

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	November 28, 2017
Time of Incident:	3:58 p.m.
Location of Incident:	XXXX S. Champlain Ave. <sup>1</sup>
Date of COPA Notification:	November 28, 2017
Time of COPA Notification:	5:36 p.m.

On the afternoon of November 28, 2017, Officers A and B pulled over a gray Volvo for an expired temporary license plate. The driver of the vehicle, Civilian 1, provided Officer A a New Jersey driver's license. Upon checking to verify his identity and the license, no record came back. Officer B directed Civilian 1 to exit his vehicle. Once outside the vehicle, Civilian 1 fled on foot and Officers A and B pursued. Officer A located Civilian 1 in a stairwell in the backyard of XXXX S. Champlain Ave. Civilian 1 again attempted to flee over a fence and Officer A discharged her taser, striking him in the back.

**II. INVOLVED PARTIES**

Involved Officer #1: Officer A	Officer A, Star# XXXXX, Employee ID# XXXXXX, Date of Appointment – XX/XX/2013, Police Officer, Unit XXX, Birthdate: XX/XX/1988, White female.
Involved Officer #2: Officer B	Officer B, Star# XXXX, Employee ID# XXXXXX, Date of Appointment – XX/XX/2013, Police Officer, Unit XXX, Birthdate: XX/XX/1980, White female.
Involved Officer #3: Officer C	Officer C, star# XXXXX, employee ID# XXXXXX, Date of Appointment – XX/XX/2015, Police Officer, Unit XXX, Birthdate: XX/XX/1992, White male.
Involved Individual #1: Civilian 1	Civilian 1, Birthdate: May XX, 1976, Black male.

**III. ALLEGATIONS**

<sup>1</sup> Through our investigation this was determined to be the address of the incident; however, the police reports list XXXX S. Champlain as the address, which is the adjacent house.

Officer	Allegation	Finding
Officer A	<p>It is alleged that on November 28, 2017, at or near XXXX S. Champlain Ave., at approximately 3:58 p.m., Officer A:</p> <ol style="list-style-type: none"> <li>1. Discharged her taser in violation of Department policy and directives, in violation of Rules 2, 8 and 9.</li> <li>2. Was not in compliance with her taser certification at the time she discharged her taser, in violation of Rules 5 and 10.</li> </ol>	<p>Exonerated</p> <p>Unfounded</p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

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- **Rule 02:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- **Rule 03:** Prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
- **Rule 05:** Prohibits failure to perform any duty.
- **Rule 08:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
- **Rule 09:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- **Rule 10:** Prohibits inattention to duty.

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General Orders

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1. **G03-02-01:** Force Options
  2. **G03-02-04:** Taser Use Incidents
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Uniform and Property

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1. **U04-02:** Department Approved Weapons and Ammunition

**V. INVESTIGATION**

The Civilian Officer of Police Accountability (COPA) investigated this incident. The following is a summary of the most relevant evidence, including interviews of involved officers, witness officers, documentary evidence, and medical evidence.

**a. Interviews<sup>2</sup>**

**A Statement of Accused Officer A, #XXXXX** was taken at COPA on **March 20, 2018**. In her statement, Officer A said she was working with her partner Officer B on the date of the incident and she was driving their marked squad car. They pulled over Civilian 1's vehicle because of expired registration. She approached the vehicle and informed Civilian 1 of why they pulled him over and requested to see his license and insurance. Civilian 1 gave her a New Jersey driver's license and an insurance card. Officer A and her partner went back to their vehicle, and using the portable data terminal, found no record for the driver's license number or the name on the license, from either Illinois or New Jersey. Officer A and her partner suspected it could be a fraudulent identification card based on their experience, and the photo on the identification didn't appear to match the man in the vehicle. Officer A asked her partner to see whether Civilian 1 had another form of ID to verify his identity.

Officer B spoke with Civilian 1 while Officer A continued to run the name in variations to see if some information would come back. When Officer A looked up, Officer B was taking Civilian 1 out of the vehicle. Officer A then got out of the police vehicle, and while Officer B was attempting to put handcuffs on Civilian 1, he pulled away and began to run. Officer A pursued him on foot for several blocks. She observed him cutting through a yard and searched the yard where she found him hiding in a stairwell leading to a basement. She instructed Civilian 1 to keep his hands in the air. Officer A instructed him to come up from the stairwell, and as he did, she pulled her taser out. Officer A stated she pulled her taser out because she couldn't see his hands and he had already run from them. She was also alone in the yard with Civilian 1, without backup. She instructed Civilian 1 to keep his hands up several times, but he kept putting them back down and in his pocket. When Civilian 1 reached the top of the stairs, she had him turn away from her because she didn't know what he had in his pockets, which he kept reaching for. That way, if he did have anything which could harm her, he'd have to turn back around and that would give her time to distance and shield herself.

Once Civilian 1 was facing away from her, Officer A was on the radio informing fellow officers of her location. Then Civilian 1 began to flee again. Officer A related she informed Civilian 1 that she would taser him and Civilian 1 did not stop. As she had been trained to do, Officer A announced "taser, taser, taser." By the time Officer A had deployed the taser, Civilian 1 was on the fence and he fell over onto the other side of it. Officer A stated she took into consideration that Civilian 1 was not following verbal commands, that he was an active resistor, and that she didn't know whether he had any weapons on him, before deploying her taser. Officer

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<sup>2</sup> COPA attempted to interview Civilian 1; however, his legal counsel denied our request to interview their client.

A related that her intention was to taser Civilian 1 before he reached the fence; however, because everything unfolded so quickly, by the time she gave the taser warning, announced “taser, taser, taser,” and deployed the taser, he was already on the fence. After he fell, another unit came up from behind Officer A and assisted in placing Civilian 1 into custody.<sup>3</sup>

**A Statement of Officer C, #XXXXX** was taken at COPA on **April 18, 2018**. In his statement Officer C said that on the date of the incident he was working with his partner, Officer D. They were in beat XXXX driving westbound on W. XX<sup>th</sup> St. when they saw Officers A and B on the traffic stop that turned into the taser incident. Officers A and B gave the thumbs-up, signaling to Officer C and his partner that everything was OK on the traffic stop. Officer C and his partner proceeded a couple of blocks down XX<sup>th</sup> St. when they heard Officers A and B over the radio stating they were in a foot chase. Officers C and D headed back in that direction and saw Officer B in the alleyway trying to locate her partner.

Officer C started searching through alleyways, calling for Officer A and looking for her. Officer C could hear over the radio that Officer A had the subject (now known to be Civilian 1) in a backyard at taser-point. He could also hear her over the radio giving verbal direction to the subject. Officer C ran northbound in an alley and came to an open backyard where he could hear Officer A’s voice. He turned from the alley into the backyard and could see Officer A and the subject near a fence leading into a gangway. He was about 30 feet away from them. Officer C saw the offender make sudden movements and lunge towards the fence in an attempt to jump over it, then heard Officer A say “taser, taser,” at which point she discharged her taser and Civilian 1 was struck. Officer C saw Civilian 1 fall head-first to the ground on the other side of the fence. Officer C approached to assist. He could not initially reach Civilian 1 because Civilian 1 was on the other side of the fence. Officer C kicked the fence, bent it back, and got to the other side. Civilian 1 was making movements and tried to get back onto his feet to flee again. Officer C got on top of Civilian 1 and gave verbal direction for him to put his hands behind his back, to which Civilian 1 was not complying. Officer C’s partner, Officer D, got Civilian 1’s left hand into a handcuff while Civilian 1 resisted giving up his right hand to Officer C. Officer C used force to pull Civilian 1’s right hand out from under him and placed him into custody.

The Officers did a custodial search of Civilian 1 and didn’t recover any weapons. An ambulance was called, and they escorted Civilian 1 to the front yard so the ambulance could render aid.<sup>4</sup>

**A Statement of Officer B, #XXXX** was taken at COPA on **April 26, 2018**. In her statement, Officer B said that on November 28, 2017 she worked beat XXX with her partner, Officer A. They observed a vehicle with expired plates and pulled the car over. Officer B approached the passenger side of the vehicle while her partner approached the driver side of the vehicle. After speaking to the driver (now known to be Civilian 1), they came back to their police

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<sup>3</sup> Attachment 34.

<sup>4</sup> Attachment 37.

car and ran the driver's license he provided. When they ran the information he provided, no records came back and Officer A asked her to get another form of identification from the driver. Officer B approached the driver's side of the vehicle and asked Civilian 1 for another form of identification which he was unable to provide. Officer B asked him to exit the vehicle because he didn't have a valid driver's license. Officer B attempted to detain the driver, at which point he fled. Officer B's partner started running after Civilian 1 and Officer B went over the radio to provide a description of Civilian 1 and the direction in which they were pursuing him.

In her pursuit of Civilian 1, Officer A turned northbound and Officer B continued west, hoping to intercept Civilian 1 if he came out of the alley that way. Officer B was unable to intercept Civilian 1 and heard her partner over the radio saying they were in an alley, but she couldn't locate them. Other officers joined Officer B in searching for her partner. Officer B could hear her partner giving commands from some distance away, allowing them to zero-in on her location. Officer B was behind Officer C as they came into the backyard where Officer A and Civilian 1 were located. Officer B heard Officer A say "keep your hand up" and "taser, taser" as they were approaching the backyard; however, she did not see the actual tasing of Civilian 1. Once in the backyard, Officer C pushed through the gate which was between them and Civilian 1, followed by Officer B. Civilian 1 was placed into custody and walked to the front of the property where they awaited the ambulance.<sup>5</sup>

#### **b. Digital Evidence**

**OEMC Radio Transmissions:** The radio transmissions capture the calls over the radio of Officers A and B. At 1:58 in the recording, Officer B can be heard radioing they have a subject running westbound on XX<sup>th</sup> Street, with a description of the subject wearing a brown jacket, brown pants, and black t-shirt. Officer A then radios saying she has one in custody in a yard. Officer B radios saying she lost her partner. Officer A can then be heard saying she is in the alley and asking for the unit she just spoke with to come to the yard. At 4:08 in the recording Officer A can be heard stating that she has deployed her taser. About 40 seconds later, Officer A radios that she and her partner are together, and they have the subject in custody. Beat XXX radios they are with the subject's vehicle at XXX E. XX<sup>th</sup> Street.<sup>6</sup>

**Body-worn Camera Footage from Officer A, Axon Body 2 XXXXXXXXXX:** The body-worn camera footage of the incident shows Officers A and B pulling over a silver Volvo for expired plates and requesting proof of insurance plus a driver's license from the driver (now known to be Civilian 1). Upon receiving identification from the driver and returning to their vehicle, Officer A expresses doubt over whether the ID provided looks like the driver. The license is run through their portable data terminal, and Officer B exits the police vehicle to ask the driver for another form of ID. Officer A remains in the vehicle momentarily, then exits as Officer B is attempting to place handcuffs on the driver. The driver is seen fleeing on foot and Officer A begins pursuit on

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<sup>5</sup> Attachment 38.

<sup>6</sup> Attachment 28.

foot. Officer A chases Civilian 1 down the street, making a right down a side-street, an immediate left down an alley and then an immediate right at a fork in the alley. Officer A encounters other officers in the alley and informs them that Civilian 1 cut through one of the backyards. Officer A enters one of the backyards and locates Civilian 1 hiding at the base of a set of stairs.

Officer A instructs Civilian 1 to put his hands up. Civilian 1 initially complies, then places his hands down. Officer A instructs Civilian 1 to keep his hands up and come up the stairs, pulling her taser out at 5:17 in the video. Civilian 1 comes up the stairs, putting his hands back down and placing his right hand in his jacket pocket at 5:29. Officer A again instructs Civilian 1 to keep his hands in the air. Officer A then directs Civilian 1 to turn around and keep his hands up. At 5:53, Civilian 1's hands are down, and he reaches for his jacket pocket at 6:05. Civilian 1 is facing away from Officer A as she continues to instruct him to keep his hands up. At 6:17, Civilian 1 runs toward the gate and Officer A states that she is going to taser him. Officer A announces "taser, taser" at 6:19 and deploys the taser less than one second later.

Civilian 1 is on the gate, near the top, when the taser is deployed. He falls over the top of the gate landing on the other side. Other officers arrive and kick through the gate to get to the other side and place Civilian 1 into custody.<sup>7</sup>

**Body-worn Camera Footage from Officer B, Axon Body 2 XXXXXXXXXX:** The body-worn camera footage of the incident shows the sequence of events from Officer B's camera. Up until Officer B approaches Civilian 1 for further identification, her camera and Officer A's show essentially the same thing.

At time interval 3:40, Officer B exits the police vehicle to ask Civilian 1 for another form of identification. Civilian 1 says he does not have another form of ID and Officer B asks him to step out of his vehicle. Civilian 1 gets out and is instructed to the back of the car. As Officer B informs him that they are unable to verify his identity, she reaches for his left hand to place handcuffs on him, and Civilian 1 quickly jerks his hand away and takes off running up the block.

Officer B pursues Civilian 1 on foot, she is just behind Officer A who is also chasing him on foot. Officer B continues west on XX<sup>th</sup> Street while Officer A and Civilian 1 are running west in the alley off XX<sup>th</sup> Street. Officer B then makes a right; however, her partner and Civilian 1 are not in sight. Officer B radios that she lost her partner. Officer B searches for her partner and encounters other officers in a marked squad car who join in trying to locate her partner. Officer B runs down another alley and Officer A is heard on the radio saying she deployed her taser. Officer B enters the backyard of XXXX S. Champlain behind several other officers who kick in the gate to the other side, where Civilian 1 is on the ground. Officer C is seen placing handcuffs on Civilian 1.<sup>8</sup>

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<sup>7</sup> Attachment 22.

<sup>8</sup> Attachment 22.

**Body-worn Camera Footage from Officer C, Axon Body 2 XXXXXXXXXX:** Officer C's body-worn camera shows him kicking in a gate with Civilian 1 lying on the ground beyond the gate. Civilian 1 briefly stands up and then is back on the ground. Officer C grabs Civilian 1 and is placing pressure on him and is pressing his head to the pavement. Officer C places Civilian 1 into custody and walks him to the front of the property where they wait for the ambulance to arrive.<sup>9</sup>

### c. Physical Evidence

**Investigative Reports of COPA Investigators:** COPA Investigators A and B completed reports relative to their being at Hospital 1 at the time Civilian 1 was admitted there after the taser incident. COPA Investigator A reported that Civilian 1 was in the emergency room and spoke to his attending physician, Doctor 1. COPA Investigator A learned that Civilian 1 suffered a brain bleed from his fall, but he was in stable condition. Civilian 1 underwent two CT scans to determine the extent of injury and whether he would need surgery. A third CT scan was scheduled for November 30, 2017. The result of that CT scan is unknown; however, Civilian 1 was transferred to Hospital 2 on December 1, 2017 and was diagnosed with general pain (see summary of medical records from Hospital 2).<sup>10</sup>

**Medical Records from Hospital 2:** The records state that Civilian 1 was admitted there on December 1, 2017 from another hospital. There was an intake evaluation and the diagnosis listed is "diffuse myalgias." No other diagnosis is listed. The patient care plan states that Civilian 1 would be admitted to the nursing unit for observation and was prescribed ibuprofen for pain, acetaminophen-codeine for pain, and docusate for constipation.<sup>11</sup>

### d. Documentary Evidence

**Arrest Report for Civilian 1, RD# XXXXXXXXXX:** The arrest report details the date, time, and location of arrest as well as the charges. There is a summary of the event by the attesting officer to the report, Officer A. In her summary, Officer A states she and her partner observed a silver Volvo driving with expired Illinois temporary license plates. They pulled the vehicle over and attempted to verify the driver's identity with the New Jersey license he provided, which came back on the portable data terminal as no record on file. The subject fled on foot. He was apprehended and arrested for no valid state registration and no valid driver's license. He was also charged with obstructing identification, reckless conduct, resisting/obstructing a peace officer, cannabis possession, identity theft and being a fugitive from justice in that outstanding warrants were discovered upon further investigation by Sergeant A. Sergeant A also determined the subject's real name to be Civilian 1.<sup>12</sup>

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<sup>9</sup> Attachment 22.

<sup>10</sup> Attachments 8 and 9.

<sup>11</sup> Attachment 26.

<sup>12</sup> Attachment 14.

**Original Case Incident Report RD# XXXXXXXX:** The incident report lists the details of the arrest; however, it has information from the alias which Civilian 1 provided instead of his actual name, address, and date of birth. Officer A is noted as the reporting officer and the narrative describes the events as follows. The responding officers (A and B) observed a silver Volvo with expired license plates and conducted a traffic stop of said vehicle. Officer A approached the vehicle and requested the driver's license and proof of insurance from the driver (now known to be Civilian 1). The driver provided insurance and a New Jersey driver's license to Officer A. Upon running the information through the portable data terminal, no record came back for the driver's license or the name on the license.

Officer B attempted to obtain another form of identification from the driver, which he couldn't provide. At this time, Officer B instructed the driver out of his vehicle. When he stepped out of the car, he was moving his hands towards his waistband, leading the officers to believe he might be concealing something in his waistband. As Officer B attempted to place the driver into custody for no valid driver's license, he fled on foot. Officers A and B pursued the individual on foot. Officer A observed the individual run northbound in the alley between Champlain and Langley, she began searching the yard of XXXX S. Champlain when she observed him laying at the bottom of the stairs. Officer A instructed him to put his hands in the air and come out of the stairwell. As he came up the stairs, he continued to place his hands back in his pockets and she continued to instruct him to keep his hands up. Officer A instructed Civilian 1 to turn away from her to create more distance between herself and Civilian 1. As Officer A waited for more units to arrive, Civilian 1 continued to place his hands in his pockets. Civilian 1 began to move towards the fence and Officer A informed him she was going to deploy the taser. The offender then grabbed the fence in an attempt to climb it, at which point Officer A announced "Taser, taser" and then immediately deployed the taser.<sup>13</sup>

**Tactical Response Report (TRR) of Officer A, RD# XXXXXXXX:** In her TRR, Officer A stated that she and her partner performed a traffic stop on a silver Volvo with expired temporary license plates. Officer A approached the vehicle and asked the driver for his license and proof of insurance. Upon running the New Jersey license, LEADS came back with no record on file. A namecheck also came back with no record. Officer B attempted to obtain another form of ID for the driver. When the driver was unable to provide another form of ID, Officer B instructed him to exit the vehicle. As Officer B attempted to place the driver into custody, he fled on foot. Officers B and A pursued on foot. Officer A observed the subject run northbound in the alley between Champlain and Langley and searched the yard of XXXX S. Champlain where Officer A located the subject hiding in a stairwell. Officer A instructed the subject to put his hands in the air and walk up the stairs. While coming up the stairs, the subject continued placing his hands back in his pockets. Officer A instructed the offender to keep his hands in the air multiple times and informed the subject she was going to taser him. The subject began to flee by attempting to climb the fence

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<sup>13</sup> Attachment 5.



at which point Officer A announced “taser, taser” and deployed the taser. Officer C arrived on scene and placed the subject in custody.<sup>14</sup>

**Tactical Response Report (TRR) of Officer C, RD# XXXXXX:** In his TRR, Officer C said officers responded to the area of the incident to assist beat XXX who had a subject flee on foot while conducting a traffic stop. Officer C was running south through the alley east of Champlain St. and observed Officer A in the backyard of the incident location with her taser drawn, giving verbal commands to the subject. The subject jumped a fence and was tased. The subject started to stand up and began to flee again when Officer C performed an emergency takedown. Officer C gained control of the subject and was able to make the arrest. The subject was taken to Hospital 3.<sup>15</sup>

**CPD Event Query Report, Event# XXXXXXXXXXXX:** The report generated by the Office of Emergency Management and Communications details that a traffic stop was conducted by beat XXX on November 28, 2017 at 3:52 p.m. and a name check on a New Jersey driver’s license was done. One female officer was separated from her partner, and her partner radioed being near XX<sup>th</sup> and Champlain in the alley. There was a taser deployment at 3:58 p.m. by beat XXX. Both officers were then reported together with one person in custody at 3:59 p.m.<sup>16</sup>

**Taser Certification Report:** A report generated through iCLEAR which names Officer A and lists her taser qualification history. The report indicates that Officer A successfully completed taser qualification on Feb 23, 2017.<sup>17</sup>

## VI. ANALYSIS

COPA recommends a finding of Exonerated for **Allegation #1** against Officer A. Officer A’s use of her taser was within Department policy as defined in General Order G03-02-04. Under the policy, the use of a taser is authorized only “for an active resister or assailant, and only for the purpose of gaining control of and restraining the subject.” Additionally, General Order 03-02-04 states:

Department members will balance the risks and benefits of a Taser deployment based on several factors, including, but not limited to; threat to the officer, threat to the subject and the public as well as the availability of other force options, and the likely outcome of their use. Before Taser use, Department members should consider the seriousness of the offense and whether Taser deployment is immediately necessary. When practicable, Department members should avoid the use of a Taser on subjects who:

1. are elevated above the ground or are in an unstable position (e.g., tree, roof, ladder, ledge, balcony, porch, bridge, or stair);

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<sup>14</sup> Attachment 6.

<sup>15</sup> Attachment 7.

<sup>16</sup> Attachment 27.

<sup>17</sup> Attachment 33.

2. could fall and suffer an impact injury to the head or other area;
3. could fall on a sharp object or surface (e.g., holding a knife, falling on glass);
4. may be less able to catch or protect themselves in a fall (e.g., restrained, handcuffed, incapacitated, or immobilized);
5. may have impaired reflexes (e.g., from alcohol, drugs or certain medications);
6. are running, or are otherwise in motion;
7. are operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train); or
8. are located in water, mud, or marsh environment if the ability to move is restricted.

Initially, Civilian 1 was pulled over for having expired temporary plates on the silver Volvo he was driving. Once he provided a New Jersey driver's license to the officers, they were unable to confirm his identity and Civilian 1 couldn't provide any other identification. Officer B asked Civilian 1 to step out of the vehicle so she could place him into custody when he fled on foot, running west on XX<sup>th</sup> Street, then cutting north down a side street and into an alley. Officer A was in pursuit on foot. She located Civilian 1 hiding in a stairwell in the backyard of XXXX W. Champlain.

According to Officer A's statement and the video from her body worn camera, it's apparent that Civilian 1 was an active resister in that he fled on foot, and repeatedly ignored verbal direction. While in the backyard of XXXX W. Champlain, Officer A attempted to gain control of Civilian 1 by directing him out of the stairwell and having him turn his back to her. Officer A had Civilian 1 turn his back to her to keep a distance between them and create a zone of safety, whereby she could monitor Civilian 1 and maintain her distance from him while waiting for other officers to arrive. Officer A also instructed Civilian 1 to keep his hands in the air, a direction she repeated several times to which Civilian 1 continued to put his hands down, and at several points, placed his left hand in his left jacket pocket. As Civilian 1 continued to ignore certain verbal directions, Officer A assessed the situation to determine her next course of action. She was uncertain what, if anything, Civilian 1 had in his pocket, and she was concerned that he might have a weapon based upon his actions of placing his hands down and reaching for the pocket.

After multiple times that Civilian 1 put his hands back down and was non-compliant, Officer A gave a verbal warning that she was going to taser him. Suddenly, Civilian 1 began to flee again, at which point Officer A announced "taser, taser" and deployed her taser. By the time Officer A deployed her taser, Civilian 1 was partially up a gate he was attempting to jump over. Once he was struck with the taser, he fell over the top of the gate and landed on his head on the other side. The time between Officer A announcing "taser, taser" and deploying the taser was less than three seconds. In those brief seconds are when Civilian 1 jumped onto the gate to get over it and attempt to defeat the arrest. Officer A said in her statement that her intention was not to taser Civilian 1 while he was on the gate, but the event unfolded so rapidly that by the time she discharged her taser, he was already on the gate. Had Civilian 1 followed the verbal direction he was being given, Officer A would not have had to discharge her taser.

General Order G03-02-04 calls for a risk benefit analysis to be done before a taser discharge, which is what Officer A did. In her statement to COPA, Officer A stated she considered several factors before discharging her taser in that instance. Officer A considered the fact that Civilian 1 had fled from her and her partner, that she didn't know if Civilian 1 had any weapon on him, and whether he might pose a threat to other officers if he succeeded in fleeing over the gate. Officer A was aware of the gate and her intention was to taser him before he got onto the gate. Officer A also noted that Civilian 1 was an active resistor. While G03-02-04 directs officers to avoid tasing subjects who are elevated above the ground, it's not a prohibition and it's meant to be applied when practicable. In this case, Officer A had to act quickly. These factors taken in conjunction with the actions of Civilian 1 validated Officer A's taser use in this case. Therefore, COPA recommends a finding of Exonerated for Allegation #1 against Officer A.

COPA recommends a finding of Unfounded for **Allegation #2** against Officer A. Uniform and Property U04-02 requires that all Department Members qualify annually with all prescribed or auxiliary firearms and taser devices. Officer A provided COPA with a copy of her training record which documents her completion of taser re-training on February 23, 2017, nine months prior to this incident. Therefore, she was in compliance with her taser certification requirement at the time of this incident and COPA recommends a finding of Unfounded for Allegation #2 against Officer A.

## VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	<p>It is alleged that on November 28, 2017, at or near XXXX S. Champlain Ave., at approximately 3:58 p.m., Officer A:</p> <ol style="list-style-type: none"> <li data-bbox="548 1461 1203 1560">1. Discharged her taser in violation of Department policy and directives, in violation of Rules 2, 8 and 9.</li> <li data-bbox="548 1608 1203 1707">2. Was not in compliance with her taser certification at the time she discharged her taser, in violation of Rules 5 and 10.</li> </ol>	<p>Exonerated</p> <p>Unfounded</p>

## VIII. RECOMMENDATION

Although COPA found that Officer A’s actions with respect to this incident were exonerated, COPA still found that during her interview Officer A had some misunderstanding relative to the General Order “G03-03-04, Taser Incidents” specifically with regard to the new elements and considerations regarding the use of her taser. As a result, COPA believes it best that Officer A receive additional training on G03-03-04, as well as a more recent taser recertification to obtain a full and complete understanding of G03-03-04.

Approved:

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COPA Chief Investigator  
*Deputy Chief Administrator – Chief Investigator*

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Date

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COPA Chief Administrator  
*Chief Administrator*

\_\_\_\_\_  
Date

**Appendix A**

Assigned Investigative Staff

<p><b>Squad#: XX</b></p> <p><b>Investigator:</b> <b>COPA Investigator C</b></p> <p><b>Supervising Investigator:</b> <b>COPA Supervising Investigator</b></p> <p><b>Deputy Chief Administrator:</b> <b>COPA Chief Investigator</b></p>	
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