

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 7, 2018
Time of Incident:	5:03 PM
Location of Incident:	████████████████████
Date of COPA Notification:	September 7, 2018
Time of COPA Notification:	7:03 PM

On September 7, 2018, Officers ██████ and ██████ performed a traffic stop on ██████ which resulted in ██████ being tased and arrested. COPA alleged that Officer ██████ without justification: entered ██████ vehicle, threatened to tase ██████ and deployed his taser. COPA further alleged Officer ██████ tased ██████ unsafely. BWC also suggested Officer ██████ engaged in an unnecessary verbal altercation with ██████ after the tasing. COPA also brought an allegation to Lieutenant ██████ for approving Officer ██████ Tactical Response Report (TRR). COPA’s findings are discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star # ██████ Employee ID # ██████ Date of Appointment: ██████, 2014, Police Officer, █ District, Date of Birth: ██████, 1977, Male, Black
Involved Officer #2:	██████████ Star # ██████ Employee ID # ██████ Date of Appointment: ██████, 2012, Police Officer, █ District, Date of Birth: ██████, 1976, Male, White
Involved Officer #3:	██████████ Star # ██████ Employee ID # ██████ Date of Appointment: ██████, 1993, Lieutenant, █ District, Date of Birth: ██████, 1967, Male, Black
Involved Individual #1:	██████████ Date of Birth: December 24, 1990, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████	1. Entered ██████ vehicle without justification, in violation of Rule 1 and Rule 2.	Exonerated

	2. Threatened to tase [REDACTED] without justification, in violation of Rule 6 and Rule 9.	Sustained
	3. Deployed his taser at [REDACTED] without justification, in violation of Rule 6 and Rule 9.	Sustained
	4. Deployed his taser at [REDACTED] unsafely, in violation of Rule 6 and Rule 8.	Sustained
Officer [REDACTED]	1. Engaged in an unnecessary verbal altercation with [REDACTED] in violation of Rule 8 and Rule 9.	Unfounded
Lieutenant [REDACTED]	1. Was inattentive to duty by approving Officer [REDACTED] (Star # [REDACTED] Tactical Response Report (TRR) for RD # [REDACTED] and stating Officer [REDACTED] use of a tase was within policy, in violation of Rule 3, Rule 6, and Rule 10.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Prohibits violation of any law or ordinance.
2. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. **Rule 3:** Prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
5. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
6. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
7. **Rule 10:** Prohibits inattention to duty.

General Orders

1. **G03-02:** Use of Force.

2. **G03-02-01:** Force Options.
3. **G03-02-02:** Incidents Requiring the Completion of a Tactical Response Report.
4. **G03-02-04:** Taser Use Incidents.

Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION

a. Interviews

Attempts to contact ██████████ and conduct an interview were unsuccessful.¹²

COPA interviewed **Officer ██████████** on December 17, 2018.³ Officer ██████████ related that on September 7, 2018, he and Officer ██████████ saw ██████████ vehicle run through a stop sign and subsequently performed a traffic stop. The officers learned ██████████ license was expired and he did not have insurance. The officers asked ██████████ to exit his car, but ██████████ refused. Officer ██████████ went to the passenger's side and ██████████ continued his refusal to exit. Officer ██████████ then entered ██████████ vehicle in the rear passenger seat because, "it was an easier spot [...] to talk to him and ask him to get out the vehicle."⁴ Officer ██████████ related to COPA that he warned ██████████ he was going to tase him because ██████████ refused to get out of the car. Per Officer ██████████ became "very aggressive, he started reaching for things [...] inside the vehicle."⁵ Officer ██████████ elaborated that ██████████ was aggressive because he was "yelling at the top of his lungs [...] he was moving his hands around, reaching for things in the car."⁶ Officer ██████████ did not know what ██████████ was reaching for. Officer ██████████ related that he deployed his taser because ██████████ ignored the officers verbal directions and ██████████ was an active resister. Officer ██████████ stated this was his first and only taser deployment. Officer ██████████ related that he factored the presence of the children into his taser deployment because the taser was "the safest tool that I could use to get Mr. ██████████ to exit the vehicle."⁷

Officer ██████████ was interviewed by COPA on December 17, 2018.⁸ On September 7, 2018, Officer ██████████ was partnered with Officer ██████████. Officer ██████████ saw ██████████ driving south on Michigan and ██████████ did not stop at a stop sign. Officer ██████████ performed a traffic stop, approached ██████████ and asked for license and registration. ██████████ told the officer he did not have insurance and provided an Illinois ID instead of a driver's license. Officer ██████████

¹ COPA initiated this case based on a review of BWC after being alerted about the taser discharge.

² Att. 35

³ Att. 25

⁴ Approximately 6:28 minute mark of Att. 25

⁵ Approximately 7:00 minute mark of Att. 25

⁶ Approximately 7:15 minute mark of Att. 25

⁷ Approximately 8:35 minute mark of Att. 25

⁸ Att. 23

learned [REDACTED] license was expired and asked [REDACTED] to exit the vehicle, so he could arrest [REDACTED]. Officer [REDACTED] did not know Officer [REDACTED] was going to enter [REDACTED] vehicle or why Officer [REDACTED] did so. Officer [REDACTED] did not know why Officer [REDACTED] deployed his taser. Per Officer [REDACTED] he perceived [REDACTED] as a passive resister.

Officer [REDACTED] was interviewed by COPA on December 13, 2018.⁹ Officer [REDACTED] related that on September 7, 2018, he was on duty and responded to a call for officer assistance near [REDACTED] Michigan Ave. Officer [REDACTED] believed he heard via radio a taser deployed and observed the taser in Officer [REDACTED] hand upon arrival. Officer [REDACTED] was not present when [REDACTED] was tased. Officer [REDACTED] attempted to “gather information” about what to do with [REDACTED] children.¹⁰ Per Officer [REDACTED] he was upset with [REDACTED] tone and did not like how [REDACTED] spoke to him. Officer [REDACTED] denied that he either intended to be, or was, disrespectful to [REDACTED]. Officer [REDACTED] reported that he told [REDACTED] he was going to send the kids to the Department of Child and Family Services (DCFS) because, “If I don’t have a relative to pick them children up, they gotta go with somebody.”¹¹ Officer [REDACTED] denied being punitive towards [REDACTED]. Officer [REDACTED] did not know how he could have spoken to [REDACTED] differently and related [REDACTED] spoke more politely after he corrected [REDACTED].

COPA interviewed Lieutenant [REDACTED] on January 10, 2019.¹² Lieutenant [REDACTED] related that he was the Watch Commander in the [REDACTED] District on September 7, 2018 and first encountered [REDACTED] at the police station. Lieutenant [REDACTED] spoke with [REDACTED] in a holding cell and [REDACTED] related that he should have complied. With regards to the TRR, Lieutenant [REDACTED] stated he interpreted [REDACTED] statement to mean [REDACTED] would have changed his behavior given the chance, not that [REDACTED] needed more time to comply. Per Lieutenant [REDACTED] Officer [REDACTED] related that [REDACTED] was using the car seat as a barrier between [REDACTED] and Officer [REDACTED]. Lieutenant [REDACTED] related that [REDACTED] called Officer [REDACTED] a gentleman, and vice versa. Lieutenant [REDACTED] related that since there was no harm and the men called each other gentlemen, he approved the TRR. Lieutenant [REDACTED] related that he reviewed relevant CPD policies prior to his COPA interview and has thought about the issue since its occurrence. Lieutenant [REDACTED] related to COPA that he did not ensure Officer [REDACTED] was in compliance with policy at the time he approved the TRR, and instead was influenced by emotion and the interviews he conducted with the involved parties. Lieutenant [REDACTED] stated that ignoring verbal commands alone does not make someone an active resister.

b. Digital Evidence

The following **Body Worn Camera (BWC)** footage was recorded from [REDACTED] September 7, 2018 arrest.^{13 14}

⁹ Att. 18

¹⁰ Approximately 6:09 minute mark of Att. 18.

¹¹ Approximately 6:53 minute mark of Att. 18.

¹² Att. 30

¹³ Att. 16

¹⁴ BWC was provided for Officer [REDACTED], Officer [REDACTED] and Officer [REDACTED] [REDACTED] that contained no additional, relevant content.

Officer [REDACTED]

Officer [REDACTED] BWC initiated at approximately 4:59 PM. Officer [REDACTED] approached [REDACTED] car on the passenger side. A young child was in the passenger's seat and another was in a car seat in the back. Officer [REDACTED] spoke to [REDACTED] through the driver's window while Officer [REDACTED] went to the rear passenger's side, opened the door, and sat down. [REDACTED] told Officer [REDACTED] he could not enter his car. Officer [REDACTED] removed his taser and told [REDACTED] that if he did not exit the vehicle, he would tase [REDACTED] was upset, and Officer [REDACTED] repeated that [REDACTED] should leave the car or he was going to tase [REDACTED]. At about 5:02 PM, [REDACTED] grabbed his cellphone from the center console and Officer [REDACTED] deployed his taser. [REDACTED] then allowed Officer [REDACTED] to handcuff and remove him from the car.

At about 5:08 PM, Office [REDACTED] asked [REDACTED] if there was someone to retrieve his children. [REDACTED] stated he needed his phone and yelled at the officer. Sergeant [REDACTED] told [REDACTED] "if you keep speaking to the policeman like that, ya know." [REDACTED] then said he could talk how wants and Officer [REDACTED] said they could call DCFS instead. [REDACTED] then stated, "get my phone out the car" and the officer responded by shouting, "who the hell are you talking to? [...] you can say please, and I'll get you your phone." [REDACTED] then stated "Please, can you get my phone off the driver's seat?" and the officer responded, "that's the correct way." An ambulance arrived for [REDACTED] at roughly 5:10 PM.

Officer [REDACTED]

Officer [REDACTED] BWC began at roughly 4:59 PM. Officer [REDACTED] approached [REDACTED] vehicle on the driver's side. A young child was in the front passenger's seat and another was in the backseat. [REDACTED] handed the officer an ID and stated he did not have his insurance available. Officer [REDACTED] learned [REDACTED] did not have a valid driver's license and asked him to exit his car. [REDACTED] asked why, and Officer [REDACTED] responded his license was expired. While Officer [REDACTED] was talking to [REDACTED] at roughly 5:02 PM, Officer [REDACTED] entered [REDACTED] vehicle on the rear passenger's side. [REDACTED] related the officer could not come into his car. Shortly after, Officer [REDACTED] removed his taser and pointed it at [REDACTED]. Officer [REDACTED] told [REDACTED] to exit the vehicle several times. [REDACTED] requested a sergeant and grabbed his cellphone from the center console. Officer [REDACTED] deployed his taser at [REDACTED] shortly after, still at 5:02 PM. [REDACTED] then complied and Officer [REDACTED] guided [REDACTED] out of the car. [REDACTED] was upset about his children and wanted to speak to a sergeant. [REDACTED] also asked for an ambulance.

Officer [REDACTED]

Officer [REDACTED] BWC started at about 5:05 PM, after [REDACTED] was in custody and several Department members were on scene. Officer [REDACTED] approached [REDACTED] in the police car as [REDACTED] was upset, cursing, and criticizing the officers. [REDACTED] stated he needed his phone to call someone to get his children. When Sergeant [REDACTED] advised [REDACTED] not to talk to the police like that, [REDACTED] stated, "this is a free county" and he can "say what the fuck I wanna say." Officer [REDACTED] responded, "Well, we can call DCFS then I don't have to call anybody." Officer [REDACTED] walked away and stated, "Talk to me that way." [REDACTED] shouted something and Officer [REDACTED] turned around and stated, "Who the hell are you talking to?" [REDACTED] asked for his phone out of his car and

Officer ██████ shouted ██████ needed to say please. ██████ said please and Officer ██████ shouted “That’s the correct way” then got ██████ phone from ██████ car.

c. Physical Evidence

No relevant physical evidence was obtained pertaining to the present investigation.

d. Documentary Evidence

████████████████████ **Arrest Report** was obtained from September 7, 2018 with RD# ██████████ ██████ was charged with misdemeanor resisting/obstructing a peace officer and traffic citations for failing to stop at a stop sign, operating a motor vehicle without insurance, and being “unlicensed.” Officers ██████ and ██████ performed a traffic stop on ██████ after he failed to stop at a stop sign. Officer ██████ asked ██████ for his driver’s license and ██████ could only produce a state ID. A name check revealed ██████ had an expired driver’s license and he was asked to exit his vehicle. ██████ “refused to obey” the “verbal commands,” and Officer ██████ “entered the passenger side of the rear vehicle and repeatedly asked driver to exit the vehicle and he refused.” Officer ██████ deployed his taser “striking the subject in the right arm.” Officer ██████ got ██████ out of the vehicle and about “3.7 grams of a green leafy substance suspect cannabis” were recovered from ██████ was taken to the hospital, then to the ██████ District.

Similarly, **traffic tickets** were found for ██████ from September 7, 2018 for failing to stop at a stop sign, operating an uninsured motor vehicle, and no valid driver’s license.¹⁶

An **Administrative Notice of Violation** was also found for ██████¹⁷ On September 7, 2018, ██████ was cited for 3.7 grams of cannabis, which was found after a traffic stop.

An **Original Case Incident Report** was located for RD# ██████████ ██████ told the officers his license was expired, and he did not have insurance. The officers gave ██████ “several verbal orders to exit his vehicle” but ██████ did not comply. Officer ██████ then entered ██████ car and again told ██████ to exit the vehicle several times. When ██████ did not comply, Officer ██████ deployed his taser into ██████ right shoulder. Officer ██████ handcuffed ██████ while ██████ was in the driver’s seat. Officer ██████ also searched ██████ and found suspect cannabis in his pants pocket. Officer ██████ radioed for a supervisor and ambulance. An ambulance took ██████ to Roseland Hospital. ██████ was then taken to the ██████ District by Beat ██████

Inventory Sheets were also obtained from RD# ██████████ Inventoried items included an expended, negative, narcotics testing cartridge and suspect marijuana.

¹⁵ Att. 5

¹⁶ Att. 9

¹⁷ Att. 10

¹⁸ Att. 17

¹⁹ Att. 8

A CPD Event Query Report was found with Event Number [REDACTED] Beat [REDACTED] performed a traffic stop at about 5:00 PM near [REDACTED] Michigan Ave. A taser was deployed at approximately 5:04 PM. Emergency Medical Services (EMS) was requested at approximately 5:06 PM. Additional units also assisted. Beat [REDACTED] reported the offender (known to be [REDACTED] was in custody at about 5:08 PM. Beat [REDACTED] rode in the ambulance with [REDACTED] at about 5:13 PM. Beat [REDACTED] reported going to the [REDACTED] District with one subject at approximately 9:13 PM.

Taser information was obtained from Officer [REDACTED]²¹ Officer [REDACTED] armed his taser at approximately 5:04 PM. Both cartridges were deployed seconds later. The taser was in safe mode at about 5:05 PM. The taser was armed again at 5:06 PM and returned to safe mode at 5:07 PM. Officer [REDACTED] taser was armed then returned it to safe mode four more times until roughly 6:34 PM.

Officer [REDACTED] completed a Tactical Response Report (TRR).²² [REDACTED] was taken to Roseland Community Hospital with non-fatal, minor injuries. [REDACTED] reportedly did not follow verbal direction and stiffened (dead weight). Officer [REDACTED] used member presence, verbal direction, tactical positioning, and a taser to overcome [REDACTED] "resistance or aggression." One probe was discharged with one contact stun, one arc cycle, and one spark display. Lieutenant [REDACTED] spoke with [REDACTED] who related "the officers were gentlemen and that if he had the opportunity he would have complied with the officers [sic] directions." Lieutenant [REDACTED] wrote that he "reviewed the associated reports and BWC footage and concluded that they were accurate and complete" and Officer [REDACTED] was "complainant with the Department's use of force protocols." The narrative states that [REDACTED] "was asked to leave his vehicle several times by Officer [REDACTED] and the offender refused." Officer [REDACTED] entered the rear passenger's side and again asked [REDACTED] to exit the car "several times." Officer [REDACTED] "deployed his taser striking the offender's right arm." [REDACTED] used "his position and the vehicle to leverage himself against the officers [sic] attempt to gain control while effecting a lawful arrested, by actively resisting their verbal commands."

[REDACTED] misdemeanor criminal complaint was obtained from the Cook County Clerk of Court for resist/obstruct a peace officer.²³ This document stated [REDACTED] "knowingly resisted the performance of an authorized act within the officer's official capacity and engagement in the execution of his official duties in that the defendant did not comply with several verbal orders to step out of his vehicle and place his hands behind his back in an attempt to defeat an arrest [...]."

The docket was obtained for [REDACTED] criminal case related to this incident. Case [REDACTED] was filed with the Cook County Clerk of the Circuit Court on September 10, 2018.²⁴ [REDACTED] received three traffic citations and one misdemeanor charge for resisting/obstructing a peace officer. On September 21, 2018, [REDACTED] was ordered to 30 hours with the deferred prosecution program. On October 12, 2018, proof of [REDACTED] completion was submitted. The case was closed nolle prosequi on November 9, 2018.

²⁰ Att. 11

²¹ Att. 13

²² Att. 14

²³ Att. 15

²⁴ Att. 36

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.

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

Allegation 1 against Officer ██████ that he entered ██████ vehicle without justification, is **Exonerated**. While there is no question that Officer ██████ entered ██████ vehicle, the officer was justified in doing so. At the point Officers ██████ entered the car the officers had already determined ██████ was unlicensed and driving without insurance. The officers had a right to enter ██████ car once they determined he was breaking the law and was going to be arrested. Since Officer ██████ had a lawful right to enter ██████ vehicle, this allegation is Exonerated.

Allegations 2 – 4 against Officer ██████ that he threatened to tase ██████ without justification, deployed his taser at ██████ without justification, and deployed his taser unsafely, are **Sustained**.

With regards to Officer ██████ threatening to tase ██████ Officer ██████ related that he made the threat because ██████ would not get out of his car. Based on G03-02-04, "Members will

use de-escalation to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances.” Officer ██████ threatening to use the force was the opposite of de-escalation. Instead of speaking with ██████ calling a sergeant to the scene, or employing additional de-escalation techniques, Officer ██████ jumped to threatening force against ██████. ██████ refusing to exit his vehicle did not warrant a threat of tasing. As detailed below, ██████ was a passive resister and a taser was not authorized for use. Since Officer ██████ failed to use de-escalation and ██████ was a passive resister, this allegation is Sustained.

COPA determined that Officer ██████ deployed his taser at ██████ without justification because ██████ was a passive resister. Officer ██████ believed ██████ was an active resister at the time he tased ██████. G03-02-01 defines an active resister as “a person who attempts to create distance between himself or herself and the member’s reach with the intent to avoid physical control and/or defeat the arrest.” A passive resister is defined as “a person who fails to comply (non-movement) with verbal or other direction.” Per G03-02-04, tasers are only allowed on active resisters and assailants. Throughout the entire interaction, ██████ was a passive resister. He never attempted to distance himself from the officers, he just refused to exit his car (non-movement). Officer ██████ assertions that ██████ was reaching around and shouting at the officers is not substantiated by BWC. COPA does not believe Officer ██████ was untruthful. Rather, it appears the officer was frustrated that ██████ would not exit the car and confused about CPD policy. COPA does acknowledge that ██████ was seen reaching for his cell phone in BWC, but this act alone does not elevate ██████ to an active resister. Since ██████ was a passive resister, this allegation is Sustained.

Even if ██████ had been an active resister or assailant, Officer ██████ would still have been outside of policy as it was an unsafe tasing situation. Per G03-02-04, CPD members are prohibited from discharging a taser on an individual “operating or riding any mode of transportation.” ██████ was behind the wheel of a car when he was tased. The same policy recommends members “discharge probes within 18 feet of the subject (and ideally when the member is within 7 to 15 feet of the subject.” Officer ██████ was well under seven feet away from ██████ when the taser was deployed. Lastly, there were two small, unrestrained children in the car. The children could have easily reached over and gotten tased on accident. Because this was an unsafe situation in which to use a taser, Allegation 4 against Officer ██████ is also Sustained.

Allegation 1 against Officer ██████ that he engaged in an unnecessary verbal altercation with ██████ is **Unfounded**. The BWC shows Officer ██████ going back and forth with ██████ arguing about what to do with the kids. ██████ is understandably upset, he was tased minutes prior, in front of his kids, the prongs were still connected to him and he was complaining of needing air. Further, Officer ██████ and the on-scene supervisor are heard reminding ██████ that he should be conscious that he was talking to a police officer and how he talks to a police officer. In a post-tasing situation officers should be prepared for the subject of the tasing to be angry with police. Furthermore, as articulated above, ██████ complaints were justified because he should not have been tased. Both ██████ and Officer ██████ choice to argue slowed the process down. However, by clear and convincing evidence, Officer ██████ actions do not rise to the level of policy violation. Officer ██████ never swears or uses inflammatory language. He pushed the limit of acceptable conduct when he insinuated that he could call DCFS rather than a family member to

get the kids, however he appears to be trying to gain [REDACTED] compliance rather than intentionally upset him.

Allegation 1 against **Lieutenant [REDACTED]** that he was inattentive to duty by approving Officer [REDACTED] (Star # [REDACTED] Tactical Response Report (TRR) for RD # [REDACTED] and stating Officer [REDACTED] use of a tase was within policy, is **Sustained**. For the reasons detailed above, Officer [REDACTED] taser deployment was outside of policy. As such, it should not have been approved by Lieutenant [REDACTED] and this allegation is Sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer [REDACTED]

i. Complimentary and Disciplinary History

Officer [REDACTED] has twelve (12) honorable mentions. Officer [REDACTED] has one prior incident of discipline for improper inventory procedures for which he received a reprimand.

ii. Recommended Penalty, by Allegation

1. Allegation No. 2-4: Threatened to tase, deployed his taser and deployed his taser unsafely without justification.

Officer [REDACTED] made a bad decision when he deployed his taser inside [REDACTED] car. Officer [REDACTED] mistakenly believed that [REDACTED] was an active resistor and thus believed he was within policy when he deployed the taser. While the force used was unreasonable, there is no indication Officer [REDACTED] used the taser in a punitive or malicious way. For these reasons, COPA recommends a suspension of three (3) days and training on use of force and de-escalation options.

b. Lieutenant [REDACTED]

i. Complimentary and Disciplinary History

Lieutenant [REDACTED] has one (1) superintendent award of merit, twelve (12) department commendations, forty-two (42) honorable mentions, one (1) life saving award, and one (1) unit meritorious awards. Lieutenant [REDACTED] has no disciplinary history within the last seven years.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1: Was inattentive to duty by approving Officer [REDACTED] (Star # [REDACTED] Tactical Response Report (TRR) for RD # [REDACTED] and stating Officer [REDACTED] use of a tase was within policy.

Lieutenant [REDACTED] admitted he should not have approved the TRR in his interview with COPA. Further, he stated that in performing the functions of reviewing the TRR, he spoke with [REDACTED] who was complimentary of the officers and that effected his judgement on considering the use of force. The mistake is understandable because by the time Lieutenant [REDACTED] was involved [REDACTED] was calm

and was not contesting the use of force. However, even though all parties were getting along, Lieutenant [REDACTED] was responsible for reviewing the force, understanding that civilians and even officers may not apply the proper standards. His failure to do so here was not malicious. Additionally, he admitted to COPA that he made the mistake. Had COPA not been advised of the taser discharge, this investigation would never have happened and thus the gate keeper function the reviewing watch commander has is pivotal in identifying areas of improvement within the department. Therefore, given Lieutenant [REDACTED] complimentary history and his admission of responsibility, COPA recommends a reprimand.

IX. CONCLUSION

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

Officer	Allegation	Finding/ Recommendation
Officer [REDACTED]	1. Entered [REDACTED] vehicle without justification, in violation of Rule 1 and Rule 2. 2. Threatened to tase [REDACTED] without justification, in violation of Rule 6 and Rule 9. 3. Deployed his taser at [REDACTED] without justification, in violation of Rule 6 and Rule 9. 4. Deployed his taser at [REDACTED] unsafely, in violation of Rule 6 and Rule 8.	Exonerated Sustained Sustained Sustained
Officer [REDACTED]	1. Engaged in an unnecessary verbal altercation with [REDACTED] in violation of Rule 8 and Rule 9.	Unfounded
Lieutenant [REDACTED]	1. Was inattentive to duty by approving Officer [REDACTED] (Star # [REDACTED] Tactical Response Report (TRR) for RD # [REDACTED] and stating Officer [REDACTED] use of a tase was within policy, in violation of Rule 3, Rule 6, and Rule 10.	Sustained

Approved:

[REDACTED]

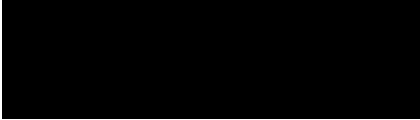

June 25, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Andrea Kersten, #7