

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 13, 2018
Time of Incident:	7:16 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	September 4, 2018
Time of COPA Notification:	4:45 PM

[REDACTED] was arrested on June 13, 2018 and subsequently wrote COPA a letter about the incident. After reviewing Body Worn Camera (BWC) footage, COPA brought complaints against the three arresting officers for failing to complete Investigatory Stop Reports (ISRs) and against Sergeant [REDACTED] for making an offensive comment and holding a cigar in his mouth. 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, Unit [REDACTED] ([REDACTED] – Area Central), Date of Birth: [REDACTED], 1991, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2013, Police Officer, Unit [REDACTED], Date of Birth: [REDACTED], 1983, Male, Hispanic
Involved Officer #3:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2014, Police Officer, [REDACTED] District, Date of Birth: [REDACTED], 1991, Male, White
Involved Officer #4:	[REDACTED], Star # [REDACTED] Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2004, Sergeant of Police, [REDACTED] District, Date of Birth: [REDACTED], 1978, Male, White
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1990, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Failed to complete an Investigatory Stop Report (ISR) for all of the car’s occupants, in violation of Rule 6.	Sustained
Officer [REDACTED]	1. Failed to complete an Investigatory Stop Report (ISR) for all of the car’s occupants, in violation of Rule 6.	Sustained
Officer [REDACTED]	1. Failed to complete an Investigatory Stop Report (ISR) for all of the car’s occupants, in violation of Rule 6.	Sustained
Sergeant [REDACTED]	1. Told [REDACTED] words to the effect of, “I hope you die,” in violation of Rule 2 and Rule 8. 2. Held a cigar in your mouth while in official contact with the public, in violation of Rule 55.	Sustained Sustained

IV. APPLICABLE RULES AND LAWS

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- Rules
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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 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
 4. **Rule 55:** Prohibits holding cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.
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- Special Orders
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1. **S04-13-09:** Investigatory Stop System.

V. INVESTIGATION¹

a. Interviews

The complainant, ██████████, authored a letter to COPA that was delivered in August 2018.² According to ██████████, on June 13, 2018, he was subject to a traffic stop by Officer ██████████. ██████████ was “chewing bubble gum which [Officer ██████████] thought was some kind of narcotic.” Officer ██████████ reportedly choked ██████████ and stated “‘spit it out nigger’ [...] multiple times.” ██████████ further alleged Officer ██████████ “slammed [him] on the concrete while [██████████] was in handcuffs.” Officer ██████████ put ██████████ into a squad car and continued choking him. Once at the ██████████ District, Officer ██████████ again choked ██████████. ██████████ was taken to ██████████ Hospital where, “with the help of ██████████’s personnel,” Officer ██████████ “tried to put a suction cup in my mouth and restrained me while still choking me trying to get me to spit out something that wasn’t there.” When Officer ██████████ did not find anything, he reportedly planted drugs on ██████████ and charged him with possession.³ Attempts by COPA to interview ██████████ were met with negative results.⁴

On August 19, 2019, COPA interviewed Officer ██████████.⁵ Officer ██████████ was on patrol in the ██████████ District on June 13, 2018 with Officer ██████████ and Officer ██████████. The officers stopped ██████████ after seeing him driving a car without a seatbelt. Officer ██████████ related there were four men total in the vehicle. After approaching, Officer ██████████ saw that ██████████ had small baggies containing suspect heroin in his mouth. ██████████ failed to provide license and insurance, so the officers asked then men out of the car to impound and/or tow it. Officer ██████████ also wanted to conduct a narcotics investigation. Officer ██████████ related he only handcuffed and interacted with ██████████. The front passenger, ██████████, was also arrested possession of narcotics. Officer ██████████ did not recall transporting ██████████ to the ██████████ District in his car with his partners. Officer ██████████ denied that ██████████ showed signs of a medical emergency while at the scene of arrest. Officer ██████████ related that once at the police station, ██████████ spat out some of the substance in his mouth and Officer ██████████ called emergency medical services (EMS), suspecting ██████████ had ingested narcotics. Per Officer ██████████, he went with ██████████ to the hospital and did not author any paper work for this incident, including ISRs.

COPA interviewed Officer ██████████ on August 19, 2019.⁶ On June 13, 2018, Officer ██████████ was working on a tactical team in the ██████████ District and partnered with Officers ██████████ and ██████████. The officers stopped ██████████ in traffic because he was not wearing a seatbelt. Officer ██████████ saw the front passenger, ██████████, reaching towards the car floor, which suggested ██████████ was concealing something. Once all four occupants were out of the car, Officer ██████████ recovered suspect narcotic from ██████████’s pocket. The four men were handcuffed and

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. 3

³ Allegations were not presented regarding the claims ██████████ wrote in this letter as he failed to provide a sworn affidavit affirming these statements.

⁴ Att. 44

⁵ Att. 27

⁶ Att. 21

“detained pending a narcotics investigation.”⁷ Officer ██████ saw ██████ chewing on something Officer ██████ stated he identified as narcotics. Officer ██████ did not recall transporting ██████ to the station in their police car. Officer ██████ related ISRs were not done for the two rear passengers. Officers ██████ and ██████ completed paperwork at the station while ██████ was at the hospital. Officer ██████ eventually relieved Officer ██████ from the hospital and forgot to finish the ISRs. Officer ██████ added that he never searched or patted down the two rear passengers.

On August 29, 2019, COPA interviewed Officer ██████.⁸ Officer ██████ was working with Officers ██████ and ██████ on June 13, 2018 when they performed a traffic stop on ██████. Officer ██████ recalled that they stopped ██████ because his license plate was illegible. Officer ██████ related there were four men total in the vehicle. When he approached the vehicle, Officer ██████ saw the front passenger, ██████, reaching towards the car floor. Officer ██████ asked ██████ out of the vehicle. ██████ complied but was hesitant and motioned towards his pocket. Officer ██████ responded by grabbing and attempting to cuff ██████. Officer ██████ recovered narcotics from ██████ after he exited the vehicle. Officer ██████ denied having any physical contact with ██████. Officer ██████ stated that, per Officer ██████, ██████ had suspect narcotics in his mouth. The two rear passengers were asked out of the car and handcuffed, so the officers could conduct a narcotics investigation. Officer ██████ denied that ██████ showed signs of a medical emergency on scene. Officer ██████ related that the substance in ██████’s mouth eventually tested positive as narcotics. Per Officer ██████, ISRs were not made for the two rear passengers because of a miscommunication between himself and Officer ██████, due to the chaos of the situation. Officer ██████ did not remember transporting ██████ to the police station. Once at the police station, Sergeant ██████ sent ██████ to the hospital because ██████ was showing affects of ingesting narcotics.

COPA interviewed Sergeant ██████ on September 3, 2019.⁹ Sergeant ██████ recalled that on June 13, 2018, he was driving by ██████’s traffic stop and decided to assist. The car’s occupants were out of the car and Sergeant ██████ stood with the driver, ██████. Sergeant ██████ saw that ██████ was chewing on a substance that the arresting officers related was narcotics. Sergeant ██████ stated that while detaining ██████, he was telling him, “spit it out, you’re gunna get sick, you’re gunna die, you’re gunna [...] bad things could happen if you don’t spit that stuff out.”¹⁰ Per Sergeant ██████, he told ██████ “I hope you die,” as part of an effort to coax ██████ into spitting out the narcotics. Sergeant ██████ denied that ██████ showed signs of a medical emergency. Sergeant ██████ did not recall why he had a cigar in his mouth and elaborated that he thought he was chewing on an unlit cigar.¹¹

b. Digital Evidence

⁷ Approximately 9:24 minute mark of Att. 21.

⁸ Att. 33

⁹ Att. 39

¹⁰ Approximately 5:10 minute mark of Att. 39.

¹¹ Sergeant ██████’ attorney objected to the allegation that he had a cigar in his mouth on duty a “piling on of charges.” Once the recorded statement concluded, Sergeant ██████ asserted that COPA has no jurisdiction to bring allegations related to Rule 55.

The following relevant **Body Worn Camera** (BWC) footage was obtained pertaining to the present investigation.¹²

Officer [REDACTED]

Officer [REDACTED]'s BWC began at approximately 7:13 PM, and he approached [REDACTED] and asked for his driver's license. Officer [REDACTED] announced that the car did not have a valid license plate and [REDACTED] stated he did not have a driver's license. At approximately 7:14 PM, Officer [REDACTED] asked [REDACTED] to open his mouth, "spit it," and "Sir, you're only gonna harm yourself. It's not that serious. Sir." Officer [REDACTED] continued telling [REDACTED] to spit out whatever was in his mouth. At roughly 7:15 PM, Officer [REDACTED] stated "He's reaching [*inaudible*]." [REDACTED] removed [REDACTED] from the car and handcuffed him. The three other car occupants were also detained. Additional Department members arrived at about 7:20 PM, including Sergeant [REDACTED], who was seen smoking a cigar. At about 7:22 PM, Officer [REDACTED] left [REDACTED] near the rear of the unmarked sedan with Sergeant [REDACTED], then went to use a computer inside a squad car. At about 7:27 PM, Officer [REDACTED] told another officer that [REDACTED] would be arrested for providing no license and insurance. At about 7:29 PM, Officer [REDACTED] told his partners they would transport [REDACTED], "Just in case he spits it out." Officers continued advising [REDACTED] to spit out whatever was in his mouth. At about 7:30 PM, Sergeant [REDACTED] was heard saying, "Your eyes are already rolling back, dude. Spit it out. You're gonna die, dummy." Officer [REDACTED] terminated his BWC at approximately 7:31 PM.

Officer [REDACTED]'s BWC resumed at roughly 7:47 PM, and he was standing over [REDACTED] inside the police station. [REDACTED] appeared to be unresponsive, with labored breathing and he was seemingly unable to sit upright. A sergeant, believed to be Sergeant [REDACTED], then spoke to [REDACTED] and told him to stop chewing. Emergency Medical Services arrived shortly after, and Officer [REDACTED] again told [REDACTED] to stop chewing. Officer [REDACTED] stated he was going in the ambulance and turned off his BWC. Officer [REDACTED]'s BWC resumed at approximately 8:03 PM while inside an ambulance. [REDACTED] was seen chewing and looked unwell. The video ended roughly one minute later.

Officer [REDACTED]

Officer [REDACTED]'s BWC began at approximately 7:13 PM. Officer [REDACTED] approached [REDACTED] on the passenger's side. At roughly 7:15 PM, Officer [REDACTED] ordered the front passenger, [REDACTED], out of the car and [REDACTED] complied. Officer [REDACTED] then performed a pat down and handcuffed the man. Shortly after, Officer [REDACTED] announced that the passenger had dropped a capsule and retrieved empty capsules from the street. At about 7:17 PM, Officer [REDACTED] ordered the two rear passengers out of the car, performed pat downs, and handcuffed them. Officer [REDACTED] proceeded to search [REDACTED]'s car. At about 7:25 PM, Officer [REDACTED] filmed [REDACTED]'s temporary, paper license plate, showing it was not legible. At approximately 7:29 PM, Sergeant [REDACTED] was detaining [REDACTED] and stated, "If you're just gonna eat it, stop chewing on it." Officer [REDACTED] then stated "How's it taste? Good?" and Sergeant [REDACTED] said, "I hope you die," before putting a cigar in his mouth (see Photo 1 below). The rear passengers were uncuffed at about 7:30 PM and Officer [REDACTED] terminated his BWC.

¹² Atts. 16, 19

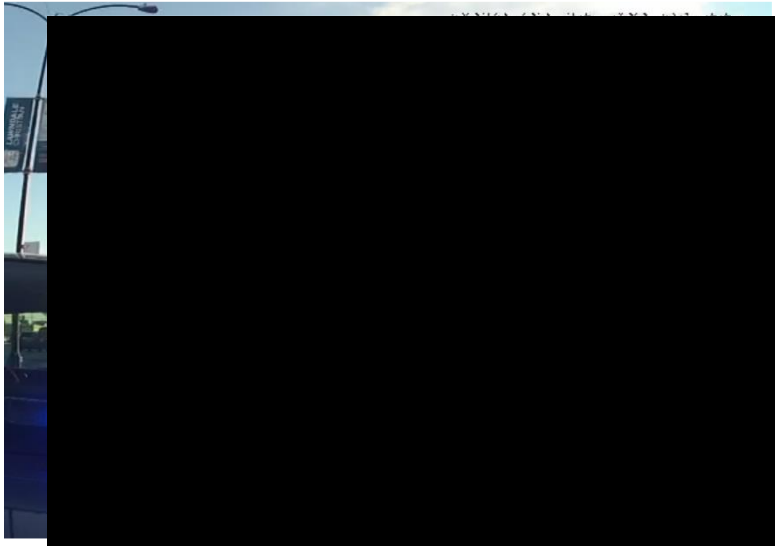


Photo 1

Officer [REDACTED]

Officer [REDACTED]'s BWC initiated at roughly 7:13 PM. Officer [REDACTED] exited the squad car and approached [REDACTED]'s car on the passenger's side. Officer [REDACTED] asked a rear passenger for ID, who related he did not have it. The front passenger, [REDACTED], exited the car at about 7:15 PM and briefly scuffled with Officer [REDACTED] and Officer [REDACTED] before the officers handcuffed [REDACTED]. [REDACTED] had apparently dropped narcotics, and Officer [REDACTED] proceeded to search in [REDACTED]'s pockets and removed a capsule. The two rear passengers were seen in the car with their hands raised before they were also asked out of the vehicle and handcuffed. Officer [REDACTED] remained with the passengers as they were detained towards the rear of [REDACTED]' car. Other officers began arriving at approximately 7:20 PM, including Sergeant [REDACTED]. The squadrol arrived at about 7:23 PM, to which Officer [REDACTED] escorted [REDACTED] about three minutes later. Officer [REDACTED] got the name and date of birth of one of the rear passengers ([REDACTED], [REDACTED]/1991), at roughly 7:27 PM. Officer [REDACTED] then entered a marked squad car and performed in-car computer searches. Officer [REDACTED] spoke with Officer [REDACTED], who related they would take [REDACTED] in their car in case he spit out his mouth's contents. Officer [REDACTED] uncuffed the second rear passenger as another officer uncuffed [REDACTED]. Officer [REDACTED] terminated his BWC at roughly 7:31 PM.

Negative Results

CPD provided no BWC for Officer [REDACTED] and Officer [REDACTED]. BWC provided by CPD from Officer [REDACTED], Officer [REDACTED], Officer [REDACTED], Officer [REDACTED], and Officer [REDACTED] recorded nothing from [REDACTED]'s arrest on July 13, 2018. BWC was provided for Officer [REDACTED] from this incident that included no additional, relevant content.

c. Physical Evidence

██████████ medical records were obtained from the Chicago Fire Department (CFD).¹³ On June 13, 2018, CFD arrived at approximately 7:56 PM. CPD told CFD that ██████████ “possibly swallowed something.” ██████████ was reportedly experiencing shortness of breath and difficulty breathing. ██████████ was silent towards CFD but was “in no obvious distress.” The ambulance arrived at the ██████████’s Hospital at about 8:05 PM.

██████████’s medical records were also obtained from ██████████ Hospital.¹⁴ ██████████ was admitted on June 13, 2018 with an admitting diagnosis was ingestion of foreign body, substance abuse, rhabdomyolysis, and elevated bilirubin.¹⁵ ¹⁶ When ██████████ was in triage, he “became resistant to care” and required restraints for his own safety and “for staff safety.” On June 13, 2018 at approximately 8:21 PM, hospital staff noted that ██████████ “at this time is chewing on some small plastic bags with some unknown substance,” and he was “refusing to spit out the objects in his mouth.” On June 13, 2018 at about 9:29 PM, staff noted that ██████████ “seems under the influence of a drugs [sic].” At about 9:30 PM on June 13, 2018, staff related that ██████████ “refuses to open his mouth” and his heart rate was reported as exceeding the normal resting rate (aka tachycardic).¹⁷ On June 14, 2018, ██████████ was reported to have rhabdomyolysis and cocaine ingestion. ██████████ tested positive for amphetamines, cannabinoids, cocaine, and PCP. ██████████ was described as uncooperative, and at one point, he pulled out his IV. On June 15, 2018 at approximately 8:08 PM, ██████████ reportedly “had a crying episode stating he is tired of being under police custody.” On June 16, 2018 at about 10:30 AM, ██████████ reported suicidal thoughts. On June 16, 2018 at roughly 11:50 AM, hospital staff reported that ██████████ “got upset and hit the wall with his fist and made a hole in the wall” and also stated he felt “like he wants to hurt himself.” He was discharged into police custody at June 16, 2018.

d. Documentary Evidence

██████████’s Arrest Report was obtained from June 13, 2018 with RD # ██████████.¹⁸ ██████████ was charged with felony possession of a controlled substance and three traffic citations. Per this report, Officers ██████████, ██████████, and ██████████ saw ██████████’s vehicle and observed that ██████████ was not wearing a seat-belt. The officers stopped ██████████ and saw him “chewing an unknown item” and Officer ██████████ “observed several small clear ziplock bags [...] containing a white substance suspect heroin.” Officer ██████████ told ██████████ to spit out “the items he was chewing,” but ██████████ refused. ██████████ did not provide a valid driver’s license or insurance and was taken to the ██████████ District. Once at the ██████████ District, ██████████ “spit out several plastic bags containing a white substance suspect heroin.” The officers then

¹³ Att. 6

¹⁴ Att. 15

¹⁵ Rhabdomyolysis is “a serious syndrome due to a direct or indirect muscle injury. It results from the death of muscle fibers and release of their contents into the bloodstream. This can lead to serious complications such as renal (kidney) failure.” Source: <https://www.webmd.com/a-to-z-guides/rhabdomyolysis-symptoms-causes-treatments#1>.

¹⁶ Bilirubin “is an orange-yellow pigment that occurs normally when part of your red blood cells break down. Your liver takes the bilirubin from your blood and changes its chemical make-up so that most of it is passed through your poop as bile.” Source: <https://www.webmd.com/a-to-z-guides/bilirubin-test#1>.

¹⁷ Source: <https://en.wikipedia.org/wiki/Tachycardia>.

¹⁸ Att. 4

called ██████ an ambulance “believing that [he] had swallowed a large amount of suspect illegal narcotics.” ██████ was taken to ██████’s Hospital. ██████ never entered CPD lock-up and he was taken to the Cook County jail from the hospital.

An **Original Case Incident Report** was also found for RD # ██████.¹⁹ This document reported that Officer ██████ approached on the passenger’s side and observed ██████ “reaching between the seat and the passengers [sic] door.” ██████ disobeyed commands to “keep his hands up” and “kept putting his right hand in his front pocket.” The officers thought ██████ was “attempting to conceal an unknown item” and searched his pocket, recovering “one hard rock like substance suspect crack cocaine.” ██████ was arrested and taken to the ██████ District.

An **Arrest Report** was obtained for ██████ under RD # ██████.²⁰ ██████ was charged with felony possession of a controlled substance. No additional, relevant information was included in this document.

Investigatory Stop Reports (ISRs) were located for ██████ and ██████.²¹ No ISRs were located for the two rear passengers. Per this report, cocaine was recovered from ██████, and heroin from ██████. The officers reportedly stopped ██████’s vehicle after seeing that ██████ was not wearing a seatbelt. When approaching, the officers saw ██████ “motioning with his upper body/arms towards the floor board.” ██████ was asked to exit the vehicle and as he did so he, “tried reaching in the front right coin pant pocket of his pants after receiving several commands to keep his hands up.” The officers then “observed a clear capsule consistent with narcotics packaging protruding from said pocket [...]” Officer ██████ recovered suspect crack-cocaine and ██████ was arrested. With regards to ██████, Officer ██████ saw him “chewing an unknown item.” Officer ██████ “observed several small clear ziplock bags with yellow logos containing a white substance suspect heroin.” ██████ did not comply with orders to spit the substance out and did not produce license or insurance. ██████ was taken to the ██████ District. Once at the ██████ District, ██████ “spit out several plastic bags containing a white substance suspect heroin [...]” The officers had ██████ transported to the hospital upon the belief he “had swallowed a large amount of suspect illegal narcotics [...]”

The Office of Emergency Management and Communications (OEMC) **Event Query Report** for **Event Number** ██████ was initiated on June 13, 2018 at roughly 7:18 PM.²² Beat ██████ performed a traffic stop near ██████. Emergency Medical Services (EMS) was requested at about 7:46 PM and shortly after, it was reported that a male prisoner was having difficulty breathing.

The following relevant **criminal docket**s were obtained from the Cook County Clerk of the Circuit Court.

¹⁹ Att. 5

²⁰ Att. 9

²¹ Atts. 17, 18

²² Att. 8

- **Case Number** [REDACTED] was filed on June 14, 2018.²³ [REDACTED] was charged with felony possession of a controlled substance and three traffic citations. Electronic monitoring was ordered on June 21, 2018. The case was transferred to the criminal division on July 13, 2018.
- **Case Number** [REDACTED] was filed on July 23, 2018 as one felony charge against [REDACTED] for possession of a controlled substance.²⁴ [REDACTED] pleaded guilty on December 5, 2018 and was sentenced to one year in the Illinois Department of Corrections with 261 days of credit for time served and the sentence to run concurrent with Case Number [REDACTED].²⁵

VI. LEGAL STANDARD

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

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

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

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

²³ Att. 11

²⁴ Att. 12

²⁵ See Atts. 13, 14

VII. ANALYSIS

Allegation 1 against Officers ██████, ██████, and ██████, that they failed to complete ISRs for the two rear passengers, is **Sustained**. Per Special Order S04-13-09, “Sworn members who conduct [...] a Protective Pat Down [...] in a public place are required to submit an Investigatory Stop Report into the Investigatory Stop Database. All of the factors that support [...] Reasonable Articulable Suspicion in order to perform a Protective Pat Down will be documented in the narrative portions of the database.” While COPA agrees pat downs were reasonable in the circumstances, the searches Officer ██████ performed on the two rear passengers should have been documented in ISRs. Since the officers violated Special Order S04-13-09, this allegation is Sustained.

Allegation 1 against Sergeant ██████, that he told ██████ words to the effect of, “I hope you die,” is **Sustained**. Sergeant ██████ was seen on BWC making this statement and acknowledged to COPA that he did so. Per CPD Rules and Regulations, sworn members are prohibited from engaging in disrespect “of any person,” and restricted from “conduct which [...] brings discredit to the Department.” Supervisors, specifically, are expected to enforce and demonstrate CPD values. Sergeant ██████ asserted that he made this comment in the context of a larger effort to get ██████ to spit out his mouth’s contents for ██████’s own safety. COPA does not find his explanation convincing. Since Sergeant ██████ acted outside of CPD Rules and Regulations, this allegation is Sustained.

Allegation 2 against Sergeant ██████, that he had a cigar in his mouth while interacting with the public in his role as a sworn member, this allegation is **Sustained**. BWC showed Sergeant ██████ with a cigar in his mouth while detaining ██████ and Sergeant ██████ agreed that this occurred. Rule 55 clearly prohibits this action, and this allegation is Sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer ██████

i. Complimentary and Disciplinary History

Officer ██████ has the following complementary history, Department Commendation (1), Honorable Mention (33), Unit Meritorious Performance Award (1), Annual Bureau Award of Recognition (1). Officer ██████ has no prior disciplinary history.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** Failed to complete an Investigatory Stop Report (ISR) for all of the car’s occupants.

Officer ██████ was dealing with ██████’s medical emergency and did not author paperwork for this incident, mitigating his responsibility to ensure ISRs were completed. COPA recommends a reprimand.

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

Officer [REDACTED] has the following complementary history, Department Commendation (2), Honorable Mention (33), Complimentary Letter (2). Officer [REDACTED] has no prior disciplinary history.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1:** Failed to complete an Investigatory Stop Report (ISR) for all of the car's occupants.

Officer [REDACTED] authored paperwork for this incident and did a name check for at least one of the men, giving him greater responsibility to ensure the ISRs were completed. COPA recommends a reprimand.

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

Officer [REDACTED] has the following complementary history, Department Commendation (1), Honorable Mention (34). Officer [REDACTED] has no prior disciplinary history. COPA recommends a reprimand.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1:** Failed to complete an Investigatory Stop Report (ISR) for all of the car's occupants.

Officer [REDACTED] was the individual who actually performed pat downs on the two men, giving him greater responsibility to ensure the ISRs were completed. COPA recommends a reprimand.

d. Sergeant [REDACTED]**i. Complimentary and Disciplinary History**

Officer [REDACTED] has the following complementary history, Military Service Award (1), Department Commendation (4), Honorable Mention (112), Complimentary Letter (3), Honorable Mention Ribbon Award (1), Top Gun Arrest Award (1), 2009 Crime Reduction Award (1). Sergeant [REDACTED] has no prior disciplinary history.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1:** Told [REDACTED] words to the effect of, "I hope you die."

2. Allegation No. 2: Held a cigar in your mouth while in official contact with the public.

Sergeant [REDACTED] failed to act within the standards and expectations of the department. Moreover, as a sergeant his actions have a direct impact on the officers he interacted with. Both his statements to [REDACTED] and the smoking of the cigar display a lack of professionalism that is not reflective of his complimentary history. Particularly troubling, is that Sergeant [REDACTED] failed to accept responsibility and was not remorseful about either act. As COPA recommends a five day suspension for Allegation No. 1 and a one day suspension for Allegation No. 2.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Failed to complete an Investigatory Stop Report (ISR) for all of the car’s occupants, in violation of Rule 6.	Sustained/ Reprimand
Officer [REDACTED]	1. Failed to complete an Investigatory Stop Report (ISR) for all of the car’s occupants, in violation of Rule 6.	Sustained/ Reprimand
Officer [REDACTED]	1. Failed to complete an Investigatory Stop Report (ISR) for all of the car’s occupants, in violation of Rule 6.	Sustained/ Reprimand
Sergeant [REDACTED]	1. Told [REDACTED] words to the effect of, “I hope you die,” in violation of Rule 2 and Rule 8. 2. Held a cigar in your mouth while in official contact with the public, in violation of Rule 55.	Sustained/ 5 Day Suspension Sustained/ 1 Day Suspension

Approved:

[REDACTED]

September 24, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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