

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 10, 2018
Time of Incident:	6:20 PM
Location of Incident:	717 W. 79 th St.
Date of COPA Notification:	August 3, 2018
Time of COPA Notification:	5:28 PM

On May 10, 2018, Officers [REDACTED] and [REDACTED] performed a traffic stop on the car the complainant, [REDACTED] was driving. [REDACTED] and the occupants of the vehicle protested the stop as the officers requested [REDACTED] license and insurance. After Officer [REDACTED] stated she smelled marijuana, Officer [REDACTED] opened [REDACTED] door and ordered [REDACTED] to exit. [REDACTED] struggled with Officer [REDACTED] as he attempted to place handcuffs on [REDACTED]. [REDACTED] was emergency handcuffed during the struggle with Officer [REDACTED] when [REDACTED] seemingly reached for the officer’s weapon. [REDACTED] was arrested and cited with traffic violations and misdemeanor battery. [REDACTED] alleged that he was stopped without justification, cited for traffic violations he did not commit, was a victim of excessive force and that officers made false statements about the smell of cannabis and him reaching for Officer [REDACTED] gun. 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] 2015, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1988, Female, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2014, Police Officer, Unit [REDACTED] ([REDACTED] – Area South), Date of Birth: [REDACTED] 1987, Female, Hispanic
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2015, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1992, Male, Hispanic
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1994, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████	1. Wrote ██████ a ticket for operating a motor vehicle without insurance after he provided insurance, in violation of Rule 2 and Rule 10.	Not Sustained
	2. Wrote ██████ a ticket for not wearing a seatbelt, in violation of Rule 2 and Rule 10.	Not Sustained
	3. Wrote ██████ a ticket for not wearing a seatbelt, in violation of Rule 2 and Rule 10.	Not Sustained
	4. Wrote ██████ a ticket for not wearing a seatbelt, in violation of Rule 2, Rule 6, and Rule 10.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **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.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 10:** Prohibits inattention to duty.

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. INVESTIGATION¹

a. Interviews

COPA interviewed the complainant, ██████ on August 22, 2018.² On May 10, 2018, ██████ was pulled over the police and provided his license. ██████ girlfriend handed him the insurance and ██████ handed it to the officers. ██████ girlfriend also called the police

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

² Att. 4

because they were fearful.³ Officer ██████ then reached into ██████ car through the window and attempted to enter the vehicle. ██████ denied that he was asked to exit before Officer ██████ did this. Officer ██████ stated the car smelled like cannabis, but ██████ denied there was marijuana in the car. ██████ related he had passengers in his vehicle, including his girlfriend, ██████ who was agitated towards the officers. ██████ agreed to exit the car, so Officer ██████ would not damage his window. Officer ██████ proceeded to throw ██████ to the ground and ██████ broke his fall with his hands. While ██████ hands were on the ground, Officer ██████ told his partners that ██████ was reaching for Officer ██████ gun. ██████ denied reaching for Officer ██████ gun and that felt Officer ██████ endangered his life by making this accusation. Officer ██████ told ██████ to stop resisting, but ██████ denied that he was resisting. ██████ then became verbally irate and insulted the officers. ██████ stated he put his hands in the air and was handcuffed behind his back by Officer ██████. ██████ stated that Officer ██████ injured ██████ with the cuffs by manipulating the handcuffs and cutting off ██████ circulation. ██████ friend, ██████ was also taken into custody when he was unable to produce ID, but ██████ was not arrested or processed and was allowed to leave the station. ██████ was arrested, and he thought it was for reaching for Officer ██████ gun. However, ██████ was released the next day, which confused him. ██████ was issued three citations for no insurance (which he stated he provided), no seat belt (which he stated he was wearing), and for having graduation tassels on his rearview mirror (which he acknowledged occurred).

██████ also submitted an **Online Complaint** to COPA on August 3, 2018.⁴ ██████ wrote that on May 10, 2018, he was subjected to a traffic stop, but he did not know why. ██████ provided his license and insurance to Officer ██████ and Officer ██████ tried to open a car door by pulling on a window. ██████ believed Officer ██████ “wanted a fight or a reaction.” ██████ exited his vehicle voluntarily and allowed the officers to handcuff him. ██████ denied that officers asked him out of the car prior to this. ██████ alleged that Officer ██████ proceeded “to rough me up while yelling for me to stop resisting.” ██████ denied that he was resisting. Officer ██████ attempted to throw ██████ “to the ground” and ██████ “had to literally catch the ground with [his] hands to prevent catching the ground with [his] face.” Officer ██████ shouted that ██████ was reaching for his gun, which ██████ denied doing. ██████ questioned why Officer ██████ accused him of trying to take his gun on scene, but ██████ was not charged with this crime. ██████ also alleged that Officer ██████ cited him for not wearing a seatbelt and no insurance when ██████ was, in fact, wearing his seatbelt and provided insurance. ██████ also believed he was erroneously charged with obstructing of the driver’s view, but acknowledged he had graduation tassels on his mirror.

COPA interviewed **Officer ██████** on July 30, 2019.⁵ On May 10, 2018, Officer ██████ was on duty and partnered with Officer ██████ and Officer ██████. Officer ██████ saw ██████ without a seatbelt near 79th and Halsted. Per Officer ██████ did not immediately pull over and instead put his seatbelt on first. Officer ██████ elaborated that ██████ was wearing a white shirt, making it clear he did not have his seat belt on; ██████ car windows

³ COPA could not conclusively identify this call. However, it may have been either Event # ██████ (Att. 32) or Event # ██████ (Att. 33).

⁴ Att. 6

⁵ Att. 25

were down; and Officer [REDACTED] was about two feet away when she first saw [REDACTED] without a seatbelt. Officer [REDACTED] also saw that the rear passengers were not wearing seatbelts, and they still did not have them on when the officers approached. Officer [REDACTED] related that [REDACTED] handed her vehicle registration, not vehicle insurance. Officer [REDACTED] added that [REDACTED] later came to the police station and related she did not know where the car insurance was. When shown screen captures from her BWC of the document [REDACTED] provided, Officer [REDACTED] again asserted that that document was Texas car registration, not insurance.⁶ The officers asked [REDACTED] out of the car, but he grew tense and ignored commands that Officer [REDACTED] gave. Per Officer [REDACTED] [REDACTED] was asked out of the car because she smelled cannabis. Officer [REDACTED] denied that Officer [REDACTED] pulled on [REDACTED] car window and related that Officer [REDACTED] instead put his hand in the window to unlock [REDACTED] door. Once out of the car, [REDACTED] fought with Officer [REDACTED] and attempted to take Officer [REDACTED] firearm. Officer [REDACTED] elaborated that [REDACTED] ignored commands, pulled his hands away, tensed his body, and refused to put his hands behind his back. [REDACTED] was arrested for resisting. When asked why [REDACTED] was not charged with attempting to disarm Officer [REDACTED] Officer [REDACTED] stated, "It was going to be a headache more than what it was already."⁷ [REDACTED] was taken to the police station to post an I Bond because [REDACTED] did not have his ID. The officers eventually recovered a cannabis smoking device from the vehicle, but no one received that criminal charge because the officers could not determine to whom it belonged.

b. Digital Evidence

The following relevant **Body Worn Camera** (BWC) was obtained pertaining to [REDACTED] arrest on May 10, 2018.⁸

Officer [REDACTED]

Officer [REDACTED] BWC initiated at about 6:30 PM. Officer [REDACTED] approached [REDACTED] on the driver's side and told [REDACTED] that the passengers in the backseat needed to wear seatbelts. Officer [REDACTED] also stated she smelled marijuana. [REDACTED] and [REDACTED] both argued with the officers. Officer [REDACTED] asked for license and registration and [REDACTED] provided a paper, temporary copy of [REDACTED] driver's license. Officer [REDACTED] asked [REDACTED] for his driver's license, which he stated he did not have. Officer [REDACTED] asked [REDACTED] to exit the car at about 6:31 PM. [REDACTED] protested, and she asked Officer [REDACTED] to call a supervisor. Officer [REDACTED] agreed, and [REDACTED] rolled up his window. Officer [REDACTED] then asked for insurance. Shortly after, [REDACTED] produced a paper document from the passenger's visor. [REDACTED] handed the document to Officer [REDACTED] through a crack in the window. Officer [REDACTED] then told the car occupants they were behaving erratically and making her nervous. While Officer [REDACTED] was looking at this document (see Photo 1), Officer [REDACTED] reached his hand through the crack in the driver's side window to unlock the door from the inside (see Photo 2). Officer [REDACTED] opened the driver's side door shortly after. Officer [REDACTED] told [REDACTED] to exit and reached for [REDACTED] arm. [REDACTED] initially resisted by pulling his arm away and arguing. Shortly after, Officer [REDACTED] grabbed the front of [REDACTED] shirt and told [REDACTED] not to reach back again. [REDACTED] then put his hands in the air

⁶ Att. 30

⁷ Approximately 8:46 minute mark of Att. 25.

⁸ Att. 22

and exited the car voluntarily. Once out of the car, [REDACTED] immediately pulled his arms away from the officers and called them “bitch ass.” Officer [REDACTED] BWC was apparently turned off by [REDACTED] flailing arms at approximately 6:33 PM.

Officer [REDACTED] BWC restored at roughly 6:36 PM, as she was searching [REDACTED] vehicle. All the occupants were outside this vehicle at this time. Officer [REDACTED] was seen searching inside of [REDACTED] purse at about 6:37 PM. Shortly after, Officer [REDACTED] filmed a container she related held marijuana residue and marijuana cigarette butts. Seconds later, Officer [REDACTED] recovered a glass pipe from the passenger’s door that she related was paraphernalia (see Photo 3). [REDACTED] and the third passenger, [REDACTED] were in handcuffs. At roughly 6:40 PM, Officer [REDACTED] told [REDACTED] that he was getting a ticket for near wearing a seatbelt and coming with the officers for an I-Bond. [REDACTED] responded that he did have his seatbelt on. At approximately 6:43 PM, [REDACTED] again asked for a supervisor. The officers told [REDACTED] she was going to remain in cuffs until the supervisor arrived, due to [REDACTED] erratic behavior. Throughout the encounter, [REDACTED] was upset, insulting the officers, and loudly protesting the situation. A sergeant arrived at approximately 6:54 PM and Officer [REDACTED] terminated her BWC shortly after.

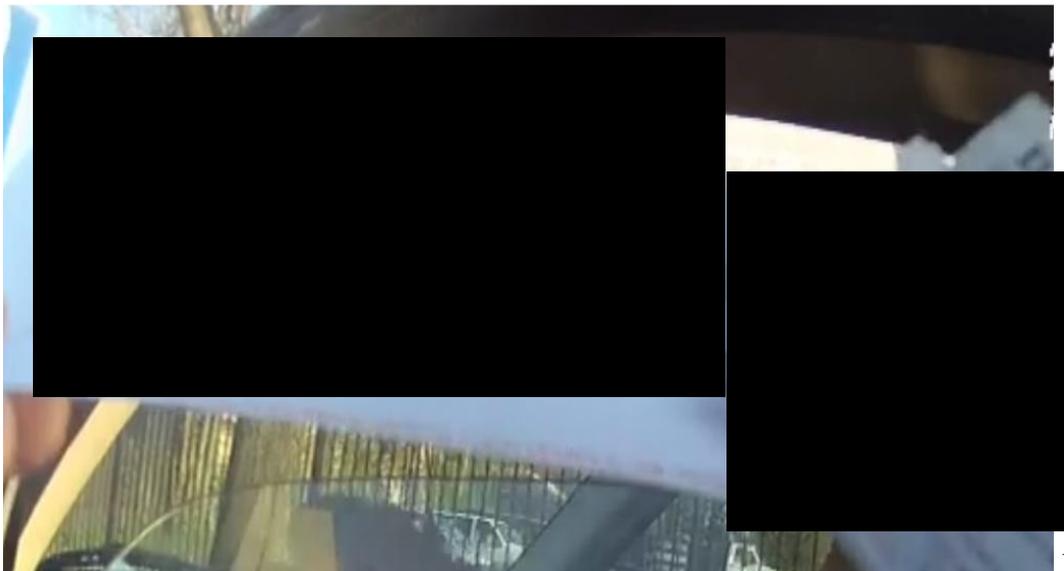


Photo 1



Photo 2



Photo 3

Officer [REDACTED]

Officer [REDACTED] BWC initiated at about 6:30 PM, and she approached [REDACTED] car on the rear passenger side. [REDACTED] rolled down her window in the backseat and [REDACTED] was heard arguing. [REDACTED] window then rolled up and Officer [REDACTED] related that the occupants needed to exit. At approximately 6:32 PM, [REDACTED] appeared to be involved in a scuffle on the other side of the vehicle. At about 6:33 PM, [REDACTED] was detained by Officers [REDACTED] and [REDACTED] near the front of their squad car. [REDACTED] was struggling and pulling away from the officers. Shortly after, Officer [REDACTED] apparently attempted a take-down and [REDACTED] continued resisting and avoiding handcuffing. Seconds later, [REDACTED] right hand reached towards Officer [REDACTED] firearm, which was holstered on the right side of the officer's waist (see Photo 4). Officer [REDACTED] announced that [REDACTED] reached for his gun and the officers tried to restrain [REDACTED] arms. [REDACTED] again resisted and pulled away from the officers.

Officer [REDACTED] BWC image was momentarily blocked and apparently fell off, and Officer [REDACTED] retrieved it. Officer [REDACTED] was on the sidewalk and detained the three passengers. Officer [REDACTED] handcuffed [REDACTED] at about 6:34 PM. [REDACTED] asked why he was being cuffed and Officer [REDACTED] responded it was because “cause everyone’s acting crazy” and “threatening.” Officer [REDACTED] was seen handcuffing [REDACTED] at about 6:34 PM. [REDACTED] and [REDACTED] were already in handcuffs. Officer [REDACTED] returned Officer [REDACTED] BWC at about 6:35 PM. Additional officers arrived on scene at about 6:37 PM, and the obtained the civilians’ information. Officer [REDACTED] went into the squad car at about 6:52 PM and requested a supervisor. Officer [REDACTED] terminated her BWC at about 6:54 PM, as a sergeant arrived.



Photo 4

Officer [REDACTED]

Officer [REDACTED] BWC initiated at about 6:30 PM and he approached [REDACTED] car on the passenger’s side. Officer [REDACTED] then walked to the driver’s side at roughly 6:32 PM. Seconds later, [REDACTED] window began rolling up and Officer [REDACTED] stuck his arm inside. Officer [REDACTED] unlocked and opened the driver’s door. Officer [REDACTED] reached for [REDACTED] arms and [REDACTED] pulled away. [REDACTED] argued with the officers and eventually agreed to exit the vehicle on his own. Officer [REDACTED] grabbed [REDACTED] right wrist and Officer [REDACTED] the left, and they escorted [REDACTED] to the front of their squad car. Officer [REDACTED] told [REDACTED] to stop resisting and fighting and his BWC terminated shortly after, at about 6:33 PM. Officer [REDACTED] BWC resumed at approximately 6:34 PM, after [REDACTED] was in handcuffs. The three passengers were also in cuffs at this time. Officer [REDACTED] continuously told [REDACTED] to relax and stop moving until putting him into a mark car that had arrived at roughly 6:38 PM. At roughly 6:55 PM, a supervisor arrived and Officer [REDACTED] terminated his BWC.

Officer [REDACTED]

Officer [REDACTED] BWC began at about 6:38 PM. Officer [REDACTED] escorted [REDACTED] into Officer [REDACTED] squad car seconds later. At roughly 6:48 PM, Officer [REDACTED]

loosened [REDACTED] cuffs, after [REDACTED] complained about his circulation. [REDACTED] stated they were still tight but Officer [REDACTED] related they were loose and not supposed to be comfortable. Officer [REDACTED] then transported [REDACTED] to the police station at about 6:52 PM and terminated his BWC.

Officer [REDACTED]

Officer [REDACTED] BWC started at roughly 6:37 PM and [REDACTED] was placed in Officer [REDACTED] squad car. Officer [REDACTED] spoke with [REDACTED] at about 6:39 PM, who asserted that he had on his seatbelt. Officer [REDACTED] had another squad car take [REDACTED] while he and Officer [REDACTED] transported [REDACTED] to the police station.

c. Physical Evidence

No relevant physical evidence was obtain relating to the present allegations and investigation.

d. Documentary Evidence

[REDACTED] **Arrest Report** was obtained from May 10, 2018 with **RD # [REDACTED]**⁹ [REDACTED] was charged with misdemeanor battery and received traffic citations for not wearing a seatbelt, obstructed front windshield, and operating a motor vehicle without insurance. The arresting officers saw [REDACTED] driving with an obstructed view and without a seat belt on and performed a traffic stop. The officers “could detect a strong odor of cannabis emanating from the vehicle.” [REDACTED] and his passengers “began to act irate by yelling obscenities” and were “unwilling to communicate” with the officers. The officers ordered the occupants out of the car, but they did not comply. Officer [REDACTED] saw [REDACTED] “continuously make movements as to conceal contraband by reaching towards his side and behind his back.” Officer [REDACTED] unlocked and opened the driver’s door and escorted [REDACTED] out of the car. [REDACTED] responded by pushing Officer [REDACTED] hands. [REDACTED] “repeatedly concealed his hands attempted to reach behind his back.” When Officer [REDACTED] attempted to handcuff [REDACTED] he “began to flail his arms,” pushed and struck Officer [REDACTED] “about his body and refused to be handcuffed.” Officer [REDACTED] assisted Officer [REDACTED] with an emergency cuffing while [REDACTED] “continued to resist, push, and tense up.” Officer [REDACTED] suffered “small lacerations upon her fingers” from [REDACTED] nails “and handcuffs as [REDACTED] [...] manipulated his hands to resist being handcuffed.” [REDACTED] was handcuffed, and the car’s occupants exited the vehicle. [REDACTED] was taken to the [REDACTED] District. The officers found drug paraphernalia in the car and the vehicle was released to [REDACTED]

An **Original Case Incident Report** was also obtained for **RD # [REDACTED]** which contained no additional, relevant content.¹⁰

⁹ Att. 7

¹⁰ Att. 8

Tactical Response Reports (TRRs) were completed by Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED].¹¹ All three officers related that they were performing an investigatory stop. All three officers reported that [REDACTED] did not follow verbal directions, made verbal threats, stiffened, pulled away, and flailed his arms. Officers [REDACTED] and [REDACTED] also reported that [REDACTED] posed an imminent threat of battery without a weapon. The three TRRs stated that [REDACTED] assaulted an officer with blunt force. Officer [REDACTED] responded with escort holds, wristlock, armbar, and emergency handcuffing. Officer [REDACTED] responded with wristlock and emergency handcuffing. Officer [REDACTED] responded with wristlock, armbar, and emergency handcuffing.

Officer [REDACTED] wrote that they saw [REDACTED] vehicle with four occupants and Officer [REDACTED] smelled cannabis. Officers [REDACTED] and [REDACTED] saw [REDACTED] reaching for the center console and Officer [REDACTED] removed [REDACTED] from his car. [REDACTED] then flailed and struck Officer [REDACTED]. Officer [REDACTED] used “an arm bar into a wristlock” to handcuff [REDACTED].

In her TRR, Officer [REDACTED] wrote that [REDACTED] pushed and struck Officer [REDACTED] to avoid cuffing. Officer [REDACTED] went to assist Officer [REDACTED] in handcuffing [REDACTED] and [REDACTED] “pulled and pushed, and stiffened his arms.” When [REDACTED] kept pushing, Officer [REDACTED] used a wristlock and emergency handcuffing, during which she sustained “minor lacerations upon several of her fingers.”

Lieutenant [REDACTED] spoke with [REDACTED] who related “that he was scared when he was pulled over,” which was why he did not follow the officers’ orders. [REDACTED] pregnant wife reportedly “starting overreacting and arguing” with the officers. [REDACTED] related “there was a lot going on” and he did not “believe he was flailing about as the officers were attempting to secure him when he was out of the vehicle.” [REDACTED] then related “that he was flailing his arms because he was confused.”

Investigatory Stop Reports (ISRs) were located for [REDACTED] and [REDACTED].¹² Per these reports, a pat down was not conducted on [REDACTED] or [REDACTED]. [REDACTED] car was seen driving east on 79th St. with the rear passengers not wearing seatbelts and an object hanging from the rearview mirror. When the officers were conducting field interviews, they smelled “burnt cannabis emanating from front and back of the vehicle.” The officers asked the occupants out of the car, but they refused. Officer [REDACTED] then “observed [REDACTED] reach for something towards the center console” so the officer opened the car door and removed [REDACTED]. [REDACTED] resisted and battered Officer [REDACTED]. The officers searched the car and found “a pipe used for smoking narcotics” and “crumbs of cannabis.” [REDACTED] and [REDACTED] were given citations.

Office of Emergency Management and Communications (OEMC) Event Number [REDACTED] was initiated at about 6:51 PM when Beat [REDACTED] performed a traffic stop. Beats [REDACTED], [REDACTED], and [REDACTED] assisted. At approximately 6:56 PM, Beats [REDACTED] and [REDACTED] each reported transporting one individual to the [REDACTED] District.

¹¹ Atts. 9, 10, 11

¹² Att. 13

OEMC Event Number [REDACTED] initiated on May 10, 2018 at roughly 6:29 PM when an anonymous caller reported a person with a gun near 8030 S. Emerald Ave.^{13 14} Beats [REDACTED], [REDACTED], and [REDACTED] responded. At approximately 6:40 PM, Officer [REDACTED] searched [REDACTED] and [REDACTED] names. At about 6:52 PM, Beat [REDACTED] reported going to the [REDACTED] District with one individual.

It was identified via **OEMC** that Officer [REDACTED] searched [REDACTED] license plate at approximately 6:29 PM on May 10, 2018.¹⁵ Similarly, Officer [REDACTED] searched [REDACTED] name at approximately 6:41 PM.¹⁶

Three additional OEMC Events were identified that COPA could not confirm as related to the present investigation.¹⁷ These reports contained no additional, pertinent information.

Case Number [REDACTED] was filed against [REDACTED] in the Circuit Court of Cook County on May 11, 2018.¹⁸ [REDACTED] was charged with misdemeanor battery and three traffic violations. On August 27, 2018, a judgment of nolle prosequi was entered.

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.

¹³ Att. 20

¹⁴ The call for a person with a gun is seemingly unrelated to [REDACTED] traffic stop.

¹⁵ Att. 19

¹⁶ Att. 21

¹⁷ Atts. 32, 33, 34

¹⁸ Att. 18

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

██████████ made several allegations that COPA determined were not supported by the evidence and therefore did not serve allegations. ██████████ alleged that the officers falsely reported they smelled marijuana coming from the car and that he reached for Officer ██████████ gun. BWC shows that while at the car window, Officer ██████████ commented she can smell marijuana. While ██████████ and his girlfriend ██████████ argued with the officers that there was no marijuana in the car, BWC shows that the officers found marijuana residue and a glass pipe.

Additionally, ██████████ claimed he never resisted, did not commit a battery and never reached for Officer ██████████ gun. ██████████ claimed that when he was taken to the ground, he braced his fall with his hands when Officer ██████████ alerted his partners ██████████ went for his gun. BWC shows that not only was ██████████ never taken to the ground, but he clearly pulled away and attempted to defeat the handcuffing.

As shown in photo 4 above, Officer ██████████ BWC shows ██████████ reached his right hand towards Officer ██████████ firearm at roughly 6:33 PM. Whether ██████████ was actually trying to disarm Officer ██████████ or he just happened to flail his arm in that direction, COPA cannot say. Regardless, Officer ██████████ was justified in thinking ██████████ was reaching for his gun and wise to make this announcement to his partners. ██████████ claim that he could not have reached for Officer ██████████ gun because his hands were on the ground is, therefore, not supported by evidence.

██████████ complained the handcuffs were too tight. CPD reports document that the officers were forced to perform an emergency handcuffing. Even after ██████████ was in handcuffs, he continued moving around, shouting, and pulling away from Officer ██████████. Due to ██████████ movement and hostile behavior, it is reasonable that Officer ██████████ would hold onto the handcuffs to maintain control. ██████████ moving around could have caused him to tighten the handcuffs and irritated his wrists. Moreover, BWC shows the handcuffs being loosened after ██████████ complained.

Lastly, ██████████ complained that the detention of his back-seat passenger ██████████. Per Officer ██████████ did not have on his seat belt and needed to go to the station to post an I bond. If ██████████ had his ID, he could have signed for his ticket and not needed to go to the police station.

Allegation 1 against Officer ██████████ that she wrote ██████████ a ticket for operating a motor vehicle without insurance after he provided proof of insurance, is **Not Sustained**. ██████████ asserted to COPA that he gave Officer ██████████ proof of insurance. However, Officer ██████████ stated that the document ██████████ provided was a Texas car registration and not proof of insurance.

The BWC does show that the document includes the words “State Farm Mutual,” a well-known provider of vehicle insurance. Additionally, the document included the words “ID Card” stamped on it in large red letters. Unfortunately, the document is not clearly visible on camera and thus we could not confirm the insurance was issued for that car or even valid at the time of the stop. There was no evidence provided to COPA by ██████ that he had valid insurance at the time, other than his statement. As discussed in detail above, BWC shows that ██████ exaggerated his version of events and therefore effects his credibility. Despite that ██████ says he provided insurance and the BWC shows an ID card from an insurance company; COPA lacks any verifiable evidence that the officers improperly issued the citation. Thus, without sufficient evidence that the insurance provided was valid or not, COPA finds the allegation Not Sustained.

Allegation 2 and Allegation 3 against Officer ██████ that she gave ██████ and ██████ citations for no seatbelt, are **Not Sustained**. ██████ told COPA that both rear passengers had on their seat belts. BWC shows that once ██████ and ██████ were out of the vehicle, they told the officers that they were wearing their seatbelts. When ██████ was in the car and rolled her window down, she seemingly did not have a seatbelt on while ██████ was not clearly visible. Officer ██████ however, asserted that neither ██████ or ██████ was wearing seatbelts. Since there is not enough information to determine if the rear passengers had their seatbelts on before ██████ was pulled over, both allegations are Not Sustained.

Allegation 4 against Officer ██████ that she gave ██████ a citation for not wearing a seatbelt, is **Not Sustained**. ██████ had a seatbelt on when Officer ██████ approached him in the driver’s seat. BWC confirms Officer ██████ drove for at least 25 seconds before stopping, corroborating her narrative that ██████ did not immediately stop the car in order to put on his seatbelt. However, this detail alone does not meet the clear and convincing standard to Exonerate Officer ██████ Since COPA cannot confirm if ██████ was wearing his seatbelt, COPA cannot say if ██████ was justifiably stopped or if this citation was valid, and this allegation is Not Sustained.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer ██████	1. Wrote ██████ a ticket for operating a motor vehicle without insurance after he provided insurance, in violation of Rule 2 and Rule 10. 2. Wrote ██████ a ticket for not wearing a seatbelt, in violation of Rule 2 and Rule 10. 3. Wrote ██████ a ticket for not wearing a seatbelt, in violation of Rule 2 and Rule 10.	Not Sustained Not Sustained Not Sustained

4. Wrote [REDACTED] a ticket for not wearing a seatbelt, in violation of Rule 2 and Rule 10.	Not Sustained
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Approved:

[REDACTED]

August 30, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	██
Deputy Chief Administrator:	Andrea Kersten, █