

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	February 14, 2015
Time of Incident:	3:22 am
Location of Incident:	XXXth District
Date of COPA Notification:	February 14, 2015
Time of COPA Notification:	11:41 am

On February 14, 2015, Officers A and B arrested Subject 1 for Disorderly Conduct. Upon arriving to the XXX District lock-up facility, Officer A pushed Subject 1 into the doorframe of a processing room, causing Subject 1 to sustain an injury that required multiple stitches. Immediately following the incident, Subject 1 was not transported to the hospital. Instead, he was placed in lock-up until the following day when he was released, and subsequently transported to the hospital.

II. INVOLVED PARTIES²

Involved Officer #1:	Officer A, star #XXXXXX, employee ID# XXXXXXX, date of appointment: XX/XX/XX, rank: Police Officer, unit of assignment: XXXth District, DOB: XX/XX/XX, male, white
Involved Officer #2:	Sergeant C, star #XXXX, employee ID# XXXXXXX, date of appointment: XX/XX/XX, rank: Police Officer, unit of assignment: XXXth District, DOB:XX/XX/XX, male, white
Involved Officer #3:	Officer D, star #XXXXXX, employee ID# XXXXXXX, date of appointment: XX/XX/XX, rank: Police Officer, unit of assignment: XXXth District, DOB: XX/XX/XX, male, white
Involved Officer #4:	Officer E, star #XXXX, employee ID# XXXXXXX, date of appointment: XX/XX/XX, rank: Police Officer, unit of

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. Therefore, 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.

Subject #1:

assignment: XXXth District, DOB: XX/XX/XX, male, white

Subject 1, date of birth: XX/XX/XX, male, white

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that on February 14, 2015, Officer A violated Rule #8 “Disrespect to or maltreatment of any person while on or off duty”, in that he used unnecessary and unreasonable force against Subject 1, when he pushed Subject 1 into the door frame of the holding cell.	SUSTAINED
	2. It is alleged that on February 14, 2015 Officer A violated Rule #6 “Disobedience of an order or directive, whether written or oral”, when he failed to complete a Tactical Response Report (TRR) documenting the use of force.	SUSTAINED
	3. It is alleged that on February 14, 2015, Officer A violated Rule #10 “Inattention to duty”, when he failed to properly document the facts surrounding his actions and Subject 1’s subsequent injuries.	SUSTAINED
	4. It is alleged that on February 14, 2015, Officer A violated Rule #2 “Action/conduct which impedes department policy or brings discredit upon the department”, when he failed to ensure that Subject 1 obtained proper medical attention.	SUSTAINED
Sergeant C	1. It is alleged that on February 14, 2015, Sergeant C violated Rule #10 “Inattention to duty” when he failed to ensure that Officer A completed proper Department Reports documenting the force used against Subject 1.	SUSTAINED
	2. It is alleged that on February 14, 2015 Sergeant C violated Rule #3 “Any failure to promote the Department’s efforts to implement its policy or accomplish its goals”, when he failed to ensure that Subject 1 obtained proper medical attention.	SUSTAINED

	3. It is alleged that Sergeant C impeded an investigation by failing to report for a scheduled statement at the Independent Police Review Authority.	NOT SUSTAINED
Officer D	It is alleged that on February 14, 2015, Officer D observed misconduct, specifically excessive force, and failed to report it.	NOT SUSTAINED
Officer E	It is alleged that on February 14, 2015, Officer E observed misconduct, specifically excessive force, and failed to report it.	NOT SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

-
1. Rule #2 “Action/conduct which impedes department policy or brings discredit upon the department”
 2. Rule #3 “Any failure to promote the Department’s efforts to implement its policy or accomplish its goals”
 3. Rule #6 “Disobedience of an order or directive, whether written or oral”
 4. Rule #8 “Disrespect to or maltreatment of any person while on or off duty”
 5. Rule #10 “Inattention to duty”

General Orders

-
1. General Order G03-02-05: Identified incidents which require the completion of a Tactical Response Report (“TRR”) (CPD-11.377)

V. INVESTIGATION³

a. Interviews

In a statement to IPRA on April 10, 2015, **Subject 1** stated that he was intoxicated on the date of incident but recalled certain details. He recalled standing outside of one of the holding cells and was resistant, not wanting to proceed into the cell. Subject 1 stated that someone was pushing him and he subsequently struck his head against the door frame, causing a head injury. According to Subject 1, the officer attempted to push him into the cell when he struck the

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

doorframe. Subject 1 also recalled stumbling or falling while he was unlacing his shoes. He stated that he could not recall exactly which of the instances caused him to injure his head. He explained that blood was dripping from his head, at which time someone provided him a couple of band aids.

Subject 1 was unable to identify the officer that pushed him because the officer was behind him, but he recalled multiple officers being present in the room when he stumbled while unlacing his shoes. Subject 1 explained that after he was released the following morning, he was taken to Hospital A, where he received a CT scan and three (3) stitches. (Att. 15)

In a statement to IPRA on 23 May 2017, after viewing the video obtained from the XXXth District, **Subject 1** stated that he was out drinking with a friend at a bar on Division Street. Towards the end of the night, he became intoxicated and belligerent. He attempted to fight people at the bar. Subject 1 stated that at least two officers arrived at the bar and arrested him. Subject 1 stated that one of the officers pushed him onto the hood of the vehicle and handcuffed him too tightly⁴. When asked to describe the push, Subject 1 stated that it was firm and controlled; and further explained that prior to the push, he “may have tried to, tried to slip the, slip the situation run away.”

Subject 1 stated that he was transported to the station. While in route, he informed the officers that he was not given a Miranda warning. Subject 1 explained that he did not recall exiting the vehicle but remembered walking into a “place” and being told that he had to go into a holding cell. Subject 1 stated that he did not want to go into the cell. He was subsequently “shoved” into the doorway of the cell. Subject 1 did not recall specifics but he did remember being pushed from behind and hitting his head on the doorframe. After hitting his head on the doorframe, Subject 1 recalled singing the Star-Spangled Banner because of the irony of being injured by an officer.

Subject 1 added that once he was in the cell, it took him a “minute” to realize that he was bleeding. He recalled stumbling while leaning over to untie his shoes. Subject 1 stated that although he stumbled he did not recall falling. Subject 1 remembered looking down and observing blood dripping from his forehead onto his jeans. He stated that it occurred before he leaned over to tie his shoes because blood also dripped onto the floor. Subject 1 stated that he sat in the room for a while before someone came and “cleaned him up” and gave him a band-aid. Afterwards, Subject 1 was escorted to get fingerprinted and was then put in a different holding cell until an unknown officer drove him to the hospital.

Subject 1 could not recall what officer he had contact with. It was only after watching the video that he recalled more details regarding the incident. Subject 1 added that he went to court for his arrest and the case was dismissed. He explained that neither of the arresting officers showed up to court. (Atts. 81-82)

In a statement to IPRA on May 21, 2015, **Witness Officer B, #XXXXX** stated that he was assigned to the XXXth District on February 14, 2015. Officer B stated that he was assigned to Beat XXXXX, working along the entertainment venue area, which spans from State Street to Dearborn Avenue and Elm Street. Officer B reported that he worked in uniform, with Officer A, #XXXXXX. Officer B described himself as a Hispanic male, 5’8”, 200 pounds. Officer B described Officer A as red headed, sometimes wearing a beard.

⁴ When asked by the IPRA investigator if the handcuffs were loosened, Subject 1 stated, “Not that I can recall, no.” Att. 82, page 9, lines 28-30.

Officer B explained that on the date of incident, he and Officer A were “summoned” to a bar at XX W. Division Street, by the manager, now known as Bar Manager 1. Bar Manager 1 informed the officers that Subject 1 was causing a disturbance, yelling, and refused to leave the bar. Officer B described Subject 1 as belligerent, and intoxicated. He was placed under arrest and transported to the XXXth District.

Officer B stated that once they arrived at the district, he drove their vehicle into the “sally port”, a secure, controlled entryway to a jail or prison. Officer A escorted Subject 1 out of the vehicle to begin processing him, while Officer B moved the vehicle into the police parking lot.

Officer B stated that once he entered the processing area, he observed Subject 1 sitting on a bench in a holding cell, bent over, unlacing his shoes. Officer B stated that while Subject 1 was taking the laces out of his shoes, he fell over face first and hit his head on the pavement. Officer B explained that he and Officer A helped Subject 1, preventing him from landing in the vomit on the floor.

Officer B stated that Subject 1 vomited a few times. He explained that he got tissue paper to help clean the vomit from Subject 1’s face. Officer B stated that he observed what he described as a “scrape” on Subject 1’s face, but he could not specify at what point he observed the injury. Officer B explained that after observing the injury, he and Officer A asked Subject 1 if he was okay, to which Subject 1 responded, “No. I’m fine. I’m fine.”⁵

During Officer B’s statement, the video was played and Officer B described certain aspects of the video. (Atts. 33, 34)

In a statement to IPRA on July 1, 2015, **Accused Officer D, #XXXXX** stated that he was assigned to the XXXth District on February 14, 2015. Officer D worked in plain clothes, with his partner, Officer E. Officer D explained that he was in the lock-up area, waiting to transport an arrestee when he observed Officer A and an arrestee, now known to be Subject 1. During the confrontation between he observed Subject 1’s refuse to enter the bull pen. Officer D stated that a post between a glass door and the metal cage where Subject 1 was sitting impeded his view of what happened next.

At some point, Officer D heard the discussion between Officer A and Subject 1 escalate, at which time he stood up because he realized that Officer A was by himself. By the time Officer D stood up, Subject 1 was in the bull pen and Officer A was searching Subject 1. Officer D stated that he did not see any injuries to Subject 1 and did not hear him ask for medical attention. Furthermore, Officer D stated that he did not see vomit or blood in the bull pen, or observe Officer B bring paper towels into the bull pen. Officer D stated that he did not observe any misconduct. (Atts. 39, 40)

In a statement to IPRA on July 1, 2015, **Accused Officer E, #XXXX** stated that he was assigned to the XXXth District on February 14, 2015, working with his partner, Officer D. Officer E stated that he was in the in the lock-up area, sitting at a computer and waiting for a person he arrested to be transported. Officer E explained that he observed Officer A escort Subject 1 into a room where their conversation began to get “heated.”⁶ Officer E stated that Officer A repeated to Subject 1: “get in the bull pen”⁷ and Subject 1 continually asked Officer A he was being arrested.

⁵ Statement of Officer B. Att. 34, Page 18, Lines 22-24.

⁶ Statement of Officer E. Att. 46. Page 6, lines 21-24.

⁷ *i.e.*, Page 7, lines 3-4.

Officer E stated that Officer A and Subject 1 “both started yelling and getting loud.”⁸ Officer E and Officer D stood up to check on Officer A. However, at that point Officer A and Subject 1 were inside the bull pen and Officer A was searching Subject 1. Officer E described Subject 1 as intoxicated and angry.

Officer E stated that he did not observe injuries to Subject 1, and did not see or smell vomit in the room. However, he did recall the smell of alcohol. Additionally, Officer E denied seeing Subject 1 fall over while untying his shoe laces or seeing Subject 1 strike his forehead, causing injury. Likewise, Officer E stated that he did not observe Officer A slam Subject 1 into the door frame of the bull pen. Officer E explained that from where he was sitting, a mesh screen and beam obstructed his view. He explained that he did not have a “straight shot” into the bull pen. In addition, Officer E stated that he was not aware that Subject 1 sustained any injuries and he did not know who transported Subject 1 to the hospital. (Atts. 45, 46)

In a statement to IPRA on October 06, 2015, **Witness Detention Aide A** stated that he was assigned to the XXXth District on February 14, 2015. Detention Aide A stated that he worked with Detention Aide B and Officer F. Detention Aide A stated that on the date of incident, he worked as the lock-up keeper. He explained that the duties of a lock-up keeper are to type a subject’s information into the system. Detention Aide A stated that the information can be obtained from either of the detention aides or the officer assigned as the lock-up keeper.

Detention Aide A reported that he did not recall having much, if any interaction with Subject 1, on the date of incident. After reviewing the photographs and the video of the lock-up area, Detention Aide A stated that he did not recall seeing any injuries on Subject 1, nor did Subject 1 complain of any injuries. Detention Aide A explained that Subject 1 did not give lock-up personnel any problems. While viewing the video, Detention Aide A stated that Subject 1 appeared to be cooperative. In addition, when asked if Subject 1 appeared intoxicated, Detention Aide A stated that he did not appear intoxicated and explained that if arrestees are overly intoxicated, they will not allow them to enter the lock-up. (Att. 55)

In a statement to IPRA on October 9, 2015, **Detention Aide B** stated that he was assigned to the XXXth District on February 14, 2015. Detention Aide B stated that he worked with Detention Aide A and Officer F. Detention Aide B stated that on the date of incident, he worked as the lock-up keeper.

Detention Aide B stated that he did not recall Subject 1, but based on the arrest report, his name was listed. After viewing the photographs and video presented to him, Detention Aide B still had no recollection of his contact with Subject 1. While watching the video of Subject 1 being processed, Detention Aide B stated that it appeared Subject 1 was calm and compliant. (Att. 57)

In a statement to IPRA on December 3, 2015, **Witness Officer F, #XXXXXX** stated he was assigned to the XXXth District on February 14, 2017. Officer F stated that he did not recall having any interaction with Subject 1. After viewing the photographs and the video of the lock-up area, Officer F stated that he did not recall Subject 1, but learned from the video that he fingerprinted and photographed Subject 1. (Att. 59)

In a statement to IPRA on December 1, 2015, **Accused Officer A, #XXXXXX** stated that on February 14, 2015, he worked foot patrol in the entertainment area of the XXth District. Officer A stated that one of the bar managers at “Bar A” asked him and Officer B for

⁸ *i.e.*, Page 7, lines 6-10.

assistance with Subject 1. Officer A stated that when he saw Subject 1, he was in a heated discussion with the manager. Officer A explained that Subject 1 was asked to leave the bar because of his behavior. Subject 1 attempted to get back into the bar; trying to push his way past the doorman and waving his hands and shouting. Officer A stated that Subject 1 was “very, very, very intoxicated and was shouting obscenities in the face of the bar’s manager.”

Officer A stated that he and Officer B tried to talk Subject 1 into leaving the area but that Subject 1 continued to argue with the bar manager. At that point, the bar manager indicated that he wanted to sign complaints to have Subject 1 arrested. Officer A described Subject 1’s demeanor as very erratic. Officer A stated that Subject 1’s behavior shifted from being angry to being emotional. Officer A stated that it was difficult to walk Subject 1 to walk to the car, as he continuously stopped and asked what he did wrong.

Officer A stated that he and his partner transported Subject 1 to the XXth District for processing. Once inside of the district, Officer A attempted to place Subject 1 in a bullpen cell, but Subject 1 refused to enter, stating words to the effect of, “I am not going in there. What did I do? I am not a bad guy.” Officer A stated that after some back and forth, Subject 1 stiffened up, at which point, Officer A pushed him towards the door. Officer A explained that Subject 1 fell towards the right side of the door. He believed that Subject 1’s knees hit the ground and his body and head struck the door frame. Officer A stated that he subsequently picked up Subject 1 and walked him into the room to continue processing him. Officer A explained that as he conducted a custodial search of Subject 1, he fell forward, while untying his laces, injuring his head. Officer A stated that he did not recall if Subject 1 was cuffed when he fell.

Officer A stated that as he was cleaning Subject 1’s injury, which he described as an abrasion on his head, Subject 1 asked to use the bathroom, at which time he vomited on himself. Officer A stated that he asked Subject 1 if he wanted medical attention, which Subject 1 declined. Officer A explained that he had some basic training in cuts and could contain the bleeding.

Officer A told Officer B that Subject 1 fell when he untied his shoe laces. Officer A was unsure if Officer B was behind him when Subject 1 fell forward. Officer A explained that after he cleaned up the blood and vomit, and treated his wound, he walked Subject 1 to the lock-up area where lock-up personnel took custody of Subject 1. Officer A stated that lock-up personnel looked at Subject 1, and asked if he was injured. Officer A explained to lock-up personnel that Subject 1 bumped his head. Subject 1 was placed into the lock-up. Officer A stated that lock-up personnel will often refuse to accept an arrestee if they are injured.

Officer A stated that he contacted Sergeant C to inform him of Subject 1’s injury. Officer A stated that Sergeant C came to the lock-up, and was shown Subject 1’s injury. Sergeant C did not advise Officer A to transport Subject 1 to the hospital.

Officer A stated that he should have documented the push, but at the time was he was trying to make it easier for Subject 1. Officer A stated that he is approximately 6’1” and approximately 220 pounds. He stated that Subject 1 is approximately 6’00”, 175 pounds. Officer A stated that he used his discretion when he decided to push Subject 1 into the bullpen, instead of walking him into the room. He explained that he became frustrated because he felt that he was dealing with a “six-year-old.”

During the statement, Investigator A played video from the lock-up area, which captured Officer A pushing Subject 1 into the doorframe. Officer A viewed and explained the video. At

one point in the video, it appears that Officer A exits the bullpen, points towards the door frame and says something to Officer B. Officer A stated that he did not recall what exactly he said to Officer B. Eventually, Officer B is observed bringing what appeared to be paper towels into the bullpen.

In response to the allegations, Officer A denied using excessive force, and stated that he did not provide Subject 1 with additional medical attention while in his custody. (Atts. 64-66)

In a statement to IPRA on December 17, 2015, Accused **Sergeant C**, stated that on February 14, 2015, he was working as the supervisor for the entertainment venue team in the XXth District. Sergeant C explained that he entered the processing area, to conduct his check off for the night. Sergeant C stated that he was not sure if Officer A called him, but based on the time of the arrest, it was feasible that he would have returned to the district at approximately the same time as Officer A.

Sergeant C stated that he stopped in the lock-up area and asked the officers if they were going to work overtime because of their arrest. According to Sergeant C, Officer A informed him that Subject 1 was highly intoxicated, and fell forward while removing his shoelaces, striking the ground inside of the lockup area. Sergeant C stated that he asked Subject 1 if he needed medical attention, to which he replied, "No." Sergeant C stated that he informed the officers that if the lockup keepers accepted Subject 1, they were okay. Sergeant C explained that if the lockup keepers refused to accept him based on his injury and intoxication, Subject 1 would be transported to the hospital. Sergeant C stated that he went upstairs and the officers informed him that Subject 1 was accepted into lockup.

Sergeant C stated that when he first walked into the lockup, he observed Subject 1 sitting inside of a processing room, on a bench. Sergeant C described Subject 1 as highly intoxicated, and disheveled. He smelled of alcohol and vomit, his eyes were bloodshot, and he was slurring his words and could not speak coherently. Sergeant C stated that he did not see any injuries to Subject 1 that would merit him being transported to the hospital, and denied seeing any blood.

Sergeant C stated that Officer A did not inform him that Subject 1 struck his head on the door frame. In addition, Sergeant C denied bringing Officer A paper towels or anything of that nature. While watching the video, the Investigator explained to Sergeant C what was being depicted in the video. Sergeant C disagreed with the investigator's depiction of events. Sergeant C stated that in the video, he did not see Officer A pushing Subject 1 into the doorframe and his forehead striking the door. He did not observe Officer A pointing towards the doorframe as he spoke with Officer B, and did not admit to bringing Officer A paper towels/toilet paper despite these events occurring in the video. Sergeant C stated that he may have brought Officer A paper towels to dry his hands. In addition, after reviewing the video, Sergeant C explained that the video did not assist him in his recollection of the incident.

Upon being tendered the ET photographs of Subject 1, Sergeant C described what he saw in the pictures. He stated that Subject 1 had an abrasion on the upper right side, above his eye. Sergeant C denied having any involvement in the report(s) that Officers A and B authored. Sergeant C explained that although he personally asked Subject 1 if he needed medical attention, he did not document it in writing. Sergeant C stated that the answers on the Questionnaire portion of the arrest report are recorded by the lockup keepers. Sergeant C further explained that according to the arrest report, it was Sergeant B who approved the report which meant that Officer A or Officer B spoke with Sergeant B about the details of the incident to get the report approved.

Furthermore, Sergeant C stated that there was a supplemental report⁹ that documented Subject 1 showing up on Division Street following the night of the incident, to offer Officer A and apology for his behavior while he was under arrest.

Regarding the allegation brought against Sergeant C for impeding in the investigation by failing to report for a scheduled statement, Sergeant C stated that he called the night before his statement, at approximately 2200 hours, and left a detailed message for Investigator A, informing the investigator that he would not be able to make a 0600 hours statement due to childcare issues. Sergeant C stated that Investigator A called his personal phone and informed him that there was no flexibility and that his schedule was not the investigator's problem. Sergeant C explained that he informed Investigator A that according to Article 6 of the Sergeant's Bill of Rights, Section 6.1A, the interrogation of a sergeant other than in the initial stage of the investigation shall be scheduled at a reasonable time, preferably while the sergeant is on duty or if feasible during daylight hours. Sergeant C added that Deputy Chief A was involved and informed him that Investigator A took the necessary steps in scheduling him based upon her direction. (Atts. 79, 80)

b. Digital Evidence

Video evidence from the **XXXth District** captured the incident. The video captured Officer A pushing Subject 1 into the doorframe. At one point in the video, it appears that Officer A exits the bullpen, points towards the door frame and says something to Officer B. Eventually, Officer B is observed bringing what appeared to be paper towels into the bullpen.

Photographs taken of Subject 1 on February 14, 2015 by an **Evidence Technician** depict a laceration, bruising and swelling over Subject 1's right eye. Also depicted is Subject 1's left wrist and what appears to be minor scratches and bruising. (Att. 30)

c. Physical Evidence

According to **medical records** from **Hospital B**, Subject 1 was transported to the Emergency Room by CPD. Subject 1 stated that he was in custody because he was publicly intoxicated and charged with disorderly conduct. Subject 1 reported that "Police smashed my head against the door." He stated that he remained in lockup until the following morning when an officer released him, placed him in a squad car and drove him to the hospital. Subject 1 complained of a headache and wrist pain. Subject 1 obtained three (3) sutures because of the injury. (Att. 26)

d. Documentary Evidence

In his **Initiation Report**, Sergeant A, #XXXX reported that on February 14, 2015, at approximately 0949 hours, he was assigned to meet Officer C at Hospital B, located at XXXX N. Lake Shore Drive where the victim, Subject 1 was treated. After speaking with Officer C¹⁰, Sergeant A entered Subject 1's hospital room and observed a laceration and bruising to Subject

⁹ A search of CLEAR and CHRIS did not reveal the report Sergeant C referenced.

¹⁰ Officer C informed Sergeant A that she was assigned to a sexual report but after speaking to Subject 1, he claimed to have been injured by an XXXth District officer after being arrested.

1's forehead over his right eye. Subject 1 informed Sergeant A that he was out drinking and did not remember much. According to Sergeant A, Subject 1 could not recall where he was drinking or where he was arrested. Subject 1 had a bond slip from the XXXth District for disorderly conduct. Subject 1 informed Sergeant A that while he was at the police station, an unknown officer grabbed the back of his head and slammed him into the door frame or door jamb.

According to Sergeant A, Subject 1 was unable to provide a description of the officer. Subject 1 stated that an officer with a beard and long hair gave him a bandage for his head. He also stated that after having his head "banged" against the door frame, he was put in a cell with a sink and a toilet. (Att. # 4)

According to the **Arrest Report**, authored by Officer B, #XXXXXX, Subject 1 was arrested on February 14, 2015, at 0322 hours, at XX W. Division Street, for Disorderly Conduct. It was documented that Subject 1 caused a disturbance at the listed location by blocking the exit of an establishment after being denied entry. The complainant asked Subject 1 to vacate the doorway, at which time Subject 1 began yelling profanities, and continued to block the walkway and doorway.

Subject 1 was arrested and transported to the XXXth District for processing. The Arrest Report indicates that while Subject 1 was in processing, he fell forward while unlacing his shoes, struck his forehead and suffered a minor laceration. The report indicated that Subject 1 refused medical attention. (Att. 5)

VI. ANALYSIS

a. **Allegation #1: Officer A violated Rule #8 "Disrespect to or maltreatment of any person while on or off duty".**

Based on a preponderance of evidence, it appears that on February 14, 2015 Officer A used unnecessary and unreasonable force against Subject 1, when he pushed Subject 1 into the door frame of the holding cell while on-duty at the XXth District lockup. The video provided as part of this investigation depicts Officer A pushing Subject 1 into the doorframe of the holding cell. Likewise, Officer A admitted to pushing Subject 1 towards the door. Officer A explained that Subject 1 fell towards the right side of the door, and that he believed that Subject 1's knees hit the ground and his body and head struck the door frame. Officer A stated that he subsequently picked up Subject 1 and walked him into the room to continue processing him. Therefore, we recommend that this allegation be sustained in violation of Rule #8.

b. **It is alleged that on February 14, 2015 Officer A violated Rule #6 "Disobedience of an order or directive, whether written or oral"**

In addition, and through his own admission, Officer A failed to complete a Tactical Response Report (TRR) documenting the use of force used against Subject 1. Officer A explained that in retrospect, given his use of force against Subject 1, he should have documented the force used in a TRR. Based on the overall circumstances surrounding this allegation, COPA recommends that this allegation be sustained in violation of Rule#6.

**c. It is alleged that on February 14, 2015, Officer A violated Rule #10
“Inattention to duty”**

Given Officer A’s actions, it was imperative that he document the force used against Subject 1. The seriousness of the injury sustained by Subject 1 made reporting the incident all the more urgent. Officer A was inattentive to while on duty when he failed to complete the requisite TRR. Considering the compelling video evidence, and with Officer A’s admission of failing to generate a TRR, COPA recommends that allegation #3 be sustained in violation of Rule #10.

**d. It is alleged that on February 14, 2015, Officer A violated Rule #2
“Action/conduct which impedes department policy or brings discredit upon
the department”.**

Officer A stated that he provided Subject 1 with medical attention by treating his wound. He believed that his previous experience in boxing provided him the appropriate training necessary to treat Subject 1. However, Officer A’s reasoning is not sound. He is not trained to assess Subject 1’s injury and it was not appropriate for him to decipher if Subject 1 needed further medical attention. Subject 1 and other witnesses, including Officer A stated that Subject 1 was bleeding heavily enough to soak multiple paper towels. Given the seriousness of the injury, Subject 1 should have been transported to the hospital immediately for further examination and treatment. For the above reasons, COPA recommends this allegation be sustained in violation of Rule #2.

**e. It is alleged that on February 14, 2015 Sergeant C violated Rule
#3 “Any failure to promote the Department’s efforts to implement its policy
or accomplish its goals”,**

Sergeant C reported that he was the supervisor of a team working the entertainment area of which Officer A and Officer B were members. Sergeant C could not recall if Officer A informed him that Subject 1 struck his head while unlacing his shoes or if he learned about the incident when he entered the lock-up to check off for the night. During his statement, Sergeant C described Subject 1 as being intoxicated, disheveled, and smelling of alcohol and vomit. Subject 1’s appearance should have prompted Sergeant C to seek professional treatment for Subject 1. Instead, Sergeant C asked Officer A to see if lock-up personnel would accept Subject 1, deflecting his responsibility. Sergeant C divorced himself from the responsibility of advising his subordinates to take appropriate action. For the above reasons, COPA recommends this allegation be sustained in violation of Rule #3.

**f. It is alleged that on February 14, 2015, Sergeant C violated Rule #10
“Inattention to duty”.**

Although Sergeant C stated that he was not aware that Subject 1 sustained any serious injury, the video depicts Sergeant C bringing Officer A what appeared to be toilet paper or paper towels. A fact that Sergeant C denied. Sergeant C did not properly advise Officer A to complete a TRR, despite his apparent knowledge of Officer A using force. Based on the evidence obtained, COPA finds that this allegation must be sustained in violation of Rule #10.

**g. It is alleged that Sergeant C impeded an investigation by failing to report for
a scheduled statement at the Independent Police Review Authority.**

As for the allegation that Sergeant C impeded an investigation by failing to report for a scheduled statement at the Independent Police Review Authority, the voicemail that Sergeant C left for the investigator was not saved. Given the overall circumstances, COPA recommends that this allegation be Not Sustained.

h. It is alleged that on February 14, 2015, Officer D and Officer E observed misconduct, specifically excessive force, and failed to report it.

As for the allegations against Officers D and E, there is not enough evidence to suggest that either of the officers observed misconduct made by Officer A. Both officers explained that they were sitting in an area that impeded a clear view of the incident. The video does not clarify if the officers were able to observe the misconduct alleged against Officer A. There is not enough evidence to suggest that Officers D and E observed misconduct and failed to report it. Given the overall circumstances, COPA recommends that this allegation be Not Sustained.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. It is alleged that on February 14, 2015, Officer A violated Rule #8 “Disrespect to or maltreatment of any person while on or off duty”, in that he used unnecessary and unreasonable force against Subject 1, when he pushed Subject 1 into the door frame of the holding cell.	SUSTAINED
	2. It is alleged that on February 14, 2015 Officer A violated Rule #6 “Disobedience of an order or directive, whether written or oral”, when he failed to complete a Tactical Response Report (TRR) documenting the use of force.	SUSTAINED
	3. It is alleged that on February 14, 2015, Officer A violated Rule #10 “Inattention to duty”, when he failed to properly document the facts surrounding his actions and Subject 1’s subsequent injuries.	SUSTAINED
	4. It is alleged that on February 14, 2015, Officer A violated Rule #2 “Action/conduct which impedes	SUSTAINED

	department policy or brings discredit upon the department”, when he failed to ensure that Subject 1 obtained proper medical attention.	
Sergeant C	1. It is alleged that on February 14, 2015, Sergeant C violated Rule #10 “Inattention to duty” when he failed to ensure that Officer A completed proper Department Reports documenting the force used against Subject 1.	SUSTAINED
	2. It is alleged that on February 14, 2015 Sergeant C violated Rule #3 “Any failure to promote the Department’s efforts to implement its policy or accomplish its goals”, when he failed to ensure that Subject 1 obtained proper medical attention.	SUSTAINED
	3. It is alleged that Sergeant C impeded an investigation by failing to report for a scheduled statement at the Independent Police Review Authority.	NOT SUSTAINED
Officer D	It is alleged that on February 14, 2015, Officer D observed misconduct, specifically excessive force, and failed to report it.	NOT SUSTAINED
Officer E	It is alleged that on February 14, 2015, Officer E observed misconduct, specifically excessive force, and failed to report it.	NOT SUSTAINED

Approved:

Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	
Major Case Specialist:	
Supervising Investigator:	
Deputy Chief Administrator:	