

INTRODUCTION

On May 15, 2017 at around 7:00 PM, at approximately XXXX S. Wolcott Street, Police Officers (“PO”) Officer A, Star # XXXX, Officer B, Star # XXXX, and Officer C, Star # XXXX, were on routine patrol and observed Subject 1 (“Subject 1”) and Subject 2 (“Subject 2”) on the porch of an abandoned house. Subject 2 was drinking an alcoholic beverage. The officers approached Subject 1 and Subject 2. Subject 1 allegedly put a bag of drugs in his mouth. The officers approached and used a takedown, verbal commands and strikes to Subject 1, as they attempted to get him to spit out the bag. Subject 1 and Subject 2 were subsequently arrested and transported to 7th District. COPA¹ examines whether the use of force employed during the arrest of Subject 1 was within policy.

ALLEGATIONS

It is alleged that on May 15, 2017 at approximately 7:00 PM, at XXXX S. Wolcott St., the accused Officer A, Star # XXXX:

1. Pushed a black object into the back of Subject 1’s neck.
2. Pushed Subject 1’s face onto the hood of an unmarked SUV.
3. Put his arms around Subject 1’s neck.
4. Threw Subject 1 to the ground. a
5. Punched Subject 1 about the face.

It is alleged that on May 15, 2017 at approximately 7:00 PM, at XXXX S. Wolcott St., the accused Officer B, Star # XXXX:

1. Pushed a black object into the back of Subject 1’s neck.
2. Pushed Subject 1’s face onto the hood of an unmarked SUV.
3. Put his arms around Subject 1’s neck.
4. Threw Subject 1 to the ground.
5. Punched Subject 1 about the face.

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 6: Disobedience of an order or directive, whether written or oral.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

G03-02 Use of Force Guidelines
G03-02-01 The Use of Force Model
G03-02-02 Force Options

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.

INVESTIGATION

COPA obtained relevant documentary and video evidence of this incident including body camera footage from the officers involved and Facebook video obtained from a civilian witness. Additionally, COPA interviewed both witness and accused officers, as well as civilian witnesses Civilian 2 and Civilian 3. COPA was unable to interview Subject 1 because his attorney, Attorney 1, would not allow him to cooperate with COPA's investigation. Subject 2 was located but refused to cooperate with this investigation. Summaries of this evidence follows.

The following is a summary of the **Facebook live video** footage received by COPA from an unknown witness to the incident through the assistance of Civilian 1, Subject 1's wife. The video depicts a vehicle with its front driver's side door open. Officer C is seen standing facing the front of the vehicle and in front of Subject 2, who is also facing the front of the vehicle. Officer C is holding Subject 2 by the left forearm. Subject 2 is facing the front of the vehicle with his hands behind his back and in handcuffs. Officer C and Subject 2 are both watching the additional officers and civilian to their left.

Officer A and Officer B are seen attempting to control and detain Subject 1. The video captures Subject 1 struggling while Officer A and Officer B try to control him. Officer A appears to be holding Subject 1 in his upper chest region and Subject 1 is flailing and moving his body. The footage shows Officer A lift Subject 1 up as Subject 1 jumps forward. During this jump Officer A pulls Subject 1 up and then down to the ground. The video then primarily shows the ground. The next image shows Subject 1 on the ground with Officer B's left knee on Subject 1's back and Officer A holding Subject 1's left arm. Subject 1 still appears to be moving about on the ground. Officer A and Officer B also appear to be keeping Subject 1 down on the ground by holding the back of Subject 1's shirt and pushing on his neck and shoulders. Officer B is then seen moving into a position where his legs are spread apart over Subject 1 with one leg on either side of him, holding Subject 1 steady. Officer B's arms are holding Subject 1 down either by his shoulders or his neck. The video footage becomes blurry during this time because the camera is moving from a position behind the officers and Subject 1 to a position in front of them. At this time, an unknown civilian and Subject 2 are blocking the view of Subject 1 on the ground.

The camera faces the ground for a few seconds until it captures Subject 1's face through the legs of Officer C and Subject 2. As the camera moves slightly left, it captures Officer B still above Subject 1 with his legs spread on either side. The video shows Officer B move Subject 1's face toward the ground with his hand. Then the footage shows the ground briefly and when the video shows Subject 1 again it captures Officer B raise his hand upwards and strike Subject 1 on the head with his open hand five times. There is a lot of noise heard in the background, with one woman repeatedly saying, "Why you hitting him?" Officer B strikes Subject 1, Subject 1 is seen with his right arm up hitting the ground several times. Officer B places his right hand on Subject 1's right arm briefly before moving it up his back. Officer B then grabs his radio with his right hand and uses his left hand to press on the back of Subject 1's head. This position is held for several seconds until the video captures Subject 1 moving about underneath Officer B. At this point, the video captures Officer B with his feet spread apart across on Subject 1's back. As Subject 1 begins to struggle, Officer B grabs Subject 1's right arm and attempts to put it behind Subject 1's back, but Subject 1 resists and moves his hand back onto the ground. The video captures Officer B move his hand underneath Subject 1's chest or neck and looks as if he is saying something to Subject 1. This goes on for about ten or eleven seconds while Subject 1 continues to move to a position where he has almost flipped himself onto his back. The video footage then shows Officer B sitting on Subject 1's side holding Subject 1's right arm. Officer A is still holding Subject 1's left arm.

The **video footage** further depicts police lights in the distance. At approximately 1 minute and 12 seconds into the video, additional officers arrive on scene and the video becomes more blurry and shaky. The video then captures the additional officers surround Subject 1 and Officer A and Officer B. Additional

officers then take note of the large crowd that has gathered and begin asking people to back away from the scene.

The video captures one of the unknown additional assisting officers grab Subject 1's feet and other unknown assisting officers holding Subject 1's arms behind his back.

The video then captures the person holding the camera being asked to back away off the street. The videographer then backs up onto the sidewalk farther down from the scene then crosses the street and moves closer to the original vehicle before the video ends. (Att. # 28)

The following is a summary of the **second Facebook live video** footage received by COPA from an unknown witness to the incident through the assistance of Civilian 1, Subject 1's wife. The video begins with Subject 1 on the ground and Officer B on top of Subject 1 with each leg on either side of his body. The video captures Officer A and Officer B² holding onto Subject 1's neck. The video also captures a crowd beginning to form around the scene.

The video shows Officer B grab his radio and talk into it with his left hand while still holding onto Subject 1's neck with his right hand. When Officer B lets go of the radio, he is seen grabbing Subject 1's neck and moving it towards the ground. Officer B then reaches up and strikes Subject 1 on the back of the head five times with his open hand. An unknown woman then crosses in front of the camera blocking sight of Subject 1 and Officer B.

Officer B is seen taking Subject 1's left arm for a brief moment before talking into the radio again while holding onto Subject 1's head with his right hand. During this time, Subject 1 tries to move away but Officer B presses on his head again and grabs his left arm. Officer B moves Subject 1's arm behind his back but Subject 1 quickly moves his arm back to the ground. Officer B then moves his left arm under Subject 1's chest or neck with his face towards the subject. The camera then goes out of view of Officer B and Subject 1, when it comes back it shows Subject 1 struggle to move underneath Officer B. The video then only shows the ground for the remainder of the video before it cuts out. (Att. # 29)

The **Body Worn Camera ("BWC") video of Officer C** begins with him in the passenger seat of a car. Someone is heard saying, "come here man." Officer C is approaching a scene on foot with approximately 10 individuals in the street. Officer C is heard saying, "take your hands out of your pocket." A white male officer³ in a front-facing baseball hat approaches a male civilian⁴ on the sidewalk wearing a black and red sweater and pulls him by his right arm toward Officer C who is in the street. Officer C then takes control of Subject 2 by his left arm. Officer C then passes Subject 2 back to Officer B. Officer C then begins talking to a woman behind a fence. Officer C can then be heard explaining that the police are warranted because Subject 2 was sitting on an abandoned porch drinking liquor in a public place. Officer C can then be seen approaching Officer B who has Subject 2 handcuffed. A second male civilian⁵ is then seen with both hands against the police vehicle and a red t-shirt. A second police officer⁶ with a backwards baseball hat is standing by Subject 1. Officer A is seen asking Subject 1 to open his mouth then passes Subject 2 to Officer C. Officer B then begins trying to open Subject 1's mouth. Officer B repeatedly asks Subject 1 to "open his mouth." Officer B can be heard asking Subject 1 to "spit it out." Officer A can be heard saying "don't destroy the evidence." A female witness can be heard saying "calm down" and "please don't choke my baby." Officer C is detaining Subject 2 while a struggle is happening with Subject 1 and

² Now known to be Officer A and Officer B

³ Now known to be Officer B.

⁴ Now known to be Subject 2.

⁵ Now known to be Subject 1.

⁶ Now known to be Officer A.

Officer A and Officer B. Officer B is heard saying “stop resisting” and “now you’re resisting.” The female witness can be heard saying “calm down [Subject 1].” The female witness is screaming “Wait a minute.” Officer C is asking her to “Stay back.” Officer A and Officer B can be seen struggling with Subject 1 to the ground. Officer C turns and faces the female civilian who is screaming “wait a minute.” A crowd gathers and Officer C is telling people to stay back. A man is seen filming with his cell phone. Officer C is heard telling Subject 2 to “stay right there” as Subject 2 turns toward Subject 1 and the struggle. A lot of screaming is heard and Officer C reaches down and picks something up off the ground and says, “I got some pills here.”

Officer C then turns toward Subject 1 and Subject 1 is face down on the ground with Officer B on his back and Officer A holding his left arm. Officer B has his right arm pressing Subject 1’s head into the street. Officer B can be heard repeatedly saying, “spit it out.” Officer A points to his body camera and says, “so am I, here’s mine right here.” Officer C can be heard saying “stay where I told you to stay, stay on the fucking car.” Officer A and Officer B continue to struggle with Subject 1 on the ground with Subject 1 trying to move his body and legs. Subject 1 puts his right arm in the air.

Two unknown assisting male officers run in and assist with the cuffing of Subject 1. Officers lift Subject 1 from the ground and escort him from the scene. Subject 2 can be heard saying, “hey man, y’all didn’t have a warrant.” Officer B can be heard saying “shut the fuck up.” Officer C hands the pills to another officer. Officer C can be heard saying “these came off him.” Subject 2 is taken from the scene by another officer and Officer C says “I didn’t finish searching him.” Officer C walks to the porch of the abandoned property and picks up a Corona Beer bottle that is almost empty and puts it inside the squad car. Officer C then explains to another officer “we pull up, dude’s drinking on the porch right there, we bring them over, it was all good, then one of them with something hanging out of his mouth tried to swallow it, and then the other dude threw a bag of fucking ecstasy so.” The video then shows Officer C in the yard of the abandoned property looking around and talking to other officers saying “the one dude had a big bag of ecstasy. Well, I don’t know what the other dude was swallowing but he was trying to swallow something else, the other dude had the big bag on him.” Immediately following that statement, Officer C ends the recording. (Att. # 43)

The Body Worn Camera video of Officer A begins with Officer A in the back-passenger seat of the squad car. As Officer A approaches the scene, there is loud music playing. A man in a red shirt⁷ is seen walking in front of Officer A. Two officers⁸, one wearing a front-facing hat and the other wearing a backwards hat, approach holding a second man in a red and black sweater⁹. The officer in the front-facing hat¹⁰ continues to hold Subject 2 as the second officer¹¹ begins to have a conversation with civilian witnesses. Officer B puts cuffs on Subject 2. Officer A asks Subject 1 if he has anything on him that he needs to know about. Officer A tells Subject 1 he’s just checking for weapons. Subject 1 puts his hands up. Officer B can be heard saying to Subject 2 that Subject 2 is “acting really nervous and saying the officers have no jurisdiction.” Officer A asks Subject 1 “what the hell block am I on?” as Subject 1 puts his hands on the dash of the police cruiser, Subject 1 responds “Wolcott.” Officer A says “I’m not even awake yet.” Something inaudible is said by Officer B to Officer A and Officer A asks “this young man?” Officer C is in the view of the camera as Officer A tells Subject 1 to “open his mouth.” Officer C takes control of Subject 2 as Officer B steps over to assist Officer A in retrieving something from Subject 1’s mouth. Officer B says, “guy guy guy.” Officer A says, “spit it out, don’t bite me, don’t resist me.” Officer B says, “don’t destroy the evidence.” The camera then goes black and Officer B can be heard saying “tell him to spit his drugs

⁷ Now known to be Subject 1.

⁸ Now known to be Officer B and Officer C.

⁹ Now known to be Subject 2.

¹⁰ Now known to be Officer B.

¹¹ Now known to be Officer C.

out, don't resist me." Officer A can be heard saying "now you're resisting." The camera is being muffled by a lot of movement and the screen is still black.

Officer B can briefly be seen in the frame. The camera footage resumes and Officer B and Officer A are now on the ground with Subject 1. Officer B can be seen putting his left leg into the middle of Subject 1's back and holding Subject 1's left side of the face to the ground. Either Officer A or Officer B can be heard screaming "drop that fucking knife, I'm gonna fucking kill you. You feel that? That's my gun. If you grab that knife I'm gonna fucking kill you."¹² Officer B can be seen pressing his fist into the right side of Subject 1's head pushing his skull to concrete, and calling for "more cars on Wolcott." Officer B delivers five open-handed strikes about the face and head of Subject 1. A woman's voice is screaming "he's not doin' nothin'."

The video continues as Officer B pushes Subject 1's head with his left hand as Subject 1 tries to lift his head. Officer A is attempting to restrain Subject 1's left arm by pulling it back while Subject 1 is pulling his arm away. Officer B can be heard saying spit it out. An unknown civilian can be heard saying "don't worry, I'm getting this all on camera." Officer A responds "so do I, here's mine right here" as he turns and faces a large crowd in the street. Officer C can be seen in the frame still holding Subject 2 who is in cuffs in front of the squad car. Subject 1 and the officers are on the ground on the passenger's side of squad car. Officer B continues to struggle. A woman says, "You don't have to beat him like that," Officer A responds, "Yeah we do when he starts pulling like that. Back up! All y'all back the fuck up!" At this time, four male white officers run in to assist Officer A and Officer B in cuffing Subject 1. Officer B can be heard yelling "stop resisting! Don't fucking move your foot. Stop resisting. Just get everyone back, get everyone back." Subject 2 can be heard saying "yall ain't got no warrant no way." Officer A says "yeah we're good." Officer B and Officer A pick Subject 1 up off the ground. Officer A walks Subject 1 towards a different squad car. Officer A says "transport Richie, he was swallowing rocks." Subject 1 says, "I don't have nothing sir." Officer A says "yeah now you don't, you think this is my first time? And then you start pulling on my arm and then you go for my knife, you're lucky you're fucking alive right now!" Subject 1 mumbles something and Officer A responds "yeah I know I'm right." Officer A can be heard saying "you think we stopped you at random homie? It's cool, I got it all on tape bro." Officer A checks the right front pants pockets of Subject 1 and says, "get in the car." Officer A walks back to the scene of the original struggle after putting Subject 1 in the back of the squad car.

An assisting officer approaches Officer A and says "you good? What happened bro?" Officer A responds "[Officer B] recognized someone who was selling ex I think before, and he and his boy come over for us, [Officer B] saw him put something in his mouth and then when I tried to question him he started trying to chug the rocks down, and then he started fighting with us, but yeah, we're good." Officer A walks around to the driver's side of the squad car that the struggle happened at and says, "here we go right here" and picks up a baggie from the ground. Officer B picks something up off the ground where Officer A retrieved the baggie and asks Officer A "that's what he was trying to swallow?" Officer A said "well he swallowed some of it." Officer A says "we'll figure the rest out, what you saw, what I saw, what the camera saw." An unidentified female officer walks up to Officer B and asks him if he's hurt, to which he responds that he has "a little abrasion." An unidentified sergeant in a white shirt walks up and says "everything over? Shut the cameras off." Officer A's hand is then in front of the camera but he does not end the recording.

An unidentified assisting officer walks up holding a large amount of money and hands it to Officer B. Officer B responds by asking, "which dude?" To which the officer says, "the one that's in the car." Officer A then says, "what else do we need?" Officer B responds to him, "We're good." Officer B then says, "it's ex." Officer A then says, "we got him, we got him, he slipped up, we saw him swallow it, everyone else was just interfering, I think we're good." Officer A then turns to walk away from Officer B

¹² Officer A reported in his interview that Officer B is the one saying this, Officer B reported Officer A is the one who said it.

and says, “thanks guys, we’re rolling.” Officer A then asks, “did anyone pick up a knife? that motherfucker dude, as soon as it came out my pocket he starts trying to grab my fucking knife.” Officer B responds, “I couldn’t pull my gun out because all those people were standing there but if you grab the fucking knife I’m gonna blow your brains out.” Officer A continues to walk around the vehicle.

At this time, Sergeant A, whose name is visible on his vest when he walks into the camera’s view, walks up and puts a knife into Officer A’s right hand. Officer A says “thank you” to Sergeant A. An unidentified female officer asks Officer A if he “got the [inaudible] from that?” Sergeant A tells Officer A “I got the one guy, I got your guy.”

Officer A walks back to Officer B and several officers discuss their newly issued body worn cameras and the footage captured by a civilian on cell phone. They can be heard saying “they just got these things, we have to act like everyone has one now.” Officer A responds “very good.” Officer A says “I love how he’s reviewing the tape like we all don’t got cameras on.”

Officers Officer A, Officer B, and Officer C then get in the car to leave the scene. The officers continue to discuss the incident. Then Officer A’s body camera beeps and he tells everyone “hold on, what the fuck” as his hand comes into the frame to turn the camera off, Officer A ends the recording. (Att. # 43)

The Body Worn Camera video of Officer B begins with him driving the squad car. Officer B gets out of the car and approaches Subject 2. Subject 1 is standing on the curb. Subject 1 walks toward the squad car where Officer A meets Subject 1. Officer B approaches the squad car with Subject 2. Officer B asks Subject 2 “you got anything on you that I need to know about? The way you’re talking to me is making really nervous. You just kept saying that I have no jurisdiction.”

Subject 1 can be seen with Officer A. Subject 1’s hands are on the hood of the car. Subject 2 says, “you have no warrant sir,” to which Officer B responds, “you don’t know what you’re talking about, I don’t need a warrant.” Officer B can be heard saying “he threw something in his mouth, open your mouth.” Officer B moves toward Subject 1 and starts saying “open your mouth guy.” Officer C takes control of Subject 2 as Officer B steps over to assist Officer A in retrieving something from Subject 1’s mouth. Officer B can be heard saying “guy, guy, guy.” Officer A can be heard saying “spit it out, don’t bite me, don’t resist me.” Officer B can be heard saying “don’t destroy the evidence.”

The camera then goes black and officers can be heard saying “tell him to spit his drugs out, don’t resist me.” A lot of movement is heard. Officers can be heard saying “now you’re resisting.” Officer A swings Subject 1 around and takes Subject 1 down while Officer B takes out handcuffs. Officer B calls for “more cars.” A woman is yelling “wait a minute!” in the background.

Officer B puts his right knee on top of Subject 1’s right leg. Subject 1 is face down in the middle of the street. Either Officer A or Officer B¹³ can be heard screaming “drop that fucking knife, I’m gonna fucking kill you. You feel that? That’s my gun. If you grab that knife I’m gonna fucking kill you.” Officer B can be seen pressing his fist into the right side of Subject 1’s head pushing his skull to concrete, and calling for more cars on Wolcott.

Officer B delivers 5 open-handed strikes about the face of Subject 1 and says, “give me your fucking hands.” Officer B’s left hand is on Subject 1’s head, Officer B’s right hand is holding Subject 1’s right hand down on the ground. Officer B struggles to get Subject 1’s right hand behind his back. Subject 1 can be heard saying “ok sir, ok, I quit, I quit.” Officer B’s body camera appears to have fallen on the ground and is facing the sky with several officers in the frame. It then faces the undercarriage of the squad

¹³ Officer A reported in his interview that Officer B is the one saying this, Officer B reported Officer A is the one who said it.

car. Officer B picks it up and it captures Subject 1 being picked up off the ground with his face injured. Subject 2 is then heard saying "hey man, y'all didn't have no warrant man." Officer B responds, "shut the fuck up."

Officer B then takes a baggie from the Officer C who says, "them came off him." Subject 2 says, "them didn't come off me." Officer B says, "shut the fuck up, it's all on camera." Officer B begins to walk Subject 2 and Subject 2 says, "you didn't get nothing off me." Officer B then searches Subject 2. Officer B says, "turn and face me" and begins to search Subject 2. An unidentified sergeant assists Officer B in the search and gestures for Officer B to turn off his body camera.

Officer B walks up to an officer in the yard of the abandoned property and says, "he spits at least this out" and points to his left hand which holds a baggie. The officers then discuss the incident. An unidentified female officer walks up and asks Officer B if he's hurt, Officer B says he's fine. Officer A said "a little abrasion." An unidentified sergeant in a white shirt walks up and says "everything over? Shut the cameras off." Immediately following that statement, Officer B ends the recording. (Att. # 43)

The Body Worn Camera video of Officer D, Star # XXXX, shows Subject 1 in a chair with his feet up in the waiting room at Roseland Hospital waiting to be seen. Officer D who is accompanying Subject 1 in the waiting room says, "just to let you know man, I put my camera on, you're being video and audio recorded." An unidentified officer walks into the frame and sits next to Officer D in the waiting room and he and Officer D begin to have an unrelated conversation. The conversation does not include any relevant information. Officer D says "just to give you a heads up I got this on" and taps his body cam.

Subject 1 is sitting up in a chair looking at the officers with his arms crossed and raised, shaking his head. Subject 1's eye is visibly swollen. Subject 1 mentions his arm is hurting and he can't move it. Subject 1 asks the officers if they can do something. The officers respond, "they're not gonna forget about you, they're gonna call you." Officer D goes to check the status on Subject 1. Subject 1 reports he can't move his left arm, as he is holding it up with his right arm, and states that his face hurts really bad. Officer D tells Subject 1 not to move his arm. A nurse comes in and says Subject 1 has visitors but the officers report that Subject 1 can't have visitors.

The unidentified officer asks Subject 1 if he fell on his arm to which Subject 1 responds, "nah, I was just chewing some bags and then the officers got me for resisting and chewing the bags." The unidentified officer said "oh, so the tactical team did this because you were chewing bags" to which Subject 1 responded, "I was chewing some ecstasy pills up." After this statement, the video ends. (Att. # 43)

The Body Worn Camera video of Sergeant A, Star # XXXX, shows Sergeant A in the driver's seat of the squad car. Subject 2 can be heard saying, "those officers had no probable cause." Sergeant A is transporting Subject 2. Radio traffic can be heard regarding Wolcott Avenue. Subject 2 is in the car inaudibly talking. Subject 2 asks if he can stop and get his coat from the gate, he reports he has no family around there, to which Sergeant A responds "no sir." Subject 2 reports he has important papers in the coat, can he please get it for him." Sergeant A responds no. Radio traffic continues. Subject 2 is walked into station and again says "you had no warrant, district seven has been harassing me." Immediately after this statement, the video ends. (Att. 43)

The **Arrest Report of Subject 1**, CB XXXXXXXX, reports that Subject 1 was arrested May 15, 2017 at 7:12 PM at the location of XXXX S. Wolcott Avenue. Subject 1's mugshot is included and shows a swollen left eye with a large Band-Aid over the eyebrow area and the strap of an arm sling is seen over his right shoulder. It states that he was arrested for Possession Attempt to Obstruct Justice, Resisting, and Aggravated Assault on a Peace Officer. The narrative section of the Arrest Report states the officers were in civilian dress in an unmarked unit when they observed Subject 1 standing on the curb. Subject 1 placed a plastic bag in his mouth and walked toward police car. Subject 1 began to chew and swallow the evidence.

It states that arresting Officers Officer B #XXXX, and Officer A #XXXX, attempted to place Subject 1 in custody but Subject 1 resisted by pulling away. It states that during a brief but violent struggle, Subject 1 grabbed Officer A's knife which fell from his vest. Subject 1 ignored multiple commands to drop the knife. Subject 1 then spit out the bag he put in his mouth. Officer B recovered the bag. After placing Subject 1 in custody, Officers recovered another bag containing several plastic bags containing suspected ecstasy on the driver's side of the squad car. Subject 1 was transported to the 7th District for processing. While there, Subject 1 complained of pain in his left arm and swelling to the left side of his face. Subject 1 was transported to Holy Cross Hospital by CFD ambulance. When prompted by hospital personnel, Subject 1 stated, "it was about 8 to 10 pills." (Att. # 5)

The **Arrest Report of Subject 2**, CB XXXXXX, reports that Subject 2 was arrested May 15, 2017 at 7:12 PM, at the location of XXXX S. Wolcott Avenue. The mugshot is included and no injuries are visible. Subject 2 was arrested for Possession. The narrative section of the arrest report states the officers were in civilian dress in an unmarked unit when they observed Subject 2 sitting on the steps of an abandoned house with an open bottle of Corona beer. The report states that Subject 2 looked at the arresting officers and began to walk northbound to avoid police contact. He was then detained and handcuffed. While handcuffed, and during the officers' struggle with the co-arrestee, Subject 1, Subject 2 pulled one clear plastic bag with 88 pills from his clothing and dropped it on the ground. Officer C recovered the suspect narcotics. Officer C # XXXX and Officer B #XXXX were the arresting officers for Subject 2. (Att. # 6)

On October 10, 2017, witness Officer C, Star # XXXX, reported for an **in-person statement** at COPA. Prior to giving his statement, Officer C had the opportunity to review his body worn camera footage from the incident, the Original Case Incident Report, the Arrest Report for Subject 2, the Arrest Report for Subject 1, and the Tactical Response Reports ("TRR") and Officer Battery Reports ("OBR") authored by Officer B and Officer A.

Officer C stated that on the date and time of the incident, himself, and PO's Officer B and Officer A were on routine patrol, when he observed Subject 2 on the front porch of an abandoned house at XXXX S. Wolcott Avenue with a bottle of beer next to him. Officer C related Subject 1 also caught his eye because he observed Subject 1 putting something into his mouth. Officer C stated that the officers decided to conduct an investigatory stop. Officer C related Subject 1 was involved in this investigatory stop because he was next to Subject 2 at the abandoned building and when Officer C returned to the police vehicle, Subject 1 was already standing there. Officer C stated that he observed Subject 2 walking away as he and Officer B attempted to talk to him. Officer C related that he and Officer B walked Subject 2 to the front of the squad car. Officer C said he then approached the crowd¹⁴ to tell them to turn down the music. Officer C stated when he returned to the car, Officer B had already placed Subject 2 in handcuffs. Officer C said he took control of Subject 2 as he heard another officer yell "spit it out." At that time, Officer C said Officer B assisted Officer A with Subject 1 and Officer C took control of Subject 2. Officer C related the crowd was getting hostile at that time. Officer C stated he did not see what Officer B or Officer A did with Subject 1 because he was facing the crowd and trying to maintain control of Subject 2.

Officer C stated that after he observed Subject 1 on the porch putting something in his mouth, the next time he saw Subject 1 was as Subject 1 was approaching the squad car. After that, he did not see Subject 1 again until Officer B and Officer A were on top of him on the ground. Officer C related that he did not recall who said, "spit it out" to Subject 1 because he was trying to control Subject 2. Officer C said Subject 1 was not handcuffed when he saw him on the ground. Officer C related he was not entirely sure what position the officers took on the ground. Officer C stated he did not recall how Subject 1 was positioned on the ground either, he only saw the two officers and Subject 1 tangled on the ground. Officer

¹⁴ The approximately 10 karaoke party participants outside of XXXX S Wolcott Avenue formed a crowd around the area of this incident.

C stated he did not see the tactics used by Officer A or Officer B. Officer C related he did not see or hear Subject 1 resisting arrest. Officer C said he did not see or hear any strikes delivered to Subject 1, nor did he see any injuries to Subject 1.

Officer C related he continued to hear the crowd¹⁵ and he told the crowd to “back up” as Subject 2 continued to pull away. Officer C stated that he perceived the crowd was going to interfere in the arrest. Officer C said Subject 2 tried to pull away and he did not have physical control of Subject 2. Officer C stated Subject 2 threw a bag of multi-colored pills in the direction of another person in the crowd; Officer C said he quickly grabbed the pills. Officer C related he continued to order the crowd to “step back” and told Subject 2 to “stop trying to get away, stop moving.”

Officer C related that after Officer C took Subject 2 to the transport vehicle he walked to the abandoned building and picked up the beer bottle that was next to Subject 2. Officer C related he put the beer in the squad car and could not recall from memory what he did after that. Officer C related he did not find any drugs besides the pills he recovered from the ground. Officer C related he did not recover any drugs from Subject 1. Officer C related he did not see a weapon on Subject 1 but there was a weapon inventoried. Officer C related he did not recover a weapon from Subject 2. Officer C related he had not had any interaction with Subject 2 or Subject 1 prior to the incident. (Att. #'s 50 and 51)

On October 10, 2017, accused Officer A, Star # XXXX, reported for an **in-person statement** at COPA. Officer A related he was on-duty on May 15, 2017 at approximately 7:00 PM on the block XXXX S. Wolcott Avenue. Officer A said that he, Officer C (his direct partner), and Officer B were working as a tactical team when the incident occurred. Officer A related he was riding in the rear of the vehicle when Officer B initiated an investigatory stop after Officer B saw Subject 2 drinking an alcoholic beverage at an abandoned building at the same time Officer C also observed Subject 1 put something in his mouth. Officer A said he did not initially know that this was the reason they conducted the stop but later found out when Officer B relayed this information to him.

Officer A stated they exited their unmarked tactical Sport Utility Vehicle (“SUV”) and asked both suspects to come to the police vehicle. Officer A related he did not approach either Subject 2 or Subject 1 but rather walked to the front of the police vehicle when he saw Subject 1 walking toward him. Officer A said he conducted a protective pat-down of Subject 1. Officer A stated he did not recover anything during the protective pat-down. Officer A stated Subject 2 was handcuffed by Officer C and Subject 1 was not. Officer A related that initially Subject 1 was cooperative with the officers. Officer A said he and Subject 1 stood next to each other at the front passenger wheel well. Officer A stated Officer C and Officer B were at the front of the vehicle with Subject 2.

Officer A related Officer B told him that Subject 1 had something in his mouth. Officer A stated that he could visibly see something in Subject 1’s mouth, however, Officer A related he did not see Subject 1 put anything in his mouth. Officer A stated the bulge was in the front left of Subject 1’s cheek. Officer A said he told Subject 1 to “spit it out”, and Officer C and Officer B also told him to “spit it out.” Officer A stated Subject 1 began chewing and Officer A took his left hand and attempted to open Subject 1’s mouth. Officer A said he tried to prevent Subject 1 from swallowing by holding his open left hand to Subject 1’s chin and making an upward motion. Officer A further stated that he had come across subjects trying to swallow drugs previously, but there is no procedure for dealing with subjects who are suspected of swallowing drugs.

¹⁵ At the time, several other people were outside participating in the karaoke party, including Subject 1 and Subject 2. Civilian 2’s house is next door to the abandoned house located at XXXX S. Wolcott Avenue where Subject 1 and Subject 2 were first observed by police.

Officer A related Subject 1 attempted to tighten his body, which Officer A believed was an attempt to avoid arrest. Officer A related Officer B came to assist him with Subject 1 while Officer C maintained control of Subject 2. Officer A stated he gave the verbal commands, "stop resisting" to Subject 1. Officer A related Subject 1 was stiffening but not saying anything. Officer A stated that when he tried to move Subject 1's left hand to put it behind his back, Subject 1 pulled away from him. Officer A related he did not have any instrument pressed against Subject 1's neck and neither did Officer B. Officer A related Officer B had his knuckles on the back of Subject 1's head. Officer A related he did not slam Subject 1's head against the car and neither did Officer B. Officer A related he did not put his arms around Subject 1's neck or push him into the SUV at all. Officer A related Officer B never had his arms around Subject 1's neck. Officer A related he never employed a choke-hold on Subject 1.

Officer A related he and Officer B were unable to gain compliance so he conducted an emergency take-down of Subject 1. Officer A stated he did not believe Officer B assisted in the take-down. Officer A related the emergency take-down was successful and Subject 1 was now on his stomach next to the squad car. Officer A related Officer B also straddled Subject 1's back. Officer A stated Officer C still had control of Subject 2 while Officer B assisted him in gaining Subject 1's compliance. Officer A described using his body weight to bring Subject 1 down to the ground. Officer A related after the take-down he was on Subject 1's left side and Officer B was on Subject 1's back. Subject 1 continued to resist and they continued to give verbal commands for Subject 1 to "stop resisting." Officer A said he could not recall Subject 1 saying anything. Subject 1 continued to resist for approximately thirty to forty-five seconds, during which Officer B delivered five open-handed strikes to Subject 1.

Officer A said during the struggle, he was hunched over Subject 1. Officer A reported he was his radio microphone and small utility knife came dislodged and the knife fell onto the street within a foot of Subject 1. Officer A related that Subject 1 immediately grabbed the knife with his right hand. Officer A said he told Subject 1 to "drop the fuckin knife" and Subject 1 did not, Officer A then delivered one closed-handed strike between the top of Subject 1's head and shoulder area to the left side of Subject 1's body. Officer A related as soon as he executed the closed-handed strike Subject 1 released the knife. Officer A related Officer B recovered some suspected ecstasy from Subject 1's mouth. Officer A said he did not recover any drugs from Subject 1. Officer A related he saw Officer B trying to cuff Subject 1 and Officer A saw Officer B's handcuffs fly to his left in front of the incident. Upon questioning, Officer A stated that he did not say, "you feel that, that's my fucking weapon, I'm gonna kill you," Officer A said he said, "drop the knife." Officer A related Officer B is the one who said, "you feel that, that's my fucking weapon, I'm gonna kill you." Officer A related Officer B never had his weapon out.

Officer A said Officer B called for assistance and multiple officers arrived. Officer A related a crowd of approximately fifteen people had grown within fifteen feet of the incident. Officer A related once assistance arrived they successfully handcuffed Subject 1. Officer A related he used an arm-bar to gain compliance to handcuffing. Officer A then walked Subject 1 to a transport car while Officer B walked Subject 2 to a transport car.

Officer A related Subject 1 complained of arm pain when they were back at the 7th District. Officer A related he did not see injuries to Subject 1 until they were back at the station. Officer A related Subject 1 had a swollen elbow and an abrasion to the side of his face but he did not recall which side. Officer A recalled Officer A got a scrape but nothing serious. Officer A related Officer C and Officer B did not sustain any injuries. Officer A related he took a digital photo of Subject 1 at the district because Subject 1 had a blue and yellow powder on the side of his face. Officer A related he wasn't taking a photo of the injuries but of the powder. (Att. # 53)

On October 10, 2017, accused Officer B, Star # XXXX, reported for an **in-person statement at COPA**. Officer B related he, Officer C, and Officer A were on patrol in civilian dress and were on the same

tactical team. Officer B said he was driving the tactical vehicle. Officer B related the area of XXXX Wolcott Avenue is a high drug trafficking area. Officer B stated as they were driving on Wolcott Avenue, he observed Subject 1 place a plastic bag into his mouth consistent with concealing narcotics. Officer B related that Subject 2 was sitting with Subject 1 at an abandoned property with an open bottle of Corona Beer. Officer B related the officers exited their vehicle and approached Subject 1 and Subject 2 to conduct an investigatory stop. Officer B stated he saw Officer C walk up to Subject 1 so Officer B went to detain Subject 2. Officer A asked Officer B if Subject 1 was involved in the stop and Officer B responded, "yes."

Officer B related he and Officer C escorted Subject 2 to the hood of the unmarked vehicle and Officer C handcuffed him. Officer B related Subject 2 was making comments saying, "you don't have a warrant, you have no right to do this." He stated that these comments have been made by people who are "sovereign citizens who are Moors who then become very violent when they come in contact with police." Officer B said he did not know what Officer C was doing at the time.

Officer B stated he told Officer A he saw Subject 1 put drugs in his mouth. Officer B related Officer A gave Subject 1 verbal direction to spit the object out. Officer B related when Subject 1 started to chew the drugs, Officer A grabbed Subject 1 by the face but did not recall which hand Officer A used. Officer B said Subject 1 began to try and pull from his and Officer A's control. Officer B related he grabbed Subject 1's right side, put Subject 1's hands on the hood of the car, leaving Officer C to control Subject 2. Officer B stated Officer A took Subject 1 down to the ground because Subject 1 was an "active resister." Officer B did not know what Subject 2 was doing or Officer C was doing. Officer B related he never saw a black object pushed into Subject 1's neck by Officer A. Officer B stated he did not push any black objects into Subject 1's neck. Officer B related neither he nor Officer A slammed Subject 1's head into the car. Officer B related he did not assist in taking down Subject 1 and he did not throw Subject 1 to the ground. Officer B said he never had his arms around Subject 1's neck. Officer B stated he never saw a black object pushed to Subject 1's neck.

Officer B related a crowd of approximately ten to fifteen people had formed and were within two and a half to three arm lengths of the squad car and incident. Officer B said he told "Subject 1 to spit the object out" and "you're resisting." Officer B related he did not recall the commands Officer A gave. Officer B said he was on the right side of Subject 1's body initially and Officer A was on the left. Officer B related he attempted to handcuff Subject 1 and Subject 1 threw the handcuffs away from them. Officer B said Subject 1 was positioned face down on the ground with his right arm underneath his chest reaching out to the left-hand side of his body. Officer B stated he delivered five open-handed strikes because Subject 1 was "actively resisting and refused to obey the verbal commands given." Officer B said during the altercation he heard Officer A say "drop the knife" after which he saw Officer A deliver a closed-fist strike to Subject 1's face. Officer B said he does not recall where Officer A's strike landed.

Officer B stated that after Officer B and Officer A both delivered the strikes, Subject 1's hand came loose but Officer B was still unable to gain compliance of Subject 1. Officer B related at this time he radioed for assistance. Officer B related when assistance arrived they were able to gain custody of Subject 1. Officer B does not recall the officers who assisted. Officer B related Officer A moved Subject 1 to a transport squad car and did not notice any injuries on Subject 1. Officer B also did not notice any injuries on Subject 2. Officer A said none of the officers sustained injuries. Officer B related he did not know if anyone photographed the injuries Subject 1 sustained and that there was no ambulance on scene. (Att. #55)

The **Medical Records** from Holy Cross Hospital report Subject 1 was treated May 15, 2017 for possible overdose and broken arm. The records also report Subject 1 ingested four ecstasy pills and was treated for an injury to his left eye. The radiologist related Subject 1's arm was strained, not broken. (Att. # 42)

A canvass of the XXXX South Wolcott Avenue block on May 16, 2017 returned no results from multiple houses and business cards were left. At approximately 11:30 AM, IPRA investigators made contact with Civilian 3 of XXXX South Wolcott Avenue who related she observed the incident between Chicago Police and Subject 1. Civilian 3 also related her neighbor, Civilian 2, also observed the incident and may have video. (Att. # 22)

During a **canvass** of the XXXX South Wolcott Avenue block on July 14, 2017, COPA investigators met Subject 2 on the street. Subject 2 related he was unable to provide a statement but would call COPA on Monday. COPA investigators also met Civilian 5, a witness to the incident, who didn't know if he wanted to provide a statement but would think about it and call COPA. COPA investigators spoke with Civilian 2 who related that Subject 1 comes by her house often and that she was witness to the event. Civilian 2 reported it was her karaoke machine they were playing on that day. Lastly, investigators spoke with Civilian 4, the son of Civilian 2, and he related he was willing to give a statement but was on his way to a funeral. COPA investigators returned to Civilian 2's house and attempted to make contact on July 21, 2017 but was unable to make contact. Civilian 2 conveyed that Subject 1's lawyers had advised them not to cooperate with COPA. (Att. # 40)

In a **canvass** of XXXX South Wolcott Avenue on July 31, 2017, COPA attempted to locate Subject 2 and Civilian 4. COPA was unable to locate either. COPA made contact with Civilian 2. Civilian 2 related the civil attorneys told Subject 1 not to cooperate with COPA's investigator because it may negatively impact their ongoing civil cases against Chicago Police Department. (Att. 40)

COPA called the Offices of XXXX and XXXX on July 13, 2017 attempting to reach Attorney 1, the attorney for Subject 1. COPA left a voice message as well as emailed Attorney 1. On August 8, 2017, COPA spoke to Attorney 1. Attorney 1 related she would discuss the case with her supervisor and let COPA know if she will allow her contact to cooperate with our investigation. Attorney 1 related she would call COPA by then end of the week. Attorney 1 called COPA August 18, 2017 and responded to related that she would not allow Subject 1 to participate in COPA's investigation. (Att. # 47)

ANALYSIS¹⁶

It is alleged that on May 15, 2017, at approximately 7:00 PM at XXXX South Wolcott Avenue, officers Officer A, Star # XXXX, and Officer B, Star # XXXX, used excessive force when executing the arrest by **pushing a black object in to the back of Subject 1's neck, pushing Subject 1's face onto the hood of an SUV, putting their arms around Subject 1's neck, throwing Subject 1 to the ground, and punching Subject 1 about the face.**

I. As to the allegations regarding the “pushing of a black object into the back of Subject 1's neck”

During her interview with COPA, Civilian 3 reported an officer pushed a black object into Subject 1's neck. The other witness, Civilian 2, did not report seeing an object pushed in Subject 1's neck. COPA attempted to interview Subject 1 and Subject 1 was uncooperative. Subject 2 was uncooperative with COPA as well. COPA conducted several canvasses in search of additional witnesses; the efforts were unsuccessful. The body camera footage of both witness and accused officers does not show any object being pushed into Subject 1's neck. The civilian witness videos from Facebook also do not show any black object being

¹⁶ The video evidence, both CPD and civilian witness video, does not show the entire event. Therefore, R/I was unable to prove or disprove the first three allegations; that officers pushed a black object in to the back of Subject 1's neck, pushed Subject 1's face onto the hood of an SUV, or that the officers put their arms around Subject 1's neck.

pushed into Subject 1's neck. Further, Officers Officer B and Officer A reported they never pushed any black object into Subject 1's neck. For all of these reasons, COPA recommends a finding of **Not Sustained** for this allegation.

II. As to the allegations regarding "pushing Subject 1's face onto the hood of the SUV"

During her complainant interview with COPA, Civilian 2 reported an officer pushed Subject 1's face onto the hood of an unmarked SUV. The body camera footage does not show the officers pushing Subject 1's face onto the hood of the SUV. The civilian witness video from Facebook also does clearly show the officers pushing Subject 1's head into the hood of the SUV. COPA attempted to interview Subject 1 and Subject 1 was uncooperative. Subject 2 was uncooperative with COPA, as well and there were no other corroborative witnesses. Further, Officer C, as well as accused officers Officer B and Officer A reported they never pushed Subject 1's head into the hood of the SUV. In the absence of evidence supporting this allegation, COPA recommends a finding of **Not Sustained** for this allegation.

III. As to the allegations regarding "putting their arms around Subject 1's neck"

In her witness interview, Civilian 3 reported the officer put his hands around Subject 1's neck. This conflicts with Civilian 2's witness account that the officer put his arm, not his hands, around Subject 1's neck. The body camera footage does not clearly show the officers putting their arms around Subject 1's neck. The civilian witness video from Facebook also does not clearly show any officer put his hands (or arm) around Subject 1's neck. The body camera footage of both witness and accused officers does not clearly show any officers putting his arm around Subject 1's neck. Further, the witness Officer C, as well as accused officers Officer B and Officer A reported they never put their hands or arm around Subject 1's neck. In the absence of evidence supporting this allegation, COPA recommends a finding of **Not Sustained** for this allegation.

IV. As to the allegations regarding "throwing Subject 1 to the ground, and punching Subject 1 about the face"

According to General Order ("GO") 03-02-01, the Chicago Police Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The model may progress from member presence to the application of deadly force. The primary objective of the use of force is to ensure control of a subject with the reasonable force necessary based on the totality of the circumstances. Department members must escalate or de-escalate the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control over the subject.

GO 03-02-01 states that there are two types of resisters. A passive resister is defined by non-movement in response to verbal and other direction, and includes variable positioning. An active resister is defined by movement to avoid physical control and this can include "variable dynamics." GO 03-02-02 further defines an active resister as "a person whose actions attempt to create distance between that person and the member's reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running." Subject 1's actions in not following verbal direction, stiffening his body, and pulling away defined him as an active resister to which the officer's response of performing an emergency take down was justified.

Officer A reported he executed an emergency takedown of Subject 1. Civilian 3 and Civilian 2 described Subject 1 as being thrown to the ground. An emergency take-down can involve being thrown to the ground if the subject being taken down was resisting arrest. Subject 1 was actively resisting arrest by tensing his body and pulling away from officers while disobeying direct orders to stop resisting. In order to

gain compliance, per GO 03-02-02, an officer is permitted to execute an emergency take-down. Officer A reported that the incident happened very quickly and that as he stood behind Subject 1, he used his and Subject 1's body weight to bring them both to the ground. Subject 1 was tensing his body and pulling away from Officer A, as such, Officer A conducting the emergency take-down of Subject 1 was within policy and consistent with training therefore COPA recommends a finding of **Exonerated** for this allegation.

V. As to the allegation that Officer A "punched Subject 1 in the face"

GO 03-02-01 and GO 03-02-02 further identify three categories of an assailant: A subject whose actions are aggressively offensive without weapons, a subject whose actions will likely cause physical injury with or without a deadly weapon, and a subject whose actions will likely cause death or serious physical injuries. GO 03-02-02 defines an assailant as "a subject who is using or threatening the imminent use of force against himself/herself or another person."

According to GO 03-02-02, when the officer fears imminent threat of battery, closed-handed punches are a permissible response. Officer A reported that during the struggle to gain compliance of Subject 1, his knife came loose from his tactical vest. Officer A reported Subject 1 grabbed the knife with his right hand. Officer A reported he gave Subject 1 a verbal command to drop the knife and Subject 1 did not drop it. Officer A reported he executed one closed-fist punch to Subject 1's head. Officer A reported he did not know exactly where the punch landed but it was somewhere above Subject 1's shoulders. Officer A reported the closed-fist punch was successful and Subject 1 dropped the knife. Officer A reported he feared his life was in imminent danger. No video evidence exists showing Officer A punching Subject 1. COPA recommends a finding of **Exonerated** for this allegation, as the General Orders permit this type of strike. Once Subject 1 grabbed the knife, he became an assailant, and as reported by Officer A, placed him in imminent fear of receiving a battery.

VI. As to the "open hand strikes delivered against Subject 1 by Officer B"

Though not specifically brought as an allegation, COPA's investigation of this matter also examined the open hand strikes Officer B used against Subject 1. Based on the above-codified General Orders, Subject 1's actions in not following verbal direction, stiffening his body, and pulling away defined him as an active resister. Open-handed strikes are an acceptable response to this kind of resistance, per GO 03-02-02. Officer B reported that during the struggle to gain compliance of Subject 1, he executed five open-handed strikes about Subject 1's face. Officer B reported that Subject 1 was given several verbal commands and Officer A executed an emergency take-down and Subject 1 was still non-compliant in being handcuffed. CPD Use of Force policy GO-03-02 and GO-03-02-01 allows for officers to execute open-handed strikes to gain compliance over an active resister. The Facebook civilian witness video shows Officer B executing five open-handed strikes, which were within policy.

COPA finds Officer B's use of force in this regard to be within policy. Though no allegations were made surrounding this specific action, if they were or had they been, the recommended finding by COPA would be **Exonerated**.

CONCLUSION

COPA's burden of proof is based on the preponderance of evidence standard. As such, regarding the allegations against Officer A, Star # XXXX, COPA recommends that:

Allegation # 1 that accused Officer A, Star # XXXX, pushed a black object into the back of Subject 1's neck, be **Not Sustained**.

Allegation #2, that accused Officer A, Star # XXXX, pushed Subject 1's face onto the hood of an unmarked SUV, be **Not Sustained**.

Allegation #3, that accused Officer A, Star # XXXX, put his arms around Subject 1's neck be **Not Sustained**.

Allegation #4, that accused Officer A, Star # XXXX, threw Subject 1 to the ground, be **Exonerated**. This action was within CPD Policy, GO-03-02.

Allegation #5, that accused Officer A, Star # XXXX, punched Subject 1 about the face, be **Exonerated**. This action was also within CPD Policy, GO-03-02.

COPA's burden of proof is based on the preponderance of evidence standard. As such, regarding the allegations against Officer B, Star # XXXX, COPA recommends that:

Allegation # 1 that the accused Officer B, Star # XXXX, pushed a black object into the back of Subject 1's neck, be **Not Sustained**.

Allegation #2, that the accused Officer B, Star # XXXX, pushed Subject 1's face onto the hood of an unmarked SUV, be **Not Sustained**.

Allegation #3, that the accused Officer B, Star # XXXX, put his arms around Subject 1's neck be **Not Sustained**.

Allegation #4, that the accused Officer B, Star # XXXX, threw Subject 1 to the ground, be **Not Sustained**. Officer A reported in his interview that he executed the emergency take-down of Subject 1, not Officer B.

Allegation #5, that the accused Officer B, Star # XXXX, punched Subject 1 about the face, be **Exonerated**. Though Officer B did not punch Subject 1, he did deliver open hand strikes; these actions are within CPD Policy, GO-03-02

Deputy Chief

Supervising Investigator

Investigator