

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 4, 2018
Time of Incident:	10:53 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	July 24, 2018
Time of COPA Notification:	2:28 PM

The complainant, [REDACTED] (Ms. [REDACTED]) reported that on July 4, 2018, police chased her son, [REDACTED] (Mr. [REDACTED]) into their apartment building. Ms. [REDACTED] alleged Officer [REDACTED] pushed her and used excessive force against Mr. [REDACTED] including discharging oleoresin capsicum (OC) spray. Ms. [REDACTED] also provided clothing items for Mr. [REDACTED] after he was arrested, which were never inventoried or returned. After reviewing Body Worn Camera (BWC) footage, COPA brought additional allegations for officers not activating their BWCs and Officer [REDACTED] engaging in an unnecessary verbal altercation. COPA’s findings are discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2013, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1982, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2012, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1978, Male, White
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2012, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1985, Male, White
Involved Officer #4:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2014, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1983, Male, Hispanic
Involved Officer #4:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2006, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1970, Female, Hispanic

Involved Individual #1: [REDACTED] Date of Birth: [REDACTED] 1952, Female Black

Involved Individual #2: [REDACTED] Date of Birth: [REDACTED] 1979, Male, Black¹

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. While chasing [REDACTED] into [REDACTED] [REDACTED] told him, "I tell you what, you're going to get shot," in violation of Rule 9. 2. Pushed [REDACTED] without justification, in violation of Rule 6 and Rule 9. 3. Sprayed oleoresin capsicum inside of [REDACTED] [REDACTED] in violation of G03-02-05, in violation of Rule 6 and Rule 9. 4. Used excessive force while escorting [REDACTED] [REDACTED] downstairs, in violation of Rule 6 and Rule 9.	Exonerated Exonerated Exonerated Unfounded
Officer [REDACTED]	1. Failed to record the encounter on BWC, in violation of Rule 6.	Sustained
Officer [REDACTED]	1. Failed to initiate his BWC at the beginning of the encounter, in violation of Rule 6.	Sustained
Officer [REDACTED]	1. Failed to inventory or return the t-shirt and boots provided by [REDACTED] in violation of Rule 6 and Rule 40.	Exonerated
Officer [REDACTED]	1. Failed to inventory or return the t-shirt and boots provided by [REDACTED] in violation of Rule 6 and Rule 40. 2. Failed to record the encounter on BWC, in violation of Rule 6.	Unfounded Sustained

¹ Per [REDACTED] COPA interview, [REDACTED] often goes by his middle name of [REDACTED]

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 6:** Prohibits disobedience an order or directive, whether written or oral.
 2. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 3. **Rule 40:** Prohibits failure to inventory and process recovered property in conformance with Department orders.
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General Orders

1. **G03-02:** Use of Force.
 2. **G03-02-01:** Force Options.
 3. **G03-02-05:** Oleoresin Capsicum (OC) Devices and Other Chemical Agent Use Incidents.
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Special Orders

1. **S03-14:** Body Worn Cameras.
2. **S07-01-01:** Inventorying Arrestees' Personal Property.

INVESTIGATION²

a. Interviews

██████████ and conduct an interview with him were unsuccessful.³

COPA interviewed ██████████ on July 26, 2018.⁴ On July 4, 2018, Ms. ██████████ heard “crying and hollering outside.”⁵ She went to the window and saw police cars. She went downstairs but before she got outside, officers were banging on her door. The officers entered the building at ██████████ and went to the basement. The building has two stories, with a separate unit on each floor and an unfinished basement. Four to six officers went past Ms. ██████████ and straight to the basement. Ms. ██████████ went outside, where there were three children in the black vehicle. Ms. ██████████ was not aware her son, Mr. ██████████ had entered the building. A short officer with light-colored hair, identified as Officer ██████████ told Ms. ██████████ that her son ran into the building. Officer ██████████ related they had chased Mr. ██████████ who was speeding before he stopped at the house. Officer ██████████ further stated that Mr. ██████████ exited the car and pushed an officer. Ms.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 46

⁴ Att. 4

⁵ Approximately 2:18 minute mark of Att. 4.

█████ believed Mr. █████ ran because he was on probation and not supposed to interact with police. She also related Mr. █████ did not have his driver's license.

When Ms. █████ re-entered the building, Mr. █████ was in her unit. A tall officer with a beard, identified as Officer █████ went upstairs. According to Ms. █████ Officer █████ pushed Ms. █████ to the side and entered Mr. █████ bedroom. Ms. █████ clarified that Officer █████ did not hurt her but was getting her out of the way. She reported that Officer █████ did not ask her to move. The officer told Mr. █████ to exit. Mr. █████ responded that he did nothing wrong and the officer grabbed Mr. █████ Officer █████ handcuffed Mr. █████ while Mr. █████ was not wearing a shirt or shoes, and escorted Mr. █████ out of the room. Once in the dining room, Officer █████ sprayed oleoresin capsicum (OC) spray. Ms. █████ did not hear an officer announce they were going to spray or see the canister. Ms. █████ knew there was spray because she was coughing, as was Officer █████ Ms. █████ denied that Mr. █████ was struggling. Ms. █████ did hear Officer █████ tell Mr. █████ to stop resisting and Mr. █████ stated he did not do anything. Ms. █████ stated Officer █████ was rough with Mr. █████ on the stairs, causing the officer's BWC to fall off. Ms. █████ returned the BWC to Officer █████ Ms. █████ clarified that only Officer █████ and Officer █████ entered her apartment. Ms. █████ brought a shirt and shoes for Mr. █████ and gave it to a female officer – which Mr. █████ later told Ms. █████ was thrown away and not given to Mr. █████

COPA interviewed Officer █████ on November 14, 2018.⁶ On July 4, 2018, Officer █████ was working on a robbery team in the █████ District. Officer █████ first saw Mr. █████ car on North Ave. The officers performed a traffic stop because Mr. █████ was driving erratically, did not have head lights on, was speeding, weaved between cars, failed to stay in his lane, and went into oncoming traffic. Officer █████ stated the team was responding to a "hot call" and first saw Mr. █████ was driving away from the direction of the call.⁷ The officers followed Mr. █████ about seven to ten blocks before he stopped. Officer █████ believed Officer █████ called in the incident over the radio. Mr. █████ was charged with felony aggravated fleeing because he failed to stop at stop signs and a red light. Officer █████ pulled out his gun because Mr. █████ erratic behavior suggested he was involved in a violent crime. Mr. █████ exited his car and ignored the officers' verbal directions. Officer █████ attempted to detain Mr. █████ Mr. █████ "took off" and knocked Officer █████ to the ground.⁸ Officer █████ observed Mr. █████ pull away as Officer █████ attempted to grab Mr. █████ and was knocked to the ground. Officer █████ related that he was trying to stop Mr. █████ from running and he told Mr. █████ he was going to be shot. Officer █████ denied intending to shoot Mr. █████ Rather, he thought Mr. █████ may have had a gun and the officer "wanted the incident to stop."⁹

Per Officer █████ the incident was a hot pursuit because Mr. █████ was fleeing the officers, entered a house, and had already eluded the officers. Mr. █████ gained entry to █████ through the front door. Officer █████ approached the building and the door was locked. Officer █████ told Officer █████ to kick the door and an older adult opened the door for the officers. The officers cleared the basement. Officer █████ went upstairs and approached the first-

⁶ Att. 41

⁷ Approximately 6:49 minute mark of Att. 41.

⁸ Approximately 9:45 minute mark of Att. 41.

⁹ Approximately 12:04 minute mark of Att. 41.

floor unit. Officer [REDACTED] continued upstairs and saw Mr. [REDACTED] putting on jeans. Officer [REDACTED] did not recall pushing an older woman and stated if he had, it was unintentional. Officer [REDACTED] recalled an older woman asking questions and he may have brushed against her, but he denied pushing her. Officer [REDACTED] grabbed one of Mr. [REDACTED] arms and he believed Officer [REDACTED] grabbed the other arm. Mr. [REDACTED] pulled his arms away and ran into the basement. Officer [REDACTED] BWC fell off while trying to detain Mr. [REDACTED] in the upstairs bedroom. Officer [REDACTED] speculated that his chest touched Mr. [REDACTED] causing the camera to fall. Officer [REDACTED] denied escorting Mr. [REDACTED] down the stairs.

Once in the basement, Officer [REDACTED] saw Mr. [REDACTED] in the corner. The officers tried talking to Mr. [REDACTED] and told him to put his hands behind his back. Mr. [REDACTED] ignored the officers' verbal commands. Per Officer [REDACTED] Mr. [REDACTED] assumed a fighting stance and clenched his fists, causing the officer to think Mr. [REDACTED] was going to fight. Officer [REDACTED] responded by grabbing his OC spray and discharging it at Mr. [REDACTED] Officer [REDACTED] related that he warned Mr. [REDACTED] before spraying. After the OC spray, the officers were able to detain Mr. [REDACTED] with three or four officers putting him in handcuffs. The officers brought Mr. [REDACTED] outside and requested a transport car. Officer [REDACTED] did not recall an older, African American woman giving the officers clothing for Mr. [REDACTED] Nor did Officer [REDACTED] recall any officers holding clothing items. Per Officer [REDACTED] at some point in this incident a tendon in his leg tore after his knee gave out.

On September 27, 2018, COPA interviewed Officer [REDACTED]¹⁰ On July 4, 2018, Officer [REDACTED] was working on a robbery team in the [REDACTED] District with Officers [REDACTED] and [REDACTED] Officer [REDACTED] recalled that they were responding to a call of an armed robbery when they saw Mr. [REDACTED] car going west on North Ave. Officer [REDACTED] related Mr. [REDACTED] was speeding and driving into oncoming traffic. The officers followed Mr. [REDACTED] for about one minute. Mr. [REDACTED] continued driving erratically, and he ran through red lights and stop signs. The officers were able to maintain sight of Mr. [REDACTED] car because of a broken taillight. Mr. [REDACTED] stopped outside of [REDACTED] Officer [REDACTED] approached and gave Mr. [REDACTED] verbal commands to stay in the car. Mr. [REDACTED] ignored Officer [REDACTED] and continued walking towards the officer. Officer [REDACTED] attempted to detain Mr. [REDACTED] by telling him to stop and using his left hand to grab Mr. [REDACTED] arm. Mr. [REDACTED] responded by tensing up. Mr. [REDACTED] evaded Officer [REDACTED] by swinging his arms and Officer [REDACTED] was unable to stop him. Mr. [REDACTED] broke free and the officer fell to the ground. Officer [REDACTED] stood up, at which point Officers [REDACTED] and [REDACTED] were entering the front door of [REDACTED] Officer [REDACTED] went to the back of the property but did not see anything.

Later, Officer [REDACTED] heard yelling and went to the front of [REDACTED] Officer [REDACTED] then saw Mr. [REDACTED] run to the basement, followed by either Officer [REDACTED] or Officer [REDACTED] Officer [REDACTED] went into the basement to assist. Once in the basement, Mr. [REDACTED] did not follow verbal commands, refused to put his hands behind his back, tensed up, and reached towards his pants area. Officer [REDACTED] smelled the OC spray when he went into the basement. Eventually, Mr. [REDACTED] was placed into custody. Mr. [REDACTED] told the officers he did not do anything wrong and did not want to be arrested. Officer [REDACTED] recalled Ms. [REDACTED] giving a pair of boots to Officer [REDACTED] but Mr. [REDACTED] said it was not his property. Officer [REDACTED] did not know what happened to the clothing items provided by Ms. [REDACTED] Officer [REDACTED] thought his BWC was turned on

¹⁰ Att. 36

during the incident. When he went to turn it off at the end of the encounter, he realized it was not recording.

Officer [REDACTED] on September 27, 2018.¹¹ Per Officer [REDACTED] on July 4, 2018, he was partnered with Officer [REDACTED] and they were in a vehicle with Officers [REDACTED] and [REDACTED]. Officer [REDACTED] first saw Mr. [REDACTED] vehicle going west on North Ave., near Central Ave. Mr. [REDACTED] was speeding, and may have had a light out. Per Officer [REDACTED] Mr. [REDACTED] went through red lights on North Ave. and ran through at least one stop sign. The officers had their lights engaged but Officer [REDACTED] was not sure if the sirens were on. The officers followed Mr. [REDACTED] for about one or two minutes before he came to a stop. Before Officer [REDACTED] could exit the police car, Mr. [REDACTED] had exited his vehicle. Officers [REDACTED] and [REDACTED] approached Mr. [REDACTED]. Officer [REDACTED] saw the two officers trying to either detain Mr. [REDACTED] or get him back into his car. Mr. [REDACTED] appeared to make an “elusive movement or a shove towards Officer [REDACTED].¹² Officer [REDACTED] observed that Officer [REDACTED] attempted to grab Mr. [REDACTED] arms and Mr. [REDACTED] appeared to push Officer [REDACTED] away with his right arm. Officer [REDACTED] then saw Officer [REDACTED] fall to the ground. Mr. [REDACTED] proceeded to run into a building. Officers gained entry to [REDACTED] because someone opened the door. Officer [REDACTED] related they were in hot pursuit because Mr. [REDACTED] had assaulted a police officer.

When Officer [REDACTED] entered the building, he saw an open door in the basement and immediately went downstairs. Officer [REDACTED] then exited the building and went to the backyard to see if Mr. [REDACTED] fled through the rear. Officer [REDACTED] did not see Mr. [REDACTED] and returned to the front of the building. Officer [REDACTED] saw Officer [REDACTED] inside and joined him on the second floor. The two officers saw Mr. [REDACTED] in a bedroom, changing clothing. Ms. [REDACTED] was also upstairs. Officer [REDACTED] could not recall if Ms. [REDACTED] blocked their entry but recalled she was in their way. Officer [REDACTED] did not observe Officer [REDACTED] push Ms. [REDACTED]. The officers tried to place Mr. [REDACTED] into custody and Mr. [REDACTED] assumed a fighting stance with his arms tensed at his sides. Mr. [REDACTED] made an elusive movement by flailing his arms and running into the basement, and the officers followed. In the basement, Mr. [REDACTED] was again standing aggressively and tensed his arms. Officers told Mr. [REDACTED] he was under arrest. Per Officer [REDACTED] Mr. [REDACTED] acted like he wanted to fight the officers. Officer [REDACTED] thought he had initiated his BWC at the beginning of the incident. Officer [REDACTED] related that the events kept him from checking his BWC and he did activate it once things settled. Officer [REDACTED] did not recall if work boots or a t-shirt were provided for Mr. [REDACTED].

Officer [REDACTED]¹³ Officer [REDACTED] was responding to a call of shots fired when he and his partner, Officer [REDACTED] saw a squad car with lights on and approached to assist. Officer [REDACTED] entered [REDACTED] and went to the basement, where he saw officers trying to handcuff Mr. [REDACTED]. Officers asked Mr. [REDACTED] to put his hands behind his back at least five times but Mr. [REDACTED] did not follow verbal direction. Per Officer [REDACTED] Mr. [REDACTED] was searching in drawers for items and his hands were not in view. Officer [REDACTED] was present when the OC spray was discharged. No force or control tactics were used to handcuff Mr. [REDACTED]. Officer [REDACTED] described Mr. [REDACTED] was agitated.

¹¹ Att. 31

¹² Approximately 10:03 minute mark of Att. 31.

¹³ Att. 19

Officer [REDACTED] did not recall being given work boots or a shirt for Mr. [REDACTED]. After watching a portion of Officer [REDACTED] BWC, Officer [REDACTED] recalled the clothing items. Per Officer [REDACTED] he did not inventory the shirt or boots. Officer [REDACTED] recalled the items were in his trunk. He removed them from his trunk and threw them in the garbage at the police station. During the incident and subsequent transportation, Mr. [REDACTED] stated the items were not his. Mr. [REDACTED] never asked for the items during transportation or at the police station.

Officer [REDACTED]¹⁴ On the way to a call of shots fired, Officer [REDACTED] saw a police car at [REDACTED] and went to assist. Officer [REDACTED] got out of the squad car and saw children crying in a car. Officer [REDACTED] thought she had initiated her BWC. Officer [REDACTED] remained outside and was not present when Mr. [REDACTED] was handcuffed or when the OC spray was discharged. Officer [REDACTED] did not recall Ms. [REDACTED] providing a shirt or boots for Mr. [REDACTED]. Officer [REDACTED] did not know what happened to Mr. [REDACTED] clothing items. Officer [REDACTED] transported Mr. [REDACTED] to the police station. Officer [REDACTED] did not recall Mr. [REDACTED] asking for his shirt or boots.

Officer [REDACTED] on September 26, 2018.¹⁵ Officer [REDACTED] stated that on July 4, 2018, he responded to a call for assistance at [REDACTED]. Officer [REDACTED] went to the basement, where officers were trying to get Mr. [REDACTED] to cooperate. Mr. [REDACTED] resisted the officers by moving his shoulders, grabbing his pants, and pulling away. Officer [REDACTED] assisted in grabbing Mr. [REDACTED] hands, so Mr. [REDACTED] could be handcuffed. Officer [REDACTED] stated the OC spray occurred before he entered the basement. The officers eventually handcuffed Mr. [REDACTED] and he was escorted out of the dwelling.

b. Digital Evidence

The following **Body Worn Camera** (BWC) and **In Car Camera** (ICC) footage was obtained from Mr. [REDACTED] July 4, 2018 arrest.¹⁶

Officer [REDACTED] - BWC

Officer [REDACTED] BWC began at about 10:50 PM, as Officer [REDACTED] was driving. Officer [REDACTED] was in the passenger seat and stated, "There's people out [REDACTED] tonight, so let's take it easy." The police car stopped at about 10:51 PM, and Officer [REDACTED] exited. An officer was heard shouting at Mr. [REDACTED] to stay in the car. Officer [REDACTED] attempted to detain Mr. [REDACTED] while Officer [REDACTED] had his gun drawn. Officer [REDACTED] attempted to handcuff Mr. [REDACTED] who was walking from the officer and pulling away his hands. Seconds later, Mr. [REDACTED] ran towards [REDACTED] while Officer [REDACTED] was seen on the ground. At about 10:51 PM, Officer [REDACTED] stated, "I tell you what, you're going to get shot," as he ran after Mr. [REDACTED]. Officers [REDACTED] and [REDACTED] attempted to enter the dwelling. Officer [REDACTED] stated to "open the fucking door" and an older woman asked who the officers were looking for. Officers proceeded past her to the basement and searched. At about 10:53, Officer [REDACTED] told a woman they needed to go into the house because they were in hot pursuit.

¹⁴ Att. 24

¹⁵ Att. 29

¹⁶ Att. 15

Officer [REDACTED] approached the first-floor unit and opened the door, where a grey pit-bull terrier was seen. A woman, was then heard shouting that Mr. [REDACTED] lives upstairs. At about 10:53 PM, an officer asked one of the women to talk to Mr. [REDACTED] and have him come out. The woman responded that Mr. [REDACTED] did not steal a car or assault a police officer. Officer [REDACTED] proceeded upstairs. Officer [REDACTED] entered a bedroom and Mr. [REDACTED] was seen changing clothes. Officer [REDACTED] told Ms. [REDACTED] to move out of his way. Officer [REDACTED] attempted to handcuff Mr. [REDACTED] who was walking away from the officer. Officer [REDACTED] BWC fell off. An officer was heard telling Mr. [REDACTED] to put his hands behind his back. At about 10:55 PM, Ms. [REDACTED] picked up the BWC.

Officer [REDACTED] – BWC

Officer [REDACTED] BWC initiated at about 10:50 AM. Mr. [REDACTED] was evading Officers [REDACTED] and [REDACTED] and not allowing himself to be handcuffed. At roughly 10:51 PM, Officer [REDACTED] appeared to have his hand on Mr. [REDACTED] arm before he was no longer visible. Officer [REDACTED] remained by Mr. [REDACTED] car.

Officer [REDACTED] – BWC

Officer [REDACTED] BWC began at about 10:55 PM. The officer approached [REDACTED] and several officers were seen in front of the building. Officer [REDACTED] went into the basement where several officers surrounded Mr. [REDACTED]. Mr. [REDACTED] was arguing with the officers and Officer [REDACTED] had his handcuffs out. Mr. [REDACTED] responded by turning away from the officers and trying to put on a shirt. Officers tried to handcuff Mr. [REDACTED] as he was told to put his hands behind his back. Mr. [REDACTED] resisted by pulling his arms and trying to walk away. Mr. [REDACTED] was handcuffed at about 10:57 PM. Officer [REDACTED] escorted Mr. [REDACTED] out of the basement and Mr. [REDACTED] continued arguing and pulling away. At about 10:58 PM, Officer [REDACTED] tried to give Mr. [REDACTED] a shirt from Ms. [REDACTED] but Mr. [REDACTED] said it was not his.

Officer [REDACTED] – BWC

Officer [REDACTED] BWC initiated at about 10:57 PM while in the basement of [REDACTED] as Mr. [REDACTED] was escorted outside. Mr. [REDACTED] was shouting and arguing with officers as he was put in the squad car. At roughly 11:00 PM, Officer [REDACTED] was heard telling Ms. [REDACTED] that Mr. [REDACTED] pushed him.

c. Physical Evidence

No relevant physical evidence was identified in relation to present investigation.

d. Documentary Evidence

[REDACTED] **Arrest Report** was obtained from July 4, 2018 with RD # [REDACTED]¹⁷ Mr. [REDACTED] was charged with two counts of felony resisting/obstructing a peace officer, felony

¹⁷ Att. 9

aggravated assault to a peace officer, felony aggravated fleeing/two or more control devices, misdemeanor criminal damage to property worth less than \$300, three misdemeanor counts of causing a child to be endangered, and several traffic offenses. The arresting officers, Officers [REDACTED] and [REDACTED] saw Mr. [REDACTED] “vehicle traveling [...] at a high rate of speed with no headlights.” The officers tried to pull Mr. [REDACTED] over and he “continued with multiple violations before coming to a stop at above location.” Mr. [REDACTED] got out of his car and ignored the officers. When the officers tried to detain Mr. [REDACTED] he resisted and caused both officers injuries. Mr. [REDACTED] resisted again and “became an active assailant at which time O.C [sic] spray was deployed at the location of arrest (basement).” Mr. [REDACTED] was taken to the [REDACTED] District by Beat [REDACTED]. While in the [REDACTED] District male lock-up, he damaged a mattress.

An **Original Incident Case Report** was obtained for RD # [REDACTED]^{18 19} Per this report, Officer [REDACTED] was seriously injured and Officer [REDACTED] received minor injuries. Per this report’s narrative, Officers [REDACTED] and [REDACTED] activated their emergency equipment and tried to pull Mr. [REDACTED] over for speeding, ignoring “emergency lights and sirens,” and “failing to stop at a red light signal and stop sign.” Mr. [REDACTED] “came to an abrupt halt at [REDACTED].” Mr. [REDACTED] got out of his car “with the car still running leaving three children in the vehicle.” Mr. [REDACTED] attempted to run into [REDACTED] and Officer [REDACTED] attempted to stop him. Mr. [REDACTED] “broke free” and Officer [REDACTED] “fell into the curb injuring his right hand.” Officer [REDACTED] and Officer [REDACTED] ran after Mr. [REDACTED] and Officer [REDACTED] “right knee buckled causing injury.” Mr. [REDACTED] “was found in a second-floor room with only boxer shorts on as he was attempting to change his clothes in order to confuse” the responding officers. The officers told Mr. [REDACTED] to turn around and put his hands behind his back. Mr. [REDACTED] “darted past” the responding officers “and ran into the basement of the building.” Officers cornered Mr. [REDACTED] and gave him verbal commands. Mr. [REDACTED] “took up a fighting stance with fists clenched and took a step towards” the officers, putting them “in fear of receiving a battery.” Officer [REDACTED] then deployed OC spray. “After a long struggle,” officers placed Mr. [REDACTED] into custody and he was transported to the [REDACTED] District. While at the [REDACTED] District, Mr. [REDACTED] “destroyed [a] lockup mattress.”

A **Tactical Response Report** (TRR) was completed by Officer [REDACTED] related to RD # [REDACTED]²⁰ Officer [REDACTED] sustained minor swelling and substantial pain. Mr. [REDACTED] condition was apparently normal, and he refused medical care. Mr. [REDACTED] reportedly ignored verbal commands, stiffened, pulled away, fled, and presented an imminent threat of battery without a weapon. Officer [REDACTED] responses included member presence, verbal direction/control techniques, movement to avoid attack, tactical positioning, additional members present, escort holds, wristlock, and OC spray. The officers curbed Mr. [REDACTED] for “multiple traffic violations.” Mr. [REDACTED] “fled from vehicle into residence.” Officers followed Mr. [REDACTED] and were allowed in by his family members. Mr. [REDACTED] was found in the basement, where he “disobeyed numerous verbal commands.” Mr. [REDACTED] “clenched his fists and advanced towards officers.” Officer [REDACTED] “attempted escort hold and arm bar to place offender into custody and were unsuccessful.” Mr. [REDACTED] clenched his fists again and refused to comply with officers’ commands. Mr. [REDACTED] was told he would be pepper sprayed but “continued to advance at which time officer discharged OC

¹⁸ Att. 11

¹⁹ A second Original Incident Case Report and a Detective Supplementary Report were located for RD # [REDACTED] that contained no additional, relevant information (See Atts. 10 and 18).

²⁰ Att. 12

spray upon offenders [sic] face and were then able to place offender into custody without further incident.” Officer ██████ right knee “buckled and gave out during the foot pursuit,” causing “immediate pain and swelling to said knee.”

Inventory Sheets were found from Mr. ██████ July 4, 2018 arrest.²¹ No boots or shoes were inventoried.

An **Office of Emergency Management and Communications Event Query Report** was located pertaining to Mr. ██████ July 4, 2018 arrest.²² A traffic stop initiated at about 10:52 PM by Beat ██████. Approximately 10 seconds later, the location changed. Beat ██████ was dispatched shortly after and Beat ██████ was called to assist at approximately 10:53 PM. At roughly 10:53 PM, it was reported the car took off and Mr. ██████ ran into ██████. At about 11:23 PM, it was reported there was an OC spray deployment. At about 11:27 PM, it was reported Mr. ██████ car would be towed.

The following relevant dockets were located through the **Cook County Clerk of the Circuit Court**.

- **Criminal Case** ██████ was filed on July 5, 2018.²³ Mr. ██████ was charged with eight traffic offense, two felony charges of resisting/obstructing a peace officer, a felony charge of aggravated fleeing or attempting to elude an officer, felony aggravated assault to a peace officer, one misdemeanor charge of criminal damage to property, and three misdemeanor counts of causing a child to be endangered. On August 1, 2018, the case was superseded by direct indictment and transferred to the Criminal Division.
- **Case Number** ██████ was filed on August 2, 2018.²⁴ Mr. ██████ was charged with five felonies: two for resisting a peace officer, two for aggravated assault of a peace officer, and one for aggravated fleeing or attempting to elude an officer. Mr. ██████ pleaded not guilty on August 9, 2018. As of the date of this report, this case is pending.²⁵
- **Case Number** ██████ was filed on July 14, 2016.²⁶ Mr. ██████ received six felony charges of aggravated battery to peace officer and three felony charges of resisting a peace officer. On September 14, 2017, Mr. ██████ pleaded guilty to all three counts of resisting a peace officer. A judgment of nolle prosequi was entered for the remaining charges. Mr. ██████ was sentenced to two years of probation and community services. On July 5, 2018, a petition for violation of probation was entered. Mr. ██████ was released on bond on August 9, 2018. As of this report, this case is pending with a continuance set for January 24, 2019.²⁷

²¹ Att. 17

²² Att. 13

²³ Att. 16

²⁴ Att. 47

²⁵ Att. 49-52

²⁶ Att. 48

²⁷ Att. 50

V. ANALYSIS

Allegation 1 against Officer ██████ that he told Mr. ██████ “I tell you what, you’re going to get shot,” is **Exonerated**. While the BWC footage could be interpreted as Officer ██████ threatening to shoot Mr. ██████ Officer ██████ explained to COPA that he was trying to deescalate and was worried Mr. ██████ had a gun. Ultimately, Officer ██████ did not shoot Mr. ██████ and when it came time to use force, he discharged OC spray (as analyzed below). Officer ██████ was in a tense situation with an elusive subject. Ideally, Officer ██████ would have been more thoughtful in how he communicated with Mr. ██████. However, due to the chaotic, stressful circumstances confronting Officer ██████ Officer ██████ comment did not amount to misconduct. Therefore, this allegation is Exonerated.²⁸

Allegation 2 against Officer ██████ that he pushed ██████ without justification, is **Exonerated**. Ms. ██████ told COPA that Officer ██████ did not hurt her but moved her out of his way. Officer ██████ denied intentionally pushing anyone but related he may have brushed against Ms. ██████ when he approached Mr. ██████. Officer ██████ recalled Ms. ██████ was in their way in the upstairs bedroom. Officer ██████ BWC shows Ms. ██████ was confrontational with the officers and Officer ██████ asked her to move out of their way. Available evidence indicates Officer ██████ was not using force against Ms. ██████. Rather, it appears he was focused on apprehending Mr. ██████ and made accidental, minor physical contact with Ms. ██████. Therefore, this allegation is Exonerated.

Allegation 3 against Officer ██████ that he sprayed oleoresin capsicum inside of ██████ in violation of G03-02-05, is **Exonerated**. Per G03-02-05, OC spray is authorized for use on active resisters. Ms. ██████ alleged Officer ██████ discharged his OC spray after Mr. ██████ was in handcuffs. BWC footage demonstrates this is not true. Based on officer statements and BWC footage, Mr. ██████ was uncooperative and ran from the officers, making him an active resister and the use of force authorized. The officers tried speaking to Mr. ██████ which he ignored. They also attempted grabbing him, which Mr. ██████ evaded. As previous force options had proven ineffective, Officer ██████ opted for a higher, but non-lethal, use of force. Moreover, while in the basement Mr. ██████ attempted to create space between himself and the officers by standing behind objects in the basement. Other non-lethal options such as a taser may not have been as effective. Therefore, this allegation is Exonerated. Additionally, while General Order G03-02-05 prohibits officers from using OC spray in an enclosed space unless the subject is defined as an assailant. BWC shows the basement area was an open unfinished basement, therefore COPA does not believe the basement at ██████ was an enclosed space as contemplated by the order. Moreover, ██████ had previously physically broke away from officers twice during the encounter, he was ultimately charged with battery to an officer. While contamination to other officers or other people in the home should have been considered, given Mr. ██████ prior behavior, OC spray was a reasonable and effective option.

Allegation 4 against Officer ██████ that he used excessive force while escorting ██████ downstairs, is **Unfounded**. Ms. ██████ believed the officers had put Mr. ██████ in handcuffs and escorted him downstairs. During this escort, Mr. ██████ believed Officer ██████ was so rough

²⁸ Although the finding is Exonerated, COPA recommends the Department provide Officer ██████ additional de-escalation training. COPA does not believe threatening to shoot someone is effective de-escalation.

that the officer's BWC fell off. However, based on BWC footage and officer interviews, this was not how events unfolded. It appears to camera fell off when Officer ██████ attempted to detain Mr. ██████ and Mr. ██████ ran past the officer. Mr. ██████ was not in handcuffs or police custody when he went down the stairs. As Ms. ██████ was incorrect about the sequence of events and apparently misperceived this incident, this allegation is Unfounded.

Allegation 1 against Officer ██████ and Officer ██████ and **Allegation 2** against Officer ██████ that they failed to record on BWC, are **Sustained**. Per Special Order S03-14, it is mandatory for officers to "electronically record a law-enforcement-related encounter." The special order specifically states a Department member would turn the BWC on "at the beginning of the incident and will record the entire incident for all law-enforcement-related activities." All three officers related to COPA that they mistakenly thought they had their BWC turned on. Regardless, all three were outside of policy and the allegations are sustained.

Allegation 1 against Officer ██████ that he failed to inventory or return the t-shirt and boots provided by ██████ is **Exonerated**. Officer ██████ told COPA he had the clothing items in his possession but threw them out when Mr. ██████ denied they were his. Mr. ██████ was also heard on BWC stating the items were not his. As Officer ██████ was not the officer to whom Ms. ██████ gave the clothing items and Mr. ██████ refused the items, Officer ██████ was justified in disposing of them. COPA acknowledges it is unfortunate for Ms. ██████ that she lost property. It does not, however, amount to misconduct on the part of Officer ██████ and this allegation is Exonerated. Similarly, **Allegation 1** against Officer ██████ that she failed to inventory or return the t-shirt and boots provided by ██████ is **Unfounded**. Officer ██████ reported no knowledge of the clothing items and Officer ██████ took accountability for throwing them away. As Officer ██████ was seemingly uninvolved, this allegation is Unfounded.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer ██████

i. Complimentary and Disciplinary History

Officer ██████ relevant Complimentary History consists of 3 Department Commendations, 56 Honorable Mentions, and 1 Honorable Mention Ribbon Award. Officer ██████ has no relevant Disciplinary History.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1: Failed to Activate BWC

Officer ██████ acknowledged his failure to activate his BWC until after the incident concluded. He articulated that he thought he had the camera on and only realized it was not when the incident was over. Given his lack of disciplinary history or any evidence suggesting this was more than mere oversight in a tense situation, COPA suggests a reprimand. However, we note that future incidents resulting in any evidence of a pattern of not engaging BWC will result in a significant increase in suggested penalties.

b. Officer [REDACTED]**i. Complimentary and Disciplinary History**

Officer [REDACTED] relevant Complimentary History consists of 40 Honorable Mentions and 1 Complimentary Letter. Officer [REDACTED] has no relevant Disciplinary History.

ii. Recommended Penalty, by Allegation**1. Allegation No. 1: Failed to Activate BWC**

Officer [REDACTED] acknowledged his failure to activate his BWC until later in the incident. Like Officer [REDACTED] Officer [REDACTED] articulated credibly that he thought he had the camera on and only realized it was not when the incident was over. Officer [REDACTED] lacks disciplinary history of failing to activate his BWC. Additionally, COPA lacks any evidence suggesting his actions were purposeful. Therefore, COPA suggests a reprimand. However, we note that future incidents resulting in any evidence of a pattern of not engaging BWC will result in a significant increase in suggested penalties.

c. Officer [REDACTED]**i. Complimentary and Disciplinary History**

Officer [REDACTED] relevant Complimentary History consists of 59 Honorable Mentions, 2 Department Commendations, 6 Complimentary Letters, 2 Life Saving Awards, and 1 Superintendent's Award of Valor. Officer [REDACTED] has no relevant Disciplinary History.

ii. Recommended Penalty, by Allegation**1. Allegation No. 2: Failed to Activate BWC**

Officer [REDACTED] acknowledged her failure to activate her BWC. She stated that she thought she had activated the camera and was further not present for the police interaction with Mr. [REDACTED] during his apprehension. While her presence or participation in the arrest is not a valid excuse for failing to activate the camera, she has no disciplinary history or any evidence suggesting her actions were intentional. Therefore, COPA suggests Officer [REDACTED] receive a reprimand. However, we note that future incidents resulting in any evidence of a pattern of not engaging BWC will result in a significant increase in suggested penalties.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. While chasing [REDACTED] into [REDACTED] [REDACTED] told him, "I tell you what, you're going to get shot," in violation of Rule 9. 2. Pushed [REDACTED] without justification, in violation of Rule 6 and Rule 9. 3. Sprayed oleoresin capsicum inside of [REDACTED] [REDACTED] in violation of G03-02-05, in violation of Rule 6 and Rule 9. 4. Used excessive force while escorting [REDACTED] [REDACTED] downstairs, in violation of Rule 6 and Rule 9.	Exonerated Exonerated Exonerated Unfounded
Officer [REDACTED]	1. Failed to record the encounter on BWC, in violation of Rule 6.	Sustained/Reprimand
Officer [REDACTED]	1. Failed to initiate his BWC at the beginning of the encounter, in violation of Rule 6.	Sustained/Reprimand
Officer [REDACTED]	1. Failed to inventory or return the t-shirt and boots provided by [REDACTED] in violation of Rule 6 and Rule 40.	Exonerated
Officer [REDACTED]	1. Failed to inventory or return the t-shirt and boots provided by [REDACTED] in violation of Rule 6 and Rule 40. 2. Failed to record the encounter on BWC, in violation of Rule 6.	Unfounded Sustained/Reprimand

Approved:

[REDACTED]

February 23, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED] #61
Supervising Investigator:	[REDACTED] #19
Deputy Chief Administrator:	Andrea Kersten, #7