

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████████ ██████████	1. It is alleged the accused arrested ██████████ without justification on January 28, 2018 in violation of Rules 1 and 2.	EXONERATED
Officer ██████████ ██████████	1. It is alleged the accused arrested ██████████ without justification on January 28, 2018 in violation of Rules 1 and 2.	EXONERATED
	2. It is alleged while in the back of a police squadrol the accused used excessive force against ██████████ ██████████ in that he punched him in the face, choked him, and poked him in the eye in violation of Rules 2, 8, 9.	NOT SUSTAINED
	3. It is alleged the accused pulled ██████████ down the stairs while handcuffed in violation of Rules 2 and 8.	NOT SUSTAINED
	4. It is alleged the accused failed to complete a TRR regarding the arrest of ██████████ in violation of Rules 5 and 10.	SUSTAINED / Violation Noted
	5. It is alleged the accused failed to activate his Body Worn Camera during the arrest of ██████████ ██████████ in violation of Rules 5 and 10.	EXONERATED
	6. It is alleged the accused failed to wear his assigned Body Worn Camera device in violation of Rules 5, 10, and 12.	EXONERATED

IV. APPLICABLE RULES AND LAWS

Rules

Rule 1- Violation of any law or ordinance.

Rule 2- Any action or conduct which impeded the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 5- Failure to perform any duty.

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

Rule 9- Engaging in any unjustified verbal or physical altercation while on or off duty.

Rule 10- Inattentive to duty.

Rule 12- Failure to wear the uniform as prescribed.

General and Special Orders

General Order 03-02-01- Force Options

General Order 03-02-02- Incidents Requiring the Completion of a Tactical Response Report

Special Order 03-14- Body Worn Cameras

Special Order 04-20 – Responding to Incidents Involving Persons in Need of Mental Health Treatment

V. INVESTIGATION

a. Interviews

On January 31, 2018, witness, ██████████¹ provided a statement to COPA regarding the alleged incident on January 28, 2018 at ██████████ Chicago, IL. Ms. ██████████ resides on the second floor of the multi-unit building where the incident took place. She related that on the day of incident she was watching television in her apartment when she heard bickering in the hallway. She stated that she did not pay much attention because this was typical behavior for her neighbors. However, when she decided to look out of her window, she observed two officers escorting a handcuffed male to a police vehicle.

She stated that at first glance the offender appeared to be cooperative, but after arriving to the police vehicle, he became aggressive. She explained that she observed the offender push one of the officers with his chest. At that time, one of the officers attempted to hold the offender in place by pinning him down on the seat. During the encounter, she observed the offender with his legs outside the vehicle and complaining that the handcuffs injured his wrists. Ms. ██████████ followed up by stating, she did not observe any inappropriate contact from the officers and believed their attempts were to control the situation and calm the offender. It should be noted that Ms. ██████████ never exited her apartment.

On January 31, 2018, COPA also conducted the statement of witness, ██████████² who is the boyfriend of Ms. ██████████. Mr. ██████████ shares the residence with Ms. ██████████ on the 2nd floor

¹ Att. 10

² Att. 13

of ██████████ Chicago, IL. He related that on the date of incident, he overheard commotion coming from his neighbor's apartment. Like Ms. ██████████ he thought nothing of it, since there had been frequent issues for the past year. As he proceeded to look out of the window, he observed his neighbor's boyfriend being escorted by two officers. He described the offender as uncooperative and giving the officers a hard time. Although he heard the offender yelling as though he was being beaten, Mr. ██████████ asserted that he had a clear view from the 2nd floor and nothing of the sort occurred. On the contrary, he described the officers to be "overly civil and incredibly patient" when dealing with what appeared to be a difficult person.

In a statement conducted by COPA on July 26, 2018, witness, ██████████³ stated that on the morning of January 28, 2018 she initiated a 911 emergency call to her residence regarding a domestic related issue with her boyfriend, ██████████. She related that after advising ██████████ that she was leaving to visit her daughter, he became angry and proceeded to direct verbal threats at her. Ms. ██████████ added that he had "a habit of threatening people."⁴

Ms. ██████████ stated, she was standing outside when police arrived. Upon their arrival, she escorted them into her residence where ██████████ was in a bedroom. Almost instantly, the officers forcefully grabbed and dragged him from a back room and into the kitchen. From there, ██████████ was told to get on his hands and knees. She asserted ██████████ was never given the opportunity to speak and her only request was to have him removed from the residence. When asked if she ever informed the officers that she wanted to press charges, Ms. ██████████ stated "No."⁵ In fact, she related she did not know why ██████████ was arrested, but she confirmed she signed a piece of paper presented to her by the police (now known to be the criminal complaint).

After ██████████ was handcuffed and escorted out of the residence, Ms. ██████████ followed behind. At that time, she observed the officers drag ██████████ down the stairs. Ms. ██████████ stated that while she was standing on the sidewalk near the vehicle, she observed one of the officers jump on ██████████ and choke him with both hands around his neck.⁶ She related that ██████████ legs remained outside of the vehicle, while he was lying on his back, as the officer's upper body hovered over him. At some point during the encounter she heard ██████████ yell, "stop choking me" and the officer yelling back "stop biting me and stop kicking me."⁷ ██████████ confirmed the only injuries she observed were red handcuff marks on ██████████ wrists.⁸ She related that ██████████ brother and sister-in-law were on scene and may have obtained photos or videos regarding the incident.

On June 12, 2018, complainant, ██████████⁹ provided a statement to COPA regarding the alleged incident on January 28, 2018 at ██████████ Chicago, IL. He stated that on the date of incident he had an encounter with Chicago Police members (two male white officers)

³ Att. 41

⁴ Att. 41 at 5:33

⁵ Id. at 8:20

⁶ Att. 41 at 16:00

⁷ Id. at 12:40

⁸ Id. at 26:55-27:40

⁹ Att. 36

after his girlfriend, Ms. ██████ reported he verbally threatened her. However, he insisted he made no such threats and ██████ only request was to have him removed from the residence. He explained that when the officers entered the residence he was unable to identify them due to one of them wearing civilian clothing.¹⁰ ██████ further related that he was walking toward the front door and heading out of the residence, when they entered. At this time, he was stopped by the officers and informed that he would be arrested. ██████ confirmed that he was asked several times by the officers to turn around to be handcuffed, but admitted he refused because he felt as if he had done nothing to constitute an arrest. ██████ insisted that ██████ made false reports against him.¹¹ He further related that, during conversations, one officer threatened to tase him if he did not comply. ██████ reported that his response was, “If you tase me, I’m going to be the last person you tase.”¹² Subsequently, he was not tased and became compliant, allowing the officers to place him in handcuffs and be led out of the residence. ██████ explained that upon exiting the residence and reaching the porch stairs, the plain clothed officer jerked his arm causing him to miss three to four stairs.¹³

He stated that once they arrived at the police vehicle, it was difficult for him to get into the back of the vehicle because he was handcuffed behind his back. As such, ██████ indicated Officer ██████ attempted to force him inside of the vehicle in an uncomfortable manner. ██████ admitted that during the interaction, he stiffened his body.¹⁴ Subsequently, he was able to sit on the plastic seating of the vehicle but slipped onto the floor after Officer ██████ jumped on top of him. ██████ stated that although his upper to mid body was inside the vehicle, his legs remained outside. He described that it was during this time that Officer ██████ used excessive force against him. He reported that while he was lying on the floor in the back of the police vehicle, Officer ██████ placed his knee in his chest, punched him in his face approximately 15 times, and poked him in the eye as he cried out for help.¹⁵ ██████ suggested that in an effort to cover up his actions, Officer ██████ began to yell out that ██████ was kicking him. However, ██████ stated he was not capable of kicking due to his position. ██████ stated eventually the other officer intervened and calmed Officer ██████ down. ██████ eventually got off the floor and properly sat in the seat. Assisting officers arrived, and he was transported to the police station where he was charged with domestic battery against Ms. ██████

██████ reported that after the encounter, he had visible injuries to his eye and described discoloration (black eye) and swelling. In addition, he reported bleeding from his nose and bruises, handprints, and scratches to his neck. He also suggested that, while alone in lock-up, he suffered a seizure. When probed about his medical history, ██████ explained he has epileptic seizures usually lasting approximately 30 seconds to 2 minutes.¹⁶ However, he confirmed there were no witnesses to the occurrence. He added he never disclosed his medical history because he was not asked. After his release, ██████ went to Trinity Hospital where he received a diagnosis of a

¹⁰ Att. 36 at 6:15

¹¹ Id. at 7:27-9:05

¹² Id. at 10:10

¹³ Id. at 10:40

¹⁴ Id. at 13:10

¹⁵ Id. at 13:55-16:00 (also at 20:40)

¹⁶ Id. at 30:20-30:50

ruptured cornea, back strain, bruises and swelling to his back.¹⁷ He also related he had previously received physical therapy for a pre-existing back issues and his rotator cuff. He suggested the incident aggravated his previous medical issues.¹⁸ As a result, he stated he has constant back injuries and discharge from the eye the officer struck him in. When asked about pre-existing vision issues, ██████ denied having any. However, he confirmed he was photographed wearing prescription glasses on his State of Illinois Identification card he submitted to COPA.¹⁹

After the interview, ██████ provided COPA with photos he stored on a USB drive documenting his alleged injuries and a video. He stated the photos were taken the day after incident. It should be noted that ██████ related that he has been seen by an optometrist and a physical therapist at other hospitals in other counties since this incident.

In a statement conducted by COPA on September 14, 2018, Accused Officer, ██████ ██████²⁰ reported that on January 28, 2018 at ██████ Chicago, IL, he and Officer ██████ responded to a call regarding a domestic disturbance. It should be noted, prior to the interview Officer ██████ reviewed body worn camera (BWC) video footage from his assigned device on the date of incident. Throughout the interview, Officer ██████ referred to his BWC and seemed to have no independent knowledge of the incident. His account of the incident was generally based upon the reviewed footage.

Upon arrival of the scene, Officer ██████ encountered the victim, Ms. ██████ standing outside. She related to him that she was threatened by her boyfriend, ██████ whom she wanted arrested. He added that while on scene, she made several requests for his arrest. Shortly thereafter, Ms. ██████ escorted him and Officer ██████ into her residence where they encountered ██████ He described ██████ as immediately irate and semi-cooperative.²¹ However, they were able to handcuff and place ██████ under arrest. While escorting him to the vehicle, ██████ remained physically agitated and made it difficult to assist him down the stairs. As a result, he slipped down a few stairs.

After arriving to the police vehicle, ██████ seemed to uphold the same demeanor with a heightened physical resistance to being arrested. However, Officer ██████ could not give an accurate account as to how ██████ fell onto the floor of the vehicle. He held his same position stating he could not provide any independent observations of the account.

In a statement conducted by COPA on October 19, 2018, **Accused Field Training Officer,** ██████²² provided a statement regarding the alleged incident on January 28, 2018 at ██████ Chicago, IL. He related that on the date of incident, he and Officer ██████ arrived on scene in separate vehicles in response to a domestic disturbance. Upon arrival, Officer ██████ joined Officer ██████ who was standing outside speaking with Ms. ██████ During the

¹⁷ Att. 36 at 32:25

¹⁸ Id. At 35:23

¹⁹ Id. At 36:05

²⁰ Att. 27

²¹ Id. at 11:55

²² Att. 32

conversation, she related that she wanted [REDACTED] arrested for making verbal threats to her. Shortly thereafter, they all entered her apartment.

Once inside the apartment, [REDACTED] exited a rear bedroom. At that time, Officer [REDACTED] took lead as Officer [REDACTED] stood and observed their interactions. [REDACTED] was informed he would be taken into custody for the domestic incident. It was apparent he did not want to leave with the officers because he became verbally frustrated, agitated, and upset. Subsequently, after receiving multiple verbal requests to comply and leave the residence, [REDACTED] was handcuffed and escorted out of the apartment.

As the officers escorted [REDACTED] outside and toward the stairs leading onto the sidewalk, [REDACTED] pushed and moved his body, knocking them all off balance. During this time, they all stumbled down a few stairs. Officer [REDACTED] related that throughout the encounter, there were times they had to lift [REDACTED] because his body went limp.²³ Once they arrived at the police vehicle, [REDACTED] did not want to get inside, but after a few words, he finally got inside sitting sideways with feet still outside of the vehicle. Officer [REDACTED] stated that while assisting him with placing his legs inside of the vehicle, [REDACTED] slipped off the seat and onto the floor in between the seat and the partition. Officer [REDACTED] explained he was attempting to assist [REDACTED] who was handcuffed and wedged into a small foot space in the back of the vehicle. Officer [REDACTED] stated his only goal was to get the non-compliant [REDACTED] off the floor, into the seat, and in a seatbelt. However, he could not determine if [REDACTED] was trying to help himself up or if he was being passively resistant. It was during this time that he determined that [REDACTED] may have been dealing with mental health issues versus trying to defeat the arrest. Based on Officer [REDACTED] experience and Crisis Intervention Training, Officer [REDACTED] believed [REDACTED] appeared to exhibit signs of a person who was on medication for mental health issues (MHI). He further explained that [REDACTED] inability to rationalize, his state of confusion, and lack of focus aided Officer [REDACTED] with his assessment.²⁴ However, it was only after the incident that [REDACTED] MHI's were mentioned by Ms. [REDACTED] and [REDACTED] brother who later appeared on the scene.

Because of [REDACTED] position in the back of the vehicle, Officer [REDACTED] related that he made several attempts to pull him up by the front and back of the waist of his belt. This also required him to reach around [REDACTED] back and grab him about the body while trying to get him unwedged.²⁵ However, he firmly denied that he choked or struck [REDACTED]. Officer [REDACTED] related that during this entire ordeal, he and [REDACTED] feet remained outside of the vehicle on the ground. Moreover, he described [REDACTED] as non-compliant as he continuously shifted his head to the left and right, while transitioning his body from limp and/or deadweight to wiggling and moving legs. Finally, [REDACTED] became compliant and Officer [REDACTED] was able to get him into the seat of the police vehicle.

Officer [REDACTED] agreed that a normal arrest, involving the magnitude of physical contact, would have typically been documented in a TRR. However, in this case, after learning of [REDACTED] MHI, he was under the impression [REDACTED] would be taken to the hospital for evaluation in lieu of arrest. Officer [REDACTED] summed it up as an oversight.

²³ Id. at 17:20-18:40

²⁴ Att. 32 at 14:33

²⁵ Id. at 19:15

On the topic of BWC, Officer ██████ reported that after a year of being assigned as a Review Officer, he had recently returned to patrol as an FTO. Therefore, he had yet to be issued or assigned a BWC on the date of this incident. As such, he stated that after contacting CPD's Information Services Department he was able to confirm that he was assigned a BWC for the first time on February 15, 2018, after this incident occurred.²⁶

b. Digital Evidence

During the investigation, COPA retrieved available **BWC footage of Officer ██████**. The footage captured the entire arrest of ██████. Unfortunately, it only picked up an obscured view of Officer ██████ encounter with ██████ in the backseat of the police vehicle. Video depicts ██████ yelling and describing various attacks and strikes. Officer ██████ can be heard denying the allegations. Also captured on video are the officers confirming with Ms. ██████ her request for ██████ arrest and signing the complaint. Ms. ██████ can be heard clearly asking that ██████ be arrested on more than one occasion.²⁷

During the investigation, ██████ provided COPA with a copy of **10 photos** depicting views of his face, eye, neck, and ankles. Additionally, he provided a short **video clip**. The photos were submitted in support of ██████ alleged injuries incurred during his arrest. Due to the quality of the photos and angles of which the photos were taken, COPA was unable to determine if the photos depict the injuries ██████ described during his interview. In addition, the video presented by ██████ did not reflect the arrest in its entirety. This evidence had no significant persuasive impact on the investigation.²⁸

c. Documentary Evidence

CPD Arrest Report²⁹ and Original Case Incident Report³⁰ RD Number ██████ documents the arrest of ██████ on January 28, 2018. Records revealed ██████ was arrested for a simple assault regarding a domestic related incident with Ms. ██████. Moreover, there were no visible injuries depicted on ██████ booking photo.³¹

Records obtained from the **Office of Emergency Management and Communications (OEMC)** memorialize a 911 call initiated by ██████ on January 28, 2018 at approximately 9:15 a.m. Event Query Report # ██████ reflects Beats ██████ (Ofc. ██████ and ██████ (Ofc. ██████ responded to a domestic disturbance call at ██████ Chicago, IL.³²

²⁶ Att. 32

²⁷ Att. 16

²⁸ Att. 43

²⁹ Att. 4

³⁰ Att. 6

³¹ Att. 5

³² Att. 7

A request submitted to the [REDACTED] District revealed documents related to equipment assignments for the 2nd Watch on January 28, 2018. Based on the **Personal Equipment Log**, both officers were assigned a Taser and Radio. However, COPA was unable to verify from the log if both officers were assigned BWC since the column relating to that information remained blank.³³

COPA also contacted CPD's Information Services Department. According to their **Equipment Detail** report, the first time Officer [REDACTED] was assigned a BWC device was on February 15, 2018.³⁴

Medical records retrieved for [REDACTED] from **Advocate Trinity Hospital** documents an emergency room visit on January 30, 2018. Records revealed [REDACTED] has a history of mental health related issues. Upon arrival, [REDACTED] complained of rib/chest pains on his right side and left knee pain/swelling. As a result, X-rays of his chest and left leg were performed. Images of [REDACTED] chest appeared normal and presented no apparent rib fracture deformity. Likewise, there was no evidence of a fracture or misalignments to his left leg. Records also suggest, [REDACTED] complained of bilateral eye pain, redness, and discharge, as well as wrist pain. Although diagnosed with corneal abrasions to both eyes (scratch to the eye), [REDACTED] presented no bruising, swelling or facial discoloration or abnormalities were noted at triage. It should be noted, [REDACTED] was treated and released within 5 hours and prescribed Ibuprofen and eye drops.³⁵

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

³³ Att. 46

³⁴ Att. 45

³⁵ Att. 44 at Pg. 3-10

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA makes a finding of **EXONERATED** for **Allegation #1** against both Officers [REDACTED] and [REDACTED] alleging that they falsely arrested [REDACTED]. BWC footage revealed the victim, [REDACTED] reported a domestic incident between she and [REDACTED] on January 28, 2018. On several instances, she is seen on camera asking the responding officers to arrest [REDACTED]. Additionally, Officer [REDACTED] can be heard asking her several times if she wanted [REDACTED] removed from the residence instead. However, Ms. [REDACTED] insisted he be arrested and signed the formal complaint on scene. In this case, there is no discrepancy that [REDACTED] arrest was lawful.

As it relates to the additional allegations set forth against Officer [REDACTED] COPA makes a finding of **NOT SUSTAINED** for **Allegation #2**, that he used excessive force against [REDACTED]. Available BWC footage is obscured from Officer [REDACTED] vantage point in such a way as does not accurately depict what occurred in the backseat of the police vehicle where the excessive force was alleged to occur. Indeed, no excessive force is observed on the BWC footage. Per *General Order 03-02-01-Force Options*, a passive resister is "a person who fails to comply (non-movement) with verbal or other direction." According to the General Order, a passive resister would authorize an officer to use holding and compliance techniques that would require physical contact with the offender. As previously mentioned, Officer [REDACTED] and [REDACTED] both describe [REDACTED] as uncooperative and non-compliant while displaying irrational behavior. Seemingly, BWC corroborates their account of [REDACTED] demeanor. Although Officer [REDACTED] related he was unable to determine if [REDACTED] was a passive resister or not, [REDACTED] can be heard being verbally aggressive with the officers and attempting to defeat arrest, making him, at minimum, a passive resister and authorizing Officer [REDACTED] to use holding and compliance techniques.

Due to limited BWC footage, statements and medical records were heavily weighed. Medical records reflecting [REDACTED] injuries and physical appearance did not corroborate his description of injuries to COPA. Likewise, Ms. [REDACTED] and [REDACTED] appeared to exaggerate the details and description of events. During his interview, [REDACTED] related that Officer [REDACTED] punched him in his face approximately 15 times.³⁶ However, Ms. [REDACTED] related that the only injuries she recalled were to his wrists, which were not noted in the medical records. This created credibility issues. Although a struggle appeared to occur between Officer [REDACTED] and [REDACTED] in the back seat of the police vehicle, there is insufficient evidence to prove or disprove whether the allegations occurred. For the reasons stated above, COPA cannot make a definitive determination, and therefore, COPA finds the allegation is not sustained.

COPA makes a finding of **NOT SUSTAINED** for **Allegation #3** alleging that Officer [REDACTED] pulled [REDACTED] down the stairs while handcuffed. Again, BWC footage did not corroborate [REDACTED] account. Just as Officer [REDACTED] explained during his interview, [REDACTED] and the Officers appear to

³⁶ Att. 36 at 20:36

have slipped and/or stumbled down a few stairs while trying to escort ██████ who was being uncooperative. Although footage revealed that ██████ did slip down the stairs, it appeared that the act was not intentional. Again, COPA cannot make a definitive determination and finds the allegation against Officer ██████ is not sustained.

COPA recommends a finding of **SUSTAINED** for **Allegation #4** that Officer ██████ did not complete a TRR. As a 30-year veteran and Field Training Officer trained in Crisis Intervention, Officer ██████ stated that he noticed ██████ exhibited signs of a medicated person. He explained his assessment was based upon ██████ inability to rationalize, his state of confusion, lack of focus, and statements made by ██████ family on-scene. In accordance with *Special Order 04-20- Responding to Incident Involving Persons in Need of Mental Health Treatment, Sec. IV*, “When mental illness is symptomatic, it can substantially impair a person’s thought, perception of reality, emotional process, judgment, behavior, or ability to cope with daily stresses of life.” Likewise, *Special Order 04-20 Sec. II. B. No. 1-2* notes, “if a person is in need of mental health treatment, and: is unarmed, not violent, and willingly to comply, Department members may transport the individual to a mental facility [...] [If the subject] is not immediately dangerous, Department members will contain the subject until assistance arrives.” In this case, Officer ██████ explained that based on his experience and training with dealing with persons with MHI’s, he reasonably believed that ██████ would be transported to a medical facility in lieu of arrest.³⁷ It should also be noted that Officer ██████ was the attesting and reporting officer on police records, and Officer ██████ responded to the scene as an assist officer. Therefore, Officer ██████ suggests that he did not learn of ██████ arrest until later in the day.

Also, during his interview, Officer ██████ reported that he considered the possibility that ██████ may have been a passive resister. Although at times uncooperative, Officer ██████ believed ██████ was not physically attempting to defeat arrest or become violent.³⁸ Nevertheless, BWC footage revealed several minutes of physical contact between the two in the back of a police vehicle and audio of ██████ yelling claims of injury. However, the audio of Officer ██████ response records him denying any act force against ██████

As seen on BWC footage and mentioned during his interview, Officer ██████ suspicions were revealed to be true after learning from Ms. ██████ and ██████ brother, who was on scene, that ██████ suffered with MHI.³⁹ However, General Order 03-02-02 clearly requires any allegation of injury to be documented in a TRR and in this case Officer ██████ failed to do so. For all reasons stated above, COPA determined that the allegation be **SUSTAINED**.

COPA makes a finding of **EXONERATED** for **Allegations #5 and #6**. As revealed during his interview, Officer ██████ researched the date he was assigned BWC. As a result, COPA followed up with CPD’s Information Services Department, who confirmed Officer ██████ information. Records revealed on the date of incident, Officer ██████ was not issued a BWC device. As previously stated, the first time he was assigned a BWC device was on February 15, 2018. This was approximately 2 weeks after the arrest ██████ This undisputed fact exonerates Officer ██████ of both allegations.

³⁷ Id. at 37:34

³⁸ Att. 32 at 16:00-17:10

³⁹ Att. 32 at 26:10

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer [REDACTED]

i. Complimentary and Disciplinary History

1. **Complimentary:** 1 Democratic National Convention Award, 1 Deployment Operations Center Award, 1 Military Service Award, 13 Emblem of Recognition – physical fitness Awards, 3 Attendance Recognition Awards, 1 Presidential Election Deployment Award 2008, 1 2004 Crime Reduction Ribbon, 84 Honorable Mentions, 2 Department Commendations, 3 Complimentary Letters, 1 Honorable Mention Ribbon Award, 1 Life Saving Award, 1 NATO Summit Service Award, 2009 Crime Reduction Award
2. **Disciplinary:** None

COPA has taken into account both the complimentary and prior disciplinary history of the officer.

ii. Recommended Penalty, by Allegation

1. Allegation No. 4: Violation Noted

Officer [REDACTED] admitted to COPA that he failed to prepare a TRR regarding the arrest of [REDACTED]. However, he definitively relayed that he believed [REDACTED] would be escorted to a mental health facility in lieu of arrest. It was clear through his interview that he is an experienced, well trained, and very knowledgeable about dealing with persons with mental health issues. Unfortunately, in this case he made a lapse in judgment. COPA finds Officer [REDACTED] acknowledgment of responsibility to be a strong factor in mitigation. For the reasons stated above, COPA recommends a Violation Noted.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged the accused arrested [REDACTED] without justification on January 28, 2018 in violation of Rules 1 and 2.	EXONERATED EXONERATED

<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged the accused arrested [REDACTED] without justification on January 28, 2018 in violation of Rules 1 and 2.</p> <p>2. It is alleged while in the back of a police squadrol the accused used excessive force against [REDACTED] in that he punched him in the face, choked him, and poked him in the eye in violation of Rules 2, 8, 9.</p> <p>3. It is alleged the accused pulled [REDACTED] down the stairs while handcuffed in violation of Rules 2 and 8.</p> <p>4. It is alleged the accused failed to complete a TRR regarding the arrest of [REDACTED] in violation of Rules 5 and 10.</p> <p>5. It is alleged the accused failed to activate his Body Worn Camera during the arrest of [REDACTED] in violation of Rules 5 and 10.</p> <p>6. It is alleged the accused failed to wear his assigned Body Worn Camera device in violation of Rules 5, 10, and 12.</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>SUSTAINED / Violation Noted</p> <p>EXONERATED</p> <p>EXONERATED</p>
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Approved:

[REDACTED]

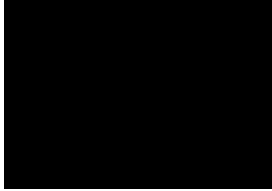
Deputy Chief Administrator – Chief Investigator

April 29, 2019

Date

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	