

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 5, 2017
Time of Incident:	8:30 a.m.
Location of Incident:	XXX S. Morgan St., Chicago, IL XXXXX
Date of COPA Notification:	October 5, 2017
Time of COPA Notification:	12:01 p.m.

On October 5, 2017, Officers A and B responded to dispatch calls for service at Elementary School, XXX S. Morgan St, Chicago, after a physical altercation occurred between a student and an adult sibling of another Elementary School student. Officers arrived and arrested Subject 2 (age 20) for coming onto campus and pushing or “muffing” Elementary School student Civilian 1 (age 13) in the face. The arrest itself occurred without incident. Subject 1 -- the older sister of Subject 2 -- however, submitted a COPA complaint reporting Officer A spoke rudely to her at the scene, and wrongfully arrested her brother for the battery of Civilian 1.

No injuries were reported and Subject 2 was taken into custody and later released without incident. The incident was not captured on In-car camera (“ICC”) or Body-worn camera (“BCC”).

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXXXX, Employee ID #XXXXXX, Date of Appointment: XXX, 1999, Police Officer, XXX District, DOB: XXX, 1959, M, Black.
Involved Officer #2:	Officer B, Star #XXXXXX, Employee ID #XXXXXX, Date of Appointment: XXX, 2000, Police Officer, XXX District, DOB: XXX, 1969, M, Black.
Subject #1:	Complainant-Victim, Subject 1, 28, Black, XXX S. Morgan St., Chicago, IL 60621.
Subject #2:	Victim Subject 2, 20, Black, XXX S. Morgan St. Chicago, IL 60621.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Spoke rudely to Subject 1, in violation of Rule 8.	Unfounded
	2. Hollered his badge number at Subject 1, in violation of Rule 8.	Unfounded
	3. Threatened Subject 1 would be arrested if she asked questions regarding the subject's (her brother) arrest, in violation of Rule 8.	Unfounded
	4. Improperly arrested Subject 2, in violation of Rule 1.	Unfounded
	5. Failed to activate his Department-issued Body-Worn Camera while on duty and during the Subject's questioning and arrest, in violation of Rules 6 and 10, and mandated by S03-14.	Sustained
Officer B	1. Improperly arrested Subject 2, in violation of Rule 1.	Unfounded
	2. Failed to activate his Department-issued Body-Worn Camera while on duty and during the Subject's questioning and arrest, in violation of Rules 6 and 10.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Prohibits violation of any law or ordinance.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 10:** Prohibits inattention to duty.

Special Orders

1. **S03-14, “Body Worn Camera”** mandates, except where indicated, CPD Officers’ activation and use of Department-issued, electronic body-worn cameras for law-enforcement-related interactions with members of the general public, including, but not limited to: traffic stops, searches of people and vehicles, requests for consent to search, and statements made by individuals in the course of an investigation.

Federal Laws

The Fourth Amendment to the Constitution of the United States, as incorporated by Illinois Constitution Art. 1 Sec. 6.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

State Laws

1. Illinois Law Enforcement Body-Worn Camera Act, 50 ILCS 706/10-1, et seq.

V. INVESTIGATION¹**a. Interviews****1. Complainant-Victim Subject 1**

In an interview with COPA on October 19, 2017,² **Complainant-Victim Subject 1** related that on October 5, 2017, at approximately 10:25 a.m., she visited Elementary School because of an alleged confrontation that occurred the day before, on October 4, between her 13-year-old little sister, who was a Elementary School eighth-grade student, and another boy in her grade [Civilian 1]. She related that on the date she visited the school, on October 5, “a male student was trying to attack my little sister, and my younger brother [Subject 2] he stepped between them and pushed him back and told him ‘no, this isn’t about to happen.’ ”³ The physical altercation on October 5 occurred on the outdoor parking lot and those present, including Subject 1, waited for the

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

²Attachment 7

³ Id. at 3:00

Elementary School deans to come outside to assist. After the altercation, Civilian 1 left the area, and got three older males and returned to the school.

Subject 1 was told by the school staff to take her little sister home and then to return to discuss the incident with the staff. Subject 1 did so, and returned at 10 a.m. “When we got there the police officer was sitting in the office. An officer came in and first he initially stated that I was being arrested, and I asked him ‘For what?’ ”⁴ The officer told Subject 1 it was because he was told that she herself had punched Civilian 1 in the face. She denied punching anyone and denied even coming on the school grounds. She stated that the officer then said the little boy recanted that Subject 1 hit him and that she would not be arrested. They then left the school office.

After leaving the school building, Subject 1 observed her brother Subject 2 in the back seat of a squad car in handcuffs. She then asked her father, Civilian 2 – who had also arrived at the school – to ask the squad car driver for his name and his badge number. “He caught an attitude [...] yelled off his name was Officer A, and then yelled off his badge number.”⁵ She and her father then drove home and she contacted COPA to make a complaint. “It was just the whole unprofessional way that he was talking to me.”⁶

When further questioned during her sworn statement, Subject 1 admitted observing Subject 2 push Civilian 1 in the face, before being arrested. She said that after the face-pushing occurred, she asked a teacher to radio for the dean for assistance. “His name was Civilian 3.” Subject 1 denied that her brother punched Civilian 1 in the face, however, and stated that Officer A did not see the incident.

After the pushing incident, Subject 1 said she met with the school principal, assistant principal, dean and secretary in the principal’s office.

“The whole complaint is that it the way that I was being treated, and the way that I was talked to. ’Cause it was the aggression that was in his voice [...] his body language. [...] He came in the [principal’s] office [...] and he looked at me and was like ‘I’m fitting to lock you up.’ ”⁷

Subject 1 said the other officer who arrived at the school [Officer B] was not rude to her. “He was actually nice, ’cause he told the Officer A, he was like ‘calm down.’ ”⁸

Subject 1 related that she did not witness Subject 2’s arrest, but only saw him outside in the squad car, before departing.

2. Police Statements

⁴ Id. at 3:52

⁵ Id. at 5:55

⁶ Id. at 6:26

⁷ Id. at 11:28

⁸ Id. at 15:50

In a statement to COPA on March 1, 2018,⁹ **Officer B**, refuted most of the assertions in Subject 1's account of the incident. Specifically, he related that he personally arrested Subject 2 after Civilian 1's parents filed battery charges for Subject 2 pushing Civilian 1 in the face, and Subject 2 admitted doing so. Secondly, he stated that Officer A did not speak rudely or in a threatening manner to Subject 1, and that had Officer A shouted his badge number from the squad car window, it likely would have been because of the distance between the vehicle and Subject 1 during the interaction. Officer B explained there was a barricade between the driveway area and the pedestrian sidewalk near the school, a distance of several feet.

Officer B said Subject 2 confessed to pushing Civilian 1 in the face, but that he did not believe doing so was illegal. Subject 2 told Officer A that he didn't go to the school to beat up the boy himself (because he was too small), but instead intended to provoke a fight, and "supervise" the ensuing brawl between Civilian 1 and Subject 2's little sister. Officer B said Subject 2 stated: "If [Civilian 1's] so tough, he can fight my sister."¹⁰

Officer B admitted having a functional, department-issued BWC on the date of the occurrence, however he did not activate it during the incident. He stated that in general, "school officers" such as himself did not generally, as a matter of practice, activate their BWCs inside those schools to which they were assigned for an entire day's shift, unless a significant or violent incident occurred. Officer B said, in hindsight, however, "anytime you're going to make an arrest I probably should have had the body cam on."¹¹ He said that when he arrived at the school there was no fight in-progress, he did not think to activate the camera.

In a statement to COPA on March 19, 2018,¹² **Officer A**, #XXXXX, related that on the morning of October 5, 2017, he was working as a "roving school officer" and was assigned to all grammar schools in the district. He recalled at the time of the incident he was dispatched to Elementary School for a reported battery to a student. There was a camera in the vehicle, but he did not activate the emergency lights or camera while driving to the school. He said he arrived at the school, entered and walked to the main school office where he met with the school principal, security staff, gym teacher, and Civilian 4, the mother of the reported student-victim, Civilian 1. Officer B showed up afterwards to assist Officer A. Officer A observed Subject 2 sitting outside the main office on a bench. Officer A related he spoke with Civilian 1 in the main office and was told that Subject 2 pushed him in the face, onto the ground, and threw his book bag into the trash. He was not injured and he declined an ambulance. Officer A related Civilian 1 also said he had a verbal altercation the day before with a female Elementary School student [Subject 2's little sister], but nothing physical. Officer A related he also observed Subject 2's father waiting in the school corridor, and that a woman he believed was his mother came into the school for a brief moment. "She never gave me her name, I think she said she was [Subject 2's] mother." Officer A said school staff explained the verbal confrontation the day before, in the school gym between the two 8th-grade students, and that the officers then decided to not arrest Civilian 1 because that prior incident was only a verbal argument. He related they arrested Subject 2 for the battery of Civilian 1, however, because that confrontation was physical.

⁹ Attachment 24

¹⁰ Id. at 14:17

¹¹ Id. at 25:35

¹² Attachment 25

Officer A said he didn't recall who actually arrested and handcuffed Subject 2, but he did remember speaking with the same woman afterwards, outside the school: "The mother saw him in handcuffs and she asked me about the arrest. I said I couldn't tell her and she asked me for my badge number, and I gave her my badge number."¹³ He said he recalled Subject 2's father was also present and observed the arrest. When asked if he was rude to or hollered at Subject 1, Officer A replied: "I repeated the badge number because she didn't hear it the first time. I might have repeated it a little louder and slower."¹⁴ He said they were outside at the time and standing 5-6 feet away from each other when he stated his badge number. He also denied ever warning Subject 1 she would be arrested if she further questioned him about the arrest, and denied Officer B did so.

Officer A admitted he was equipped with, but did not recall activating his BWC during the incident. "In general we don't [activate BWCs], when we go in schools -- we don't generally, we try and de-escalate and respect the other students' privacy by not activating body cameras."¹⁵ Officer A said his training was to not turn cameras on for "hospitals, it's a general practice for the schools and students."¹⁶ [...] "If it was an arrest? It's like touch and go. [...] If it was a general arrest, yes."¹⁷ For school incidents like student fights, Officer A said 'the camera goes on.'¹⁸ Officer A related that in this case, police arrived after the pushing incident had already occurred, and therefore they did not activate the BWC(s).

After the arrest, Officer A said they drove Subject 2 to the XXX district, took him into the building for processing, filled out the arrest reports, and took him for fingerprinting. He said that Subject 2 did not complain of being improperly arrested or treated.

3. Witness Statement

While **Principal 1** and her staff did not present for a sworn statement, her telephonic statements were relevant and instructive.¹⁹ Principal 1 stated that she worked the week of the incident and independently recalled the facts of the occurrence. She said the two students involved had a verbal altercation in the gymnasium the day before the incident. The altercation was witnessed by a teacher and captured on security video and that the incident was not physical. Civilian 1 asked a gym teacher to tell a female student [Subject 2 and Subject 1's younger sister] to move her chair off the edge of the gymnasium basketball court because it was interfering with the boys' basketball game. The female student got upset, but there was no physical contact

¹³ Attachment 25 at 19:48 minutes.

¹⁴ Id. at 21:04

¹⁵ Id. at 23:52

¹⁶ Id. at 24:32

¹⁷ Id. at 24:52

¹⁸ Id. at 25:31

¹⁹ COPA Investigator A spoke by telephone with Principal 1 on multiple occasions regarding this incident, and scheduled her and school staff's statements at the COPA office – each time, however, without success. Ultimately COPA was compelled to subpoena their statements and production of documents, however, Principal 1 and school staff did not present to COPA and provide their statements. After further discussing the matter with counsel for CPS, the school produced a copy of its official investigation report detailing the incident. See Attachments 29, 30, 33, 43, 44.

between her or Civilian 1. The female student then argued with another female student and Civilian 1 was not even involved.

Principal 1 related that at or about 8:30 the following morning, the same female student came to school with members of her family, including her older brother [Subject 2] and her sister [Subject 1]. Subject 2 confronted Civilian 1 outside the school entrance, near the playground/parking lot area. Subject 2 threw down his bookbag and Civilian 1 then pushed or “muffed” Civilian 1 in the face. Civilian 1 then called his mother Civilian 4 who came to the school and met with Principal 1. Civilian 4 wanted Subject 2 arrested and the police were called.²⁰

When the police arrived, they met with Principal 1 and staff in the school office, and questioned Subject 2, who remained on the premises and was detained. Subject 1 was also at the school. During the police interactions with the parties, Principal 1 said she did not observe officers speak or behave rudely to anyone, including Subject 1. She said that the police did not threaten Subject 1 with arrest for asking about the arrest of Subject 2. Principal 1 related that Subject 1 stated that if Civilian 4 was going to have Subject 2 arrested, then she wanted to have 13-year-old Civilian 1 arrested as well. Principal 1 related the police would not do so and that Civilian 1 was not arrested.

Despite multiple requests by COPA to Principal 1 and CPS counsel, surveillance video depicting the incidents was not produced by CPS. Video of the gymnasium that was produced did not depict the incident, and no video was available of the outdoor “muffing” incident²¹. Subsequently, on or about November 4, 2017, Principal 1 informed COPA that she had misremembered the time of the gymnasium incident,²² and therefore footage of the incident was erroneously omitted from the previously produced CPS video. By the date she realized the error, however, the relevant video footage had been deleted by CPS.

b. Digital Evidence

Digital surveillance video of the school was requested and subpoenaed from Chicago Public Schools (“CPS”), however no footage capturing the October 4, or 5, 2017 incident(s) themselves was recovered. Per school Principal 1’s and CPS counsel’s multiple communications to COPA, and CPS’ incident report, staff reviewed the school’s security videos and the parking lot incident was not covered by their outdoor cameras. The video that purportedly showed the verbal altercation that occurred between the two children on October 4 was recorded, but was not retained by CPS and was deleted.²³ Per Principal 1’s communications to COPA and the Elementary School incident report, the October 4th video did not show any physical altercation between Subject 1’s younger sister and Civilian 1, only a verbal one, if any.

²⁰ *Id.*

²¹ Per Principal 1, the school’s surveillance cameras did not cover the outdoor location where the “muffing” occurred.

²² Attachment 44

²³ Attachment 30

ICC and BWC footage produced by CPD was inconclusive, with no footage showing the incident alleged.²⁴ Both accused officers confirmed in their respective statements that neither had activated their BWCs during Subject 2's questioning or arrest.

c. Documentary Evidence

The October 5, 2017 **Internet Complaint Form**²⁵ submitted to COPA by Subject 1 stated that her "younger sister [...] was verbally assaulted by several students on October 4, 2017. [Subject 1] went to the school today [October 5, 2017] and was assaulted by three males because the male student that threatened [her] sister went and got three older people. Officer A was the officer to come on the scene and began talking reckless to [Subject 1]. I noticed he had a body camera. He spoke [...] inappropriately."

The **Original Case Incident Report**²⁶ and **Arrest Report for RD #XXX**²⁷ documented that on October 5, 2017, at approximately 10:25 a.m., Officers A and B arrested 20-year-old Subject 2 at the Elementary School after Civilian 4, mother of Civilian 1, reported and signed a complaint that Subject 2 shoved her son in the face with an open hand, and that Subject 2 admitted doing so.

The **Office of Emergency Management and Communications (OEMC) Event Query # XXX**²⁸ documented that on October 5, 2017 at or about 8:39 a.m. a 911 call from Civilian 5 at the Elementary School reported a 13-year-old student was battered by another student and/or punched by the older sibling of a student, with the individuals still on the scene. The report documented Units XXX and XXX responded to the scene. **OEMC Event Query #XXX**²⁹ **likewise indicated** at approximately 9:22 a.m. a mobile phone caller to 911 reported that her 13-year-old son had been hit by an adult at the Elementary School.

CPS' "Event Detail" reports (incident reports) #XXX and #XXX³⁰ produced to COPA pursuant to subpoena, documented that on September 20, 2017,³¹ Civilian 1 complained to his substitute gym teacher, Civilian 6, that Civilian 7 (Subject 2's little sister) should be removed from the school basketball court because she was distracting the boys' basketball game. Civilian 7 allegedly then got into a verbal altercation with another girl, which escalated into a physical fight between the two. The report documented Principal 1 and Civilian 3 checked the school's surveillance video of the incident and it showed Civilian 1 was not even near the two girls fighting and he was not involved in the altercation. The report documented that Civilian 7 was temporarily removed from class, a parent conference was scheduled, and an "Out of school suspension: 2 days (9/21/2017 – 9/25/2017)" was considered or imposed.

²⁴ Attachment 27

²⁵ Attachment 6

²⁶ Attachment 5

²⁷ Attachment 18

²⁸ Attachment 12

²⁹ Attachment 11

³⁰ Attachment 33

³¹ Id. (On information and belief, COPA believes the date(s) cited in CPS' incident report are erroneous and/or otherwise refer to the October 4 and 5, 2017 incidents at issue here.)

The CPS reports further documented that the next day, October 5, 2017, during the children's morning entry to school, Subject 2 and Civilian 7 "were standing on the sidewalk, [and Civilian 7] pointed at Civilian 1 and told her Brother [Subject 2], ["T]hat's him rite there go beat him up."³² (*sic*). "At that point, [Subject 2] walked inside the gate and approached Civilian 1 and asked him did he have any problems with his little sister. Civilian 1 responded by telling [Subject 2] that he did not have any problems with his sister. The Brother at that point began grabbing the book bag and Civilian 1 dropped his book bag and [Subject 2] began to physically assault Civilian 1 by punching him in the face."³³ The report classified the incident as an aggravated battery per CPS's definition, and that aiding or abetting the incident constituted commission of the offence itself. The report thereafter recommended Civilian 7 for temporary removal from class and her referral for expulsion.

VI. ANALYSIS

1. Officer A

Subject 1's web complaint and sworn statement related that she herself was "assaulted" by three boys at the school, and/or her sister was attacked and that Subject 2 only "stepped between them and pushed him back and told him 'no, this isn't about to happen.'" ³⁴None of these claims were substantiated anywhere in the CPS or CPD records, and/or were outright contradicted. The foregoing, material inconsistencies directly undermined the overall credibility of her allegations, that Officer A behaved rudely or baselessly arrested her brother. At minimum, the totality of evidence did not support her allegations against Officer A, by the necessary preponderance.

COPA recommends a finding of **Unfounded** for **Allegation #1** that **Officer A** spoke rudely to Subject 1, in violation of Rule #8. Subject 1 reported that Officer A spoke rudely to her by raising his voice and/or by his general demeanor during their interactions. In his statements to COPA, officer A denied the allegation. He stated that he provided his badge number when requested but did not do so in a rude manner and did not holler. Officer B likewise denied hearing Officer A speak rudely to Subject 1.³⁵ School Principal 1 told COPA that she too did not observe the officers behave rudely to anyone. There is, at best, insufficient, objective evidence corroborating Subject 1's assertions or characterization of Officer A's behavior during the interaction, and no records corroborated her assertions. Given the foregoing, coupled with Subject 1 aforementioned overall lack of credibility, the facts presented show it is more likely true than not that Officer A did not speak rudely to Subject 1 as alleged.

COPA recommends a finding of **Unfounded** for **Allegation #2**, that **Officer A** hollered his badge number at Subject 1, in violation of Rule #8, for the reasons set forth above. In his statements to COPA, officer A denied the allegation. He stated that he provided his badge number when requested but did not do so in a rude manner and did not intentionally, improperly holler. In addition, Officer B denied that Officer A ever hollered in an offensive manner at Subject 1, and

³² *Id.* at pg. 5

³³ *Id.*

³⁴ Attachments 6, 7

³⁵ Attachment 24

that the squad car was located a distance from Subject 1 so any raised voices would have likely resulted from the distance and to overcome the distance or noise of the running squad car engine.³⁶ There is, at best, insufficient, objective evidence corroborating Subject 1's characterization of how loudly Officer A spoke to Subject 1 during the interaction, and no records corroborated her assertions. Given the foregoing, coupled with Subject 1's aforementioned overall lack of credibility, the facts presented show it is more likely true than not that Officer A did not holler, offensively, at Subject 1 as alleged.

COPA recommends a finding of **Unfounded** for **Allegation #3**, that **Officer A** threatened Subject 1 would be arrested if she asked questions regarding the subject's arrest, in violation of Rule #8, for the reasons set forth above. In his statement to COPA, Officer A denied the allegation. There is, at best, insufficient, objective evidence corroborating Subject 1's assertions or characterization of what Officer A stated to Subject 1 during the interaction, and no records corroborated her assertions. Notably, showing officer presence or threatening an individual with arrest is not a violation of policy, per se, if the individual threatened was behaving unlawfully.³⁷ Here, the evidence is uncontroverted that Subject 1 accompanied her brother to the school, and that her brother had pre-planned the trip to physically confront a 12-year-old boy, Civilian 1. He then did so. If, during the course of Subject 2's subsequent detention and arrest, Subject 1 interfered with the officers' work, or acted in an otherwise unlawful manner, they would have been well within their authority to warn Subject 1. Given Subject 1's aforementioned overall lack of credibility, the facts presented show it is more likely true than not that Officer A did not improperly threaten Subject 1 with arrest for merely asking a question, as alleged, if at all.

COPA recommends a finding of **Unfounded** for **Allegation #4**, that **Officer A** improperly arrested Subject 2 in violation of Rule #1. On October 5, 2017, Subject 2, age 20, (and other member(s) of his family), traveled to Elementary School to confront a 13-year-old student over an alleged spat with his little sister the day before. Officer B related Subject 2 said he wanted to instigate or "supervise" a fight between the two children, and that he admittedly pushed or "muffed" Civilian 1 in the face to trigger the confrontation.³⁸ Subject 1 admitted witnessing her brother "muff" Civilian 1, corroborating Civilian 4's account. Thus, Subject 2's premeditated, unconsented-to, substantial physical contact with the boy on school grounds constituted the very definition of a battery, and therefore Officer A acted reasonably, with sufficient probable cause, when he detained and arrested Subject 2. Subject 1 produced no credible exculpatory explanations or evidence to the contrary, and her conclusory assertions were alone insufficient to overcome the preponderance of evidence burden that a legally baseless arrest occurred.

COPA recommends a finding of **Sustained** for **Allegation #5**, that **Officer A** failed to activate his Department-issued Body-Worn Camera while on duty and during Subject 2's questioning and arrest, as mandated by S03-14 and in violation of Rules 6 and 10. Special Order S03-14 ("Body Worn Camera") mandates CPD members' activation and use of Department-issued, electronic

³⁶ *Id.* at 20:55

³⁷ See, *People v. Guenther* (1992), 225 Ill.App.3d 574, 578, 167 Ill.Dec. 705, 588 N.E.2d 346, citing *People v. Price* (1990), 195 Ill.App.3d 701, 708: "If the police have actual grounds to carry out a threatened course of conduct, communicating their intent amounts to no more than informing defendant of his legal status and does not vitiate consent." (*People v. Price* (1990), 195 Ill.App.3d 701, 708, 142 Ill. Dec. 459, 552 N.E.2d 1200; see also *People v. Coles* (1991), 217 Ill.App.3d 1079, 1085, 160 Ill. Dec. 907, 578 N.E.2d 86.)

³⁸ Attachment 24 at 13:14

body-worn cameras for all law-enforcement-related activities, including during searches of people, and statements made by individuals in the course of an investigation, and arrest and transport. Here, officers investigated reports of an adult who allegedly entered school grounds and attacked a student – *per se* a serious incident. Once officers arrived, they confronted the suspect, detained, searched, questioned, handcuffed and arrested him. This interaction, therefore, far exceeded the threshold mandating BWC recording, and did not reasonably fall within any recognized exceptions under the rule. Officer A received Axon BWC training before receiving his camera, and thus knew or should have known of the Department’s rule(s) for activating his BWC. His statement he knew of the hospital-exception admits he possessed some knowledge of the BWC directive – however his statement vis-à-vis not filming in schools was demonstrably erroneous.

2. Officer B

COPA recommends a finding of **Unfounded** for **Allegation #1**, that **Officer B** improperly arrested Subject 2 in violation of Rule #1, for the reasons set forth above.

COPA recommends a finding of **Sustained** for **Allegation #2**, that **Officer B** failed to activate his Department-issued Body-Worn Camera while on duty and during Subject 2’s questioning and arrest, in violation of Rules 6 and 10, and mandated by S03-14. Here, officers were called to the scene to investigate reports of an adult who allegedly entered school grounds and attacked a student. Officer B stated he arrested the suspect and admitted during his statement that, because an arrest occurred, he probably should have activated his BWC to film the interaction. Officer A’s assessment was correct, and because a battery suspect’s questioning and arrest occurred in this case, and for the other reasons set forth above, Officer B should have timely activated his BWC, but failed to do so.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Spoke rudely to Subject 1, in violation of Rule 8.	Unfounded

	<ol style="list-style-type: none"> 2. Hollered his badge number at Subject 1, in violation of Rule 8. 3. Threatened Subject 1 would be arrested if she asked questions regarding the subject's (her brother) arrest, in violation of Rule 8. 4. Improperly arrested Subject 2, in violation of Rule 1. 5. Failed to activate his Department-issued Body-Worn Camera while on duty and during the Subject's questioning and arrest, in violation of Rules 6 and 10, and mandated by S03-14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p>
<p>Officer B</p>	<ol style="list-style-type: none"> 1. Improperly arrested Subject 2, in violation of Rule 1. 2. Failed to activate his Department-issued Body-Worn Camera while on duty and during the Subject's questioning and arrest, in violation of Rules 6 and 10, and mandated by S03-14. 	<p>Unfounded</p> <p>Sustained</p>

Approved:

 Deputy Chief Administrator – Chief Investigator A, Date
Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

<p>Squad#:</p>	<p>X</p>
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Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator – Chief Investigator A