stated that covert officers and enforcement officers work in conjunction with each other. Officers C was one of the enforcement officers for Officer A. Officer C stated that he stopped in an alley to wait for Officer A, who was covert, since Officer A was conducting surveillance. Officers B and A corroborated Officer C. Officer B stated he and Officer C waited until Officer A was able to leave the area. Officer B explained he waited for Officer A for officer safety reasons and protocol. Additionally, Officer A stated that Officers B and C closely followed his covert vehicle because the covert vehicle had to have another vehicle near it.

It would have been unreasonable and impractical for Officer C to immediately transport Subject 1 to the district. Officer C needed to ensure that Officer A was safe and Officer C’s vehicle was near Officer A’s vehicle when leaving the area. It is more likely than not that circumstances made transporting Subject 1 immediately to the district unreasonable and impractical. Therefore, COPA recommends a finding of Exonerated for Allegation #3 against Officer C.

Allegation #4:

COPA recommends a finding of Not Sustained for Allegation #4 against Officer C, that he strip searched Subject 1 in the alley. There is insufficient evidence to prove or disprove the allegation. According to G06-01-02, “[a] custodial search is a warrantless search of a person under arrest with or without probable cause to believe there is any contraband or evidence subject to seizure on the person. This type of search is justified by the need to keep contraband and weapons out of jail, to preserve any possible evidence, and to protect the officer.” *See Chimel v. California*, 395 U.S. 752 (1969); *See also New York v. Belton*, 453 U.S. 454 (1981). According to G06-01-03, “[n]o person arrested for a traffic, regulatory or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is a reasonable belief that the individual is concealing a weapon or controlled substance. Also, G06-01-03 defines strip search as “having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person.”

In Subject 1’s statement, he claims that Officer C strip searched him by unbuckling his belt, pulling down his pants, and searching his buttocks. Officer C stated he conducted a mixture of a pat down and custodial search by patting down Subject 1’s waist, pockets, front, back, and “making sure nothing tucked in his inner area.” Officer C stated he searched inside Subject 1’s

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pockets. After Subject 1 was moving in the back seat, Officer C stated he patted down Subject 1 once more and looked at Subject 1's hands for contraband. Officer B stated he conducted a pat down on Subject 1. Officer B thinks he patted down Subject 1 when Subject 1 was moving in the back seat after Officer C. Officer B further stated Subject 1 was patted down from the waist to his ankles. According to both officers' statements, they did not strip search Subject 1. There are no independent witnesses to the alleged strip search, as well as no available video footage that would corroborate or refute the allegation. Therefore, COPA recommends a finding of Not Sustained for Allegation #4 against Officer C.

Allegation #5:

COPA recommends a finding of Not Sustained for Allegation #5 against Officer C, that he had unnecessary physical contact in that he tore Subject 1's jeans. There is insufficient evidence to prove or disprove the allegation. Subject 1 said that Officer C tore the left side of his pants while searching him. However, Officer C stated he did not pull Subject 1's pants down, and that Subject 1's pants had designed rips. Also, Officer B stated that he and Officer C did not pull Subject 1's pants down. There is insufficient evidence to meet the preponderance standard that Subject 1's jeans were torn by direct result of Officer C's actions or whether Subject 1's jeans had rips by design. With respect to Allegation #5 against Officer C, there is no other available information to corroborate or refute the allegation; therefore, COPA recommends a finding of Not Sustained.

Allegation #6:

COPA recommends a finding of Unfounded for Allegation #6 against Officer C, that he did not intervene during the strip search. The allegation is contradictory and inconsistent to the evidence gathered through COPA's investigation. Subject 1 stated that the second officer that approached him is the officer that strip searched him while the first officer watched from approximately five feet away. Officers B and C' stated that Officer B approached Subject 1 first, and then, Officer C approached Subject 1 second. As such, Officer C would have been the officer to allegedly strip search Subject 1 and Officer B would have been the officer to watch from afar. In addition, an officer cannot strip search and intervene the search simultaneously. This allegation is not based on the facts revealed through the investigation. Therefore, COPA recommends a finding of Unfounded for Allegation #6 against Officer C.

Allegation #7:

COPA recommends a finding of Exonerated for Allegation #7 against Officer C, that he stopped and seized Subject 1 for an unreasonable length of time. Subject 1 stated that Officers B and C drove Subject 1, while in custody, around the vicinity of the XXXX block of W. Jackson Blvd. for approximately one hour and fifty minutes before transporting Subject 1 to the 19th District. Officer C stated that he and Officer B had Subject 1 in custody for approximately twenty to twenty-five minutes before transporting Subject 1 to the 19th District. Officer C further stated that they arrived at the district between 10:20 pm and 10:25 pm. Both officers stated it took them about fifteen to twenty-five minutes to drive to the 19th District. Officer B stated that he and Officer

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C had Subject 1 in custody for approximately thirty minutes before transporting Subject 1 to the 19th District.

According to Subject 1's times, if Subject 1 was stopped and arrested at approximately 9:30 pm and it took approximately thirty minutes to arrive at the 19th District, they left the XXXX block of W. Jackson Blvd. around 11:20 pm and arrived at the 19th District at 11:50 pm. According to the officers' times, they stopped and arrested Subject 1 at approximately 9:30 pm, left the XXXX block of W. Jackson Blvd. around 10 pm, and arrived at the 19th District between 10:20 pm and 10:25 pm.

The arrest report states that Subject 1 was arrested at 9:30 pm which corroborates with the officers' statements. Additionally, the Event Query Report generated instantaneously the arrest report was generated at the 19th District lists the time at 11:22pm. As such, the officers and Subject 1 were at the 19th District by 11:22 pm. This corroborates with the officers' statements. Based on COPA's investigation, an inference can be drawn that since Subject 1 was uncooperative and the officers could not immediately process Subject 1 when arriving at the district, the arrest report was generated at 11:22 pm, about an hour after arriving at the district.

Next, Officers C and B stated that upon observing Subject 1 with narcotics, they searched, questioned, and placed Subject 1 into custody. According to the officers' statements, Subject 1 was suspiciously moving in the back seat and the officers suspected Subject 1 was hiding contraband. So, the officers searched Subject 1 again for contraband. After that, per protocol, the officers waited for Officer A, the covert officer, and then proceeded to the 19th District. The officers stated it took approximately thirty minutes, which is corroborated by department reports. Thirty minutes is a reasonable time to conduct the above because it was necessary under the circumstances to achieve the purpose of the stop. As such, more likely than not, Subject 1 was not stopped and seized for an unreasonable length of time. Therefore, COPA recommends a finding of Exonerated for Allegation #7 against Officer C.

Allegation #8:

COPA recommends a finding of Not Sustained for Allegation #8 against Officer C, that he assisted other officers while Subject 1 was in custody. There is insufficient evidence to prove or disprove the allegation. For approximately five to ten minutes, Subject 1 claims that Officers B and C assisted other officers who occupied a gold Tahoe truck while Subject 1 was in custody. Officer B stated he did not assist other officers while Subject 1 was in custody. Officer C was with Officer B throughout the incident. Officer A stated that Officers C and B did not assist him. Even if Officers C and B did not assist Officer A, there is no evidence available to determine whether they could have stopped and assisted any other CPD officer. Therefore, COPA recommends a finding of Not Sustained for Allegation #8 against Officer C.

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COPA Investigator

COPA Supervising Investigator