

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 2, 2012
Time of Incident:	11:30 a.m.
Location of Incident:	██████████
Date of COPA Notification:	September 4, 2012
Time of COPA Notification:	11:52 a.m.

On the morning of September 2, 2012 at approximately 11:30 a.m., Ms. ██████████ sent her son ██████████ to a store in their neighborhood. At the time, ██████████ was 13 years old. He took a shortcut through an alley where he saw an unknown car speeding down the alley. ██████████ ran back towards his house and was apprehended by a police officer who followed him into the foyer of his home and searched him. Another officer arrived and placed handcuffs on ██████████ and brought him outside. Once outside, Officer #2 questioned ██████████ and placed him in the back of his vehicle. ██████████ mother, ██████████ was outside during the incident and began asking the officers why they were arresting her son. Ultimately, the officers released ██████████ and left the area.

**II. INVOLVED PARTIES**

Involved Officer #1: ██████████	██████████ Star# ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2006; Police Officer, Unit ██████████ Birthdate: ██████████ 1975; White male
Involved Officer #2: ██████████	██████████ Star# ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2005; Police Officer, Unit ██████████ Birthdate: ██████████ 1975; Hispanic male
Involved Officer #3: ██████████	██████████ Star# ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 1991; Sergeant of Police, Unit ██████████ Birthdate: ██████████ 1967; White male
Involved Individual #1: ██████████ (a minor)	██████████ Birthdate: ██████████ 1998; Black male
Involved Individual #2: ██████████	██████████ Birthdate: ██████████ 1980; Black female

**III. ALLEGATIONS**

Officer	Allegation	Finding/ Recommendation
Officer ██████████	<p>1. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of ██████████ you choked ██████████</p> <p>2. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of ██████████ you directed profanities towards ██████████ using words to the effect of shut the fuck up.</p> <p>3. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of ██████████ you had unnecessary physical contact with ██████████ by grabbing her by the arm and pushing her.</p> <p>4. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of ██████████ that you failed to complete a Tactical Response Report (TRR).</p> <p>5. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of ██████████ the accused Police Officer ██████████ # ██████████ detained, handcuffed, and placed in custody ██████████ and released him without proper authorization.</p> <p>6. It is further alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of ██████████ the accused Police Officer ██████████ # ██████████ verbally abused ██████████ by calling him a monkey face.</p>	<p>Sustained</p> <p>Not-Sustained</p> <p>Not-Sustained</p> <p>Not-Sustained</p> <p>Not-Sustained</p> <p>Not-Sustained</p>
Officer ██████████	<p>1. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of ██████████ Police Officer ██████████ # ██████████ chased ██████████ and entered his residence without a warrant or permission.</p>	<p>Not-Sustained</p>

Officer [REDACTED] (continued)	2. It is further alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED] the accused Police Officer [REDACTED] # [REDACTED] detained [REDACTED] [REDACTED] placed him in custody and released him without proper authorization.	Not-Sustained
Officer [REDACTED]	1. Reporting party victim alleges that the accused failed to register a complaint on behalf of her son, [REDACTED] (Age 13) after he was physically abused by Officer [REDACTED] # [REDACTED]	Sustained

**IV. APPLICABLE RULES AND LAWS**

Rules

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

General Orders

1. **G03-02-01:** Force Options
2. **G03-02-02:** Incidents requiring the completion of a Tactical Response Report

**V. INVESTIGATION**

IPRA, and subsequently the Civilian Officer of Police Accountability (COPA) investigated this incident.<sup>1</sup> The following is a summary of the most relevant evidence, including interviews of

<sup>1</sup> On September 15, 2017, COPA replaced IPRA as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

involved officers, witness officers, civilian witnesses, documentary evidence, and medical evidence.

**a. Interviews**

The Complainant, [REDACTED] was interviewed by IPRA Investigators on September 5, 2012. In her statement, Ms. [REDACTED] said between 11:30 a.m. and 12:30 p.m. on the date of the incident, her son, [REDACTED] had gone to the store and came back running through the gangway and up the front stairs of her house. She asked him what was going on and he said the police were coming and one of them had his taser gun out. One officer came up the stairs, entered the foyer of their home, grabbed [REDACTED] searched him, and asked him why he was running. Ms. [REDACTED] asked the officer what was going on. The officer told her he'd talk to her in a second. Another officer came up<sup>2</sup>, grabbed [REDACTED] from the first officer, pushed [REDACTED] against the wall with his hand bent behind his back, and started roughing him up. Ms. [REDACTED] continued to ask what was going on when officer #2 told her to "Shut the fuck up."

Ms. [REDACTED] continued to ask the officers what was going on, telling them she's his mother, and that he's only 13 years old. Officer #2 put handcuffs on [REDACTED] and started pushing him down the stairs and walking him to the police vehicle. Ms. [REDACTED] then saw officer #2 choking [REDACTED] in the street at the police vehicle. Ms. [REDACTED] became increasingly upset and demanding answers to her questions. She saw the officer had his hand on the front of [REDACTED] neck, choking him, as they were facing each other. Ms. [REDACTED] was on the grass in front of her home at this point, and there were many police vehicles on the block. She still hadn't received any answers to her questions as to what was going on and was still demanding answers.

Officer #2 put [REDACTED] in the backseat of a black truck and then approached Ms. [REDACTED] screaming "Shut the fuck up" and "Get the fuck back."<sup>3</sup> He grabbed her tightly by the arms and pushed her back. Shortly after, a sergeant pulled up and Ms. [REDACTED] was yelling and demanding answers from the sergeant, who she said was being very disrespectful. The Sergeant told her his name and gave her his star number.<sup>4</sup> One detective told her that they'd been driving in the alley when they saw the two boys, who separated fast and started running, so they pursued them to figure out why they were running. The detective said he was going to run [REDACTED] name, make sure nothing came back on him, and let him go.

Ms. [REDACTED] said the sergeant assured her that he was going to take care of everything after she continued asking what was going on and why her son had been choked. She wanted the information of the officer that choked her son and the sergeant insisted he'd take care of it. However, Ms. [REDACTED] didn't believe he would, and she insisted on getting the officer's name

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<sup>2</sup> Through our investigation it was determined this was Officer [REDACTED]

<sup>3</sup> Attachment 6, p. 14, lines 20-21.

<sup>4</sup> This was Sergeant [REDACTED]

and badge number. Eventually they let [REDACTED] go and the sergeant gave Ms. [REDACTED] a piece of paper with the officer's name and star number on it, which was Officer [REDACTED] # [REDACTED]

Ms. [REDACTED] asked the sergeant to make a report of the incident, but no report was made. Ms. [REDACTED] and her son went to Holy Cross Hospital a couple of hours later.<sup>5</sup>

**An Interview of [REDACTED]** was conducted by IPRA investigators on **September 5, 2012**. In his statement, [REDACTED] said that around noon on the date of the incident, he took a shortcut to get to the store, and stopped in the alley to urinate by a garbage can. A boy named [REDACTED] who is his cousin's friend was following behind him, also taking a shortcut. When [REDACTED] turned around to walk to Wood St., he saw an unmarked car driving fast down the alley. [REDACTED] said he ran back to his own yard and [REDACTED] ran in a different direction. [REDACTED] jumped the fence, ran into his backyard and into his house. [REDACTED] saw his mom on the porch, who asked him what was going on, he told her he didn't know. One officer came up the stairs of his home and searched him in the hallway. [REDACTED] said this officer looked Mexican or White. Another officer came up, handcuffed him, started roughing him up by grabbing his shirt and almost tripping him down the stairs. That officer then led him out of the house, towards the street where the unmarked police vehicle was parked. [REDACTED] said the second officer choked him with one hand at the front of his neck, then threw him in the police car. [REDACTED] said there were marks left on his neck from where the officer choked him. While they were both in the police car, officer #2 told [REDACTED] to "Shut your monkey face up before I punch you in it."<sup>6</sup>

Officer #2 took [REDACTED] information and looked him up on the in-car computer. After that, officer #2 took the handcuffs off [REDACTED] and released him. Other officers who were called to the scene searched the alley he'd run down. Later in the day, [REDACTED] and his mother went to Holy Cross Hospital where [REDACTED] was seen by a nurse.<sup>7</sup>

**Accused Officer [REDACTED] # [REDACTED]** was interviewed by IPRA investigators on **April 29, 2015**. In his statement, Officer [REDACTED] said on the date of the incident he was assigned to the [REDACTED] District tactical team. He couldn't recall who his partner was that day but recalled an Officer [REDACTED] who was part of the tactical team at that time. Officer [REDACTED] recounted driving through an alley and observing a young black male look in the direction of he and his partner and then run. They chased him to a house and searched the area but didn't find anything, so Officer [REDACTED] issued a contact card to the individual and they left. When shown pictures of [REDACTED] and [REDACTED] Officer [REDACTED] did not recognize either of them. After reviewing the contact card he issued that day, Officer [REDACTED] said they were on regular patrol and it was unusual for someone to look in their direction then grab their waistband and run, which is why they chased the individual. He said he didn't recall having a verbal exchange or any

<sup>5</sup> Attachments 5 and 6.

<sup>6</sup> Attachment 12, p. 17, lines 7-8.

<sup>7</sup> Attachments 11 and 12.

physical contact with a female on the scene. Officer ██████ said there were several people on the porch of the house but didn't know who any of them were.<sup>8</sup>

Officer ██████ # ██████ was interviewed by IPRA investigators on **April 14, 2015** as a witness officer and on **August 19, 2016** as an accused officer. In his statements, Officer ██████ stated he didn't remember the specifics of the date of the incident. He remembered working with an Officer ██████ in the ██████ District on a tact team but couldn't recall any details of the date of the incident. He was shown a photograph of ██████ but didn't have any recollection of her or having any interaction with her.<sup>9</sup>

Sergeant ██████ # ██████ was interviewed by IPRA investigators on **April 2, 2015** as a witness officer and on **June 20, 2016** as an accused officer. In his statements, Sergeant ██████ said he did not recall any specifics from the date of the incident, nor did he recall Ms. ██████ when shown a picture of her. Sergeant ██████ said if he had responded to a call on that date and a citizen requested a complaint be filed, that he would have initiated a CR number because that's his duty and there would be no reason for him not to.<sup>10</sup>

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

**Photographs of ██████ taken on September 5, 2012:** The photographs of ██████ are images of the front of his neck with visible abrasions and redness, and the left side of his neck with a small scratch.<sup>11</sup>

**Photographs of ██████ taken on September 5, 2012:** The photographs of Ms. ██████ are images of her left arm with a small red mark to the inside of her left, upper arm.<sup>12</sup>

#### **c. Physical Evidence**

**Medical Records for ██████ from Holy Cross Hospital:** The records show that ██████ was admitted there on September 2, 2012 at 3:51p.m. The stated complaint is listed as "battery" and the mother wanted the patient evaluated. The mother stated that CPD pulled up and when her child attempted to run into their house, he was detained, placed in handcuffs, put up against a squad car, and choked by police.

The examination revealed that ██████ had abrasions / linear friction marks to his anterior neck.<sup>13</sup> He had no other signs of injury and was otherwise in normal condition. ██████ was

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<sup>8</sup> Attachments 33 and 37.

<sup>9</sup> Attachments 22, 42 and 43.

<sup>10</sup> Attachments 25 and 38.

<sup>11</sup> Attachment 29.

<sup>12</sup> Attachments 28 and 29.

<sup>13</sup> Attachment 34, p. 10.

discharged from the hospital, advised to take over the counter ibuprofen as needed for pain, and follow-up with his pediatrician in a few days if needed.<sup>14</sup>

**Medical Records for [REDACTED] from Holy Cross Hospital:** The records show that Ms. [REDACTED] was admitted there on September 2, 2012 at 4:33 p.m. The stated complaint is listed as a bruise to her upper left arm and muscle soreness. The patient reported being grabbed on the left arm by police. The examination revealed musculoskeletal tenderness and myofascial strain to her left arm. The patient was discharged with instructions to take over the counter ibuprofen as needed for muscle pain.<sup>15</sup>

#### d. Documentary Evidence

**Contact-Card** issued by Officer [REDACTED] The contact card documents contact with [REDACTED] on September 2, 2012 at 11:50 a.m. [REDACTED] is listed as a 13-year-old juvenile and a suspicious person. The address of contact is listed as [REDACTED] St., Chicago, IL. The contact card was prepared by Officers [REDACTED] and [REDACTED] The narrative states that the responding officers observed the subject in the alley at [REDACTED]

SUBJECT LOOKED IN R/O'S DIRECTION AND FLED THE ALLEY HOLDING HIS SIDE. R/O's GAVE CHASE ON FOOT AND LOCATED SUBJECT COMING OUT OF [REDACTED] [REDACTED] R/O's DETAINED SUBJECT FOR A FIELD INTERVIEW. SUBJECT'S MOTHER BECAME IRATE AND BEGAN YELLING RACIAL SLURS IN THE DIRECTION OF R/O'S AND REFUSED VERBAL ORDERS TO BACK UP AWAY FROM R/O'S VEHICLE. A SEARCH OF THE AREA AND SUBJECT WERE CONDUCTED WITH NEGATIVE RESULTS. NAME CHECK CLEAR. SUBJECT RELEASED TO HIS MOTHER ON SCENE. [All caps in original].<sup>16</sup>

**Attendance and Assignment Records for September 2, 2012:** The assignment records show that Officers [REDACTED] and [REDACTED] were present on September 2, 2012 with their watch starting at 9:30 a.m. in the [REDACTED] district, and all three officers were assigned to the same vehicle. The assignment records also show that Sergeant [REDACTED] was present on September 2, 2012 with his watch starting at 9:00 a.m. in unit [REDACTED] where he was detailed from the [REDACTED] district.<sup>17</sup>

## VI. ANALYSIS

### 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;

<sup>14</sup> Attachment 34.

<sup>15</sup> Attachment 17.

<sup>16</sup> Attachment 26.

<sup>17</sup> Attachment 46.

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.

COPA recommends a finding of **Sustained for Allegation #1 against Officer [REDACTED]** # [REDACTED] in that on September 2, 2012, Officer [REDACTED] choked [REDACTED]. In his statement, Officer [REDACTED] did not recall either Ms. [REDACTED] or her son, [REDACTED]. Officer [REDACTED] relied on the contact-card he filled out on that date and had little independent recollection of the date in question or of any interaction he had with either of the complainants. Because Officer [REDACTED] could not recall either complainant, he was unable to provide details of what happened and was unable to refute the allegations by Ms. [REDACTED] and her son.

Ms. [REDACTED] and her son, on the other hand, had vivid recollections of what happened and were very detailed in their accounts of September 2, 2012. Both complainants described [REDACTED] being choked, while handcuffed, outside of their home. [REDACTED] described the officer using one hand to choke him at the front of his neck. [REDACTED] had visible abrasions to the front of his neck and a scratch on the left side of his neck, corroborating his account of what happened. Ms. [REDACTED] said she saw the officer choking her son outside, in front of the police car. Ms. [REDACTED] also said [REDACTED] was handcuffed at the time. Ms. [REDACTED] primary reason for demanding the officer's information was because he had choked her son. This was also the primary reason she wanted a complaint lodged against the officer she saw choke him and what instigated her demands for the Sergeant's information and the officer's information. Ms. [REDACTED] and [REDACTED] went to Holy Cross hospital several hours later and [REDACTED] injuries were reported to the hospital staff. The medical records from Holy Cross Hospital indicate that [REDACTED] had

scratches, abrasions, and linear friction marks to his neck. These injuries were still evident in the photographs taken of [REDACTED] three days after the incident.

The CPD defines a chokehold as “applying direct pressure to a person's trachea (windpipe) or airway (the front of the neck) with the intention of reducing the intake of air.” In [REDACTED] statements, he was clear in that the officer grabbed the front of his neck when he was choking him, and [REDACTED] injuries were abrasions and friction marks at the front of his neck. Given the photographs, medical records, and witness statements of Ms. [REDACTED] and [REDACTED] COPA finds beyond a preponderance of the evidence that Officer [REDACTED] choked [REDACTED] and therefore recommends a finding of Sustained for Allegation #1 against him.

COPA recommends a finding of **Not-Sustained for Allegation #2** against Officer [REDACTED] # [REDACTED] in that he directed profanities towards [REDACTED] using words to the effect of “shut the fuck up.” Officer [REDACTED] did not recall specifics of this encounter; however, there is no independent evidence to corroborate Ms. [REDACTED] and her son’s account of the alleged verbal abuse. The sole source of this information is from the complainants, and by her own admission, Ms. [REDACTED] was yelling and irate in her interaction with the officers at the scene. The contact-card issued by Officer [REDACTED] states that Ms. [REDACTED] was hostile and yelling racial slurs at the officers. It’s likely that Officer [REDACTED] and Ms. [REDACTED] were both using strong language at the time. Whether or not any profanities were hurled at Ms. [REDACTED] would have been mitigated by Ms. [REDACTED] own hostile demeanor. Therefore, COPA recommends a finding of Not-Sustained for Allegation #2.

COPA recommends a finding of **Not-Sustained for Allegation #3** against Officer [REDACTED] # [REDACTED] in that he had unnecessary physical contact with [REDACTED] by grabbing her by the arm and pushing her. Ms. [REDACTED] claimed she was grabbed and pushed by Officer [REDACTED] however, by her own admission, she was combative at the scene because of the perceived treatment of her son. Even if Officer [REDACTED] did grab and push Ms. [REDACTED] it’s inconclusive at best whether it was necessary or not. The contact-card issued by Officer [REDACTED] indicates that Ms. [REDACTED] was irate. Given the hostile situation, Officer [REDACTED] actions may have been warranted to control the scene. Therefore, COPA recommends a finding of Not-Sustained for Allegation #3 against Officer [REDACTED]

COPA recommends a finding of **Not-Sustained for Allegation #4** against [REDACTED] Officer [REDACTED] # [REDACTED] in that he failed to complete a Tactical Response Report (TRR). While Officer [REDACTED] did not complete a Tactical Response Report (TRR), it’s unclear whether a TRR was warranted in the situation. A TRR is only required in certain instances, and is *not required* for “[c]ontrol holds, wristlocks, and armbars utilized in conjunction with handcuffing and searching techniques which do not result in injury or allegation of injury.”<sup>18</sup> Ms. [REDACTED] and her son made several statements regarding [REDACTED] being “roughed-up,” but the only injury alleged by

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<sup>18</sup> General Order G03-02-02

██████████ was to his neck where he said he was choked. Choking does not fall under the scope of a TRR because it is a prohibited use of force. Officer ██████████ didn't recall having physical contact with ██████████ however, even if ██████████ is correct in that he was grabbed and led outside, the manner in which this was done could fall under the exceptions quoted above where a TRR is not required. Therefore, COPA recommends a finding of Not-Sustained for Allegation #4 against Officer ██████████

COPA recommends a finding of **Not-Sustained for Allegation #5** against Officer ██████████ # ██████████ in that he detained, handcuffed, and placed in custody ██████████ ██████████ and released him without proper authorization. Neither Officer ██████████ nor Officer ██████████ and Sgt. ██████████ recall ██████████ being physically detained on the date in question. However, presuming ██████████ was handcuffed and detained, there could be permissible reasons for the detention, including detaining him for questioning based on reasonable suspicion that he was engaged in illegal activity. The contact-card states that ██████████ was a "suspicious person" who ran from them, holding his side. The officers could have been justified in handcuffing and patting him down for officer safety based on that information, but we don't know if that was the case because neither officer remembers handcuffing ██████████ or placing him in custody. Further, a sergeant was on the scene, Sergeant ██████████ who would have authorized ██████████ release, giving the officers proper authorization.

Although the officers don't remember the specifics of how they detained ██████████ it doesn't negate the fact that they may have had justifiable reasons. Ms. ██████████ and her son would not be privy to all the reasons the officers chose to detain and handcuff ██████████ The contact-card says ██████████ was detained for a field interview but makes no mention of handcuffing or placing him in custody. Either way, if they did handcuff and detain him, they may have had legitimate reason to do so at the time.

The question as to whether ██████████ was improperly placed in custody is distinct from whether he was detained. ██████████ said he was handcuffed and put in back of the police car, Ms. ██████████ said he was handcuffed and put in back of a police vehicle, but neither of them know the possible reasons for this. Neither Officers ██████████ nor ██████████ were able to recall placing ██████████ in custody, so they couldn't provide what their reasons were if they did. There is insufficient information regarding whether ██████████ was placed in custody to determine whether it was improper if he was. The officers don't remember placing him in custody, and ██████████ was ultimately released to his mother on the scene as Ms. ██████████ her son, and the contact-card document. Given the information we have, there is nothing to substantiate that ██████████ was improperly detained, handcuffed, placed in custody, and released. Therefore, COPA recommends a finding of Not-Sustained for Allegation #5 against Officer ██████████

COPA recommends a finding of **Not-Sustained for Allegation #6** against Officer ██████████ # ██████████ in that he verbally abused ██████████ ██████████ by calling him a monkey face. In

██████████ statement to IPRA, he said that Officer ██████████ told him to “shut your monkey face up.” This allegedly occurred when ██████████ was in the backseat of the police car. Officer ██████████ did not remember ██████████ or his mother when shown pictures of them, but in the contact card he documented that Ms. ██████████ was irate and using racial slurs. No one else was present besides ██████████ and Officer ██████████ when the alleged comment was made, and the only one who claims hearing this is ██████████. With nothing else to substantiate this claim, COPA recommends a finding of Not-Sustained for Allegation #6 against Officer ██████████.

COPA recommends a finding of **Not-Sustained for Allegation #1 against Officer ██████████ # ██████████** in that he chased ██████████ and entered his residence without a warrant or permission. Officer ██████████ had no recollection of any specifics of the date of the incident and Officer ██████████ could not recall who his partner was that day. The contact-card issued by Officer ██████████ lists Officer ██████████ as the second reporting officer. Our investigation uncovered three officers assigned to the same vehicle that day, Officers ██████████ and ██████████ described the first officer he encountered as Mexican or White. This could describe both ██████████ and ██████████ therefore, there is no way to determine with any level of certainty which officer allegedly entered his home. Accordingly, COPA recommends a finding of Not-Sustained for allegation #1 against Officer ██████████.

COPA recommends a finding of **Not-Sustained for Allegation #2 against Officer ██████████ # ██████████** in that he detained ██████████ placed him in custody and released him without proper authorization. For the same reasons as stated above, COPA is unable to determine who Officer #1 was and accordingly recommends a finding of Not-Sustained for Allegation #2 against Officer ██████████.

COPA recommends a finding of **Sustained for Allegation #1 against Sergeant ██████████ # ██████████** in that he failed to register a complaint for Ms. ██████████ on behalf of her son, ██████████ (Age 13) after he was physically abused by Officer ██████████. Ms. ██████████ was decidedly upset at the time of this incident by what she saw as mistreatment of her son. She told IPRA investigators that she was distressed and demanded information from Sgt. ██████████ at the scene. It took a lot of fengling until she finally got information from Sgt. ██████████ about the officer she saw choke her son, and he was made aware that she wanted something done about the officer she claimed abused her son. This was the same complaint she had when she came to IPRA investigators and the same thing she told hospital personnel when she and her son went to Holy Cross Hospital. Sgt. ██████████ was reluctant to provide the information of Officer ██████████ and asserted he would take care of her complaints, which he never did. No CR was ever initiated by Sgt. ██████████ or anyone else at CPD regarding this incident. The only investigation initiated was with IPRA by Ms. ██████████. Sgt. ██████████ generically stated in his interview that if someone wanted to have a CR filed, there would be no reason for him not to. However, he could not say in this particular instance whether Ms. ██████████ asked him to lodge a complaint or why he didn't.

Ms. [REDACTED] statement is credible in that she would have asked for a complaint to be made regarding the officer she saw choking her son because she was admittedly outspoken and complaining at the scene. The contact-card issued by Officer [REDACTED] also states that she was yelling, so it's extremely improbable that she would have been silent about her son being choked and not have asked Sergeant [REDACTED] to file a complaint about the officer. Ms. [REDACTED] went to great lengths to get the officer's information to make sure something would be done because she didn't believe the Sergeant would take care of it. Therefore, COPA recommends a finding of Sustained for Allegation #1 against Sgt. [REDACTED]

## **VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **a. Officer [REDACTED]**

#### **i. Complimentary and Disciplinary History**

Officer [REDACTED] has a previous sustained finding for choking an individual and no outstanding complimentary history.

#### **ii. Recommended Penalty, by Allegation**

##### **1. Allegation No. 1.**

COPA recommends a penalty of 29 days suspension. In reaching its recommendation, COPA considered the severity of the unnecessary force, the minor age of [REDACTED] the lack of necessity of any use of force, and a prior sustained finding for choking another individual while on duty in 2013.

### **b. Sergeant [REDACTED]**

#### **i. Complimentary and Disciplinary History**

Sergeant [REDACTED] has no relevant, sustained disciplinary history and no outstanding complimentary history.

#### **ii. Recommended Penalty, by Allegation**

##### **1. Allegation No. 1.**

COPA recommends a penalty of 5 days suspension. In reaching this recommendation, COPA considered the Sergeant's responsibility as the commanding officer on scene to properly handle civilian grievances, the Sergeant's disregard for Ms. [REDACTED] complaint regarding her son, and his failure to initiate a CR.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding/ Recommendation
Officer [REDACTED]	1. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED] you choked [REDACTED]	Sustained
	2. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED] you directed profanities towards [REDACTED] using words to the effect of shut the fuck up.	Not-Sustained
	3. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED] you had unnecessary physical contact with [REDACTED] by grabbing her by the arm and pushing her.	Not-Sustained
	4. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED] that you failed to complete a Tactical Response Report (TRR).	Not-Sustained
	5. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED] the accused Police Officer [REDACTED] # [REDACTED] detained, handcuffed, and placed in custody [REDACTED] and released him without proper authorization.	Not-Sustained
	6. It is further alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED] the accused Police Officer [REDACTED] # [REDACTED] verbally abused [REDACTED] by calling him a monkey face.	Not-Sustained
Officer [REDACTED]	1. It is alleged that on 2 September 2012, at approximately 1130 hours, in the vicinity of [REDACTED]	Not-Sustained



Appendix A

Assigned Investigative Staff

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**Squad#:** ■

**Investigator:**  
■

**Supervising Investigator:**  
■

**Deputy Chief Administrator:**  
**Angela Hearts-Glass**