

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 26, 2019
Time of Incident:	8:10 pm
Location of Incident:	████████████████████
Date of COPA Notification:	August 27, 2019
Time of COPA Notification:	1:35 pm

Officers ██████████ and ██████████ responded to a person wanted call. Upon arrival, Officer ██████████ and ██████████ located ██████████ and spoke to him. ██████████ related to the officers that his neighbor, ██████████ assaulted him earlier in the day and that he broke out his window. Assisting officers spoke with ██████████ who admitted to the officers that he busted ██████████ windows. ██████████ signed a complaint and ██████████ was arrested. ██████████ made allegations that the handcuffs were put on him too tight, that he was not informed of the reason for him being arrested, and that his requests for medical attention and a supervisor were not granted. COPA did not sustain any of these complaints.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ star# ██████████ Employee# ██████████, DOA: ██████████ 2015, Officer, ██████████, ██████████ 1988, Female, White
Involved Officer #2:	██████████ star# ██████████ Employee# ██████████, DOA: ██████████ 2012, Officer, ██████████, ██████████ 1985, Male, White
Involved Detention Aide #1	██████████ Employee# ██████████ DOA: ██████████ 2017, Detention Aide, ██████████, ██████████ 1992, Male, Black
Involved Individual #1:	██████████ 1980, Male, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████	1. It is alleged by ██████████ that on or about August 26, 2019, at approximately 8:10pm, at or near ██████████ Officer ██████████ ██████████ star ██████████ committed misconduct	Not Sustained

	<p>through the following act or omission: by improperly handcuffing ██████ in violation of Rule 10.</p> <p>2. It is alleged by ██████ that on or about August 26, 2019, at approximately 8:10pm, at or near ██████ Officer ██████ ██████ star ██████ committed misconduct through the following act or omission: by failing to tell ██████ why he was being arrested, in violation of Rule 5.</p> <p>3. It is alleged by ██████ that on or about August 26, 2019 at approximately 8:10pm, at or near ██████ Officer ██████ ██████ star ██████ committed misconduct through the following act or omission: by failing to properly investigate ██████ claim that he was assaulted by his neighbor in violation of Rule 10.</p> <p>4. It is alleged by ██████ that on or about August 26, 2019 at approximately 8:10pm, at or near ██████ Officer ██████ ██████ star ██████ committed misconduct through the following act or omission: by failing to call for a supervisor when asked to do so by ██████ in violation of Rule 5.</p> <p>5. It is alleged by ██████ that on or about August 26, 2019 at approximately 8:10pm, at or near ██████ Officer ██████ ██████ star ██████ committed misconduct through the following act or omission: by failing to provide ██████ with medical attention when he asked, in violation of Rule 5.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer ██████ ██████</p>	<p>1. It is alleged by ██████ that on or about August 26, 2019 at approximately 8:10pm, at or near ██████ Officer ██████ ██████ star ██████ committed misconduct through the following act or omission: by failing to tell ██████ why he was being arrested, in violation of Rule 5.</p> <p>2. It is alleged by ██████ that on or about August 26, 2019 at approximately 8:10pm, at or</p>	<p>Exonerated</p> <p>Exonerated</p>

	<p>near [REDACTED] Officer [REDACTED] [REDACTED] star [REDACTED] committed misconduct through the following act or omission: by failing to properly investigate [REDACTED] claim that he was assaulted by his neighbor, in violation of Rule 10.</p> <p>3. It is alleged by [REDACTED] that on or about August 26, 2019 at approximately 8:10pm, at or near [REDACTED] Officer [REDACTED] [REDACTED] star [REDACTED] committed misconduct through the following act or omission: by failing to call for a supervisor when asked to do so by [REDACTED] in violation of Rule 5.</p> <p>4. It is alleged by [REDACTED] that on or about August 26, 2019 at approximately 8:10pm, at or near [REDACTED] Officer [REDACTED] [REDACTED] star [REDACTED] committed misconduct through the following act or omission: by failing to provide [REDACTED] with medical attention when he asked, in violation of Rule 5.</p>	<p>Unfounded</p> <p>Unfounded</p>
<p>Detention Aide [REDACTED] [REDACTED]</p>	<p>1. It is alleged by [REDACTED] that on or about August 26, 2019, at approximately 9:47pm, at or near the [REDACTED] District lock up, Detention Aide [REDACTED] Employee # [REDACTED] committed misconduct through the following act or omission: by failing to provide [REDACTED] with medical attention when he asked, in violation of Rule 5.</p>	<p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

- 1. Rule 5- Failure to perform any duty
- 2. Rule 10-Inattention to duty

General Orders

- 1. G06-01-02 – Restraining Arrestees

V. INVESTIGATION¹

a. Interviews

██████████ was interviewed by COPA on August 27, 2019.² According to ██████████ he first had contact with the police on August 26, 2019, at around 5pm. His neighbor, ██████████ called the police and the police arrived to ██████████ house. ██████████ spoke to the police for about twenty minutes regarding an altercation he had with ██████████. The police officers also spoke to ██████████ for about twenty minutes. Both ██████████ and ██████████ agreed that they did not want to file complaints against each other. The police officers left the area.

Later that same day, ██████████ tried to run ██████████ over with his vehicle. ██████████ never called police to report this incident. When asked why he did not call the police, ██████████ stated that he did not call because he wanted to fight ██████████ and the less the police know, the better. ██████████ believed that after ██████████ attempted to run him over, ██████████ went to the police station to make a complaint.

At approximately 7:30pm, two police vehicles arrived in the back alley near ██████████ house and the officers spoke with ██████████. Both cars had a female and male officer inside. The officers in the first car asked ██████████ what happened and informed ██████████ that they had a signed complaint against him. The officers in the second vehicle went into the gangway and spoke with ██████████. According to ██████████ the female officer who got out of the second vehicle, placed handcuffs on him but did not tell him why he was being arrested. ██████████ also stated that the female officer placed the handcuffs on him too tightly.

██████████ further stated that officers did not give him medical attention for a cut that he sustained earlier in the day and for the handcuffs being too tight. ██████████ stated that he was not injured by the police. He also stated that officers never told him why he was being arrested. Officers called a marked squad car to transport ██████████ to the station. Once at the station, ██████████ stated that he asked for a white shirt, but one never came. ██████████ also stated that he informed somebody at the station that he needed medical attention because his hands were hurting from the handcuffs being too tight. According to ██████████ officers never investigated his complaint that ██████████ tried to run him over. ██████████ did not seek medical attention once he was released.

██████████ was interviewed a second time by COPA on June 17, 2020,³ to ask him some follow up questions. According to ██████████ he asked the white female who put the handcuffs on him and the Hispanic male on scene for a white shirt, but one was never provided. ██████████ also stated that he asked the same two officers for medical attention when he was getting arrested in the alley and he also asked for medical attention when he was in lock up. ██████████ described the person he

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. 2.

³ Att. 19.

asked in the lock up for medical attention as a black male⁴ who works in lock-up and has been there for a long time. █████ stated that he wanted medical attention for a cut on his wrist from the handcuffs being too tight and an injury that he sustained earlier in the day. According to █████ he asked the male black for medical attention when he was being finger printed. █████ also stated that he informed the female officer that the handcuffs were too tight, and he asked her to loosen them, but she told him to not to move around because they will get tighter.

Officer █████ was interviewed by COPA on June 30, 2020.⁵ The incident occurred on August 26, 2019. According to Officer █████ on the date of the incident, she was working in the █████ District with her partner, Officer █████ Officer █████ was in uniform and was wearing a body-worn camera. On the date of the incident, Officer █████ was responding to a person wanted call. Earlier in the day, Officer █████ was standing near the desk at the █████ District when she had an interaction with █████ had come into the station to make a case report for a simple battery against his neighbor. █████ told the desk officer that his neighbor (█████ was giving him a hard time and tried to drag him out of his yard and pull him out of his vehicle. █████ told the desk officer that he wanted his neighbor arrested. Officer █████ advised █████ on how to obtain a warrant and an order of protection. Officer █████ left the station to go on her regular routine patrol.

Sometime later, Officer █████ was dispatched to the area of █████ by OEMC for a person wanted call. Officer █████ exited her vehicle and met with █████ near his fence toward the alley. █████ let the officers into his yard and into his house. █████ told the officers that his neighbor threw a brick through his window and that his neighbor attempted to drag him out of his vehicle and through a fence. Officer █████ observed an abrasion on █████ arm. Officer █████ asked █████ if he wanted to sign a compliant and █████ told the officers that he did, and he signed the complaint. Officer █████ described █████ demeanor as scared, frightened and fed up with the situation with his neighbor.

Officer █████ and her partner exited █████ house and went outside to the alley. Once in the alley, Officer █████ observed █████ and placed him into custody on a signed complaint. Officer █████ described █████ demeanor as verbally combative, he was swearing and making statements that he was not a snitch. According to Officer █████ she only spoke briefly to █████ but other officers on scene spoke with █████ made a statement that this was not his first rodeo and that he was going back to county. █████ also admitted to the other officers on scene that he did in fact have an altercation with his neighbor earlier in the day. █████ was arrested for simple battery and the decision to arrest █████ was made collectively between the officers on scene.

⁴ █████ described the male as a stalky, dark-skinned, big guy, just under 6ft, wearing dark blue clothes.

⁵ Att. 24.

Officer ██████ placed the handcuffs on ██████. According to Officer ██████ she placed the handcuffs on ██████ as she was trained to do. Officer ██████ took one arm and placed one handcuff on his wrist and then took the other arm and placed the other handcuff on his other wrist. Officer ██████ made sure that there was adequate space in between the handcuffs and his wrists. Officer ██████ does not recall if she double locked the handcuffs on ██████. Officer ██████ stated that ██████ was aware that he was getting arrested and that he was informed of his charges at the police station. Officer ██████ stated that she did not inform ██████ on scene as to why he was being arrested. Officer ██████ does not recall ██████ making any statements to her regarding his handcuffs being too tight. Officer ██████ also stated that if ██████ would have mentioned to her that his handcuffs were too tight, she would have loosened them. Officer ██████ did not hear ██████ state that he was assaulted by his neighbor. There was no paperwork generated on ██████ behalf. According to Officer ██████ she did not hear ██████ ask her or any other officer present to call a supervisor to the scene. ██████ also did not ask Officer ██████ or any other officer present for medical attention while they were on scene. ██████ made a comment back at the station that he should have shot his neighbor and dragged him into the yard. Officer ██████ did not observe any injuries to ██████ wrist. Officer ██████ denied all allegations made by ██████.

Officer ██████ was interviewed by COPA on June 30, 2020.⁶ The incident occurred on August 26, 2019. According to Officer ██████ on the date of the incident he was working with Officer ██████ in the ██████ District. Officer ██████ was in uniform and was wearing a body-worn camera. On the date of the incident, Officer ██████ was responding to a person wanted call at the incident location. Officer ██████ was not given any information prior to his arrival to the incident location. When Officer ██████ first arrived at the location, he looked for ██████ and he made contact with him. ██████ met the officers in the alley and let the officers inside through his rear gate. Officer ██████ asked ██████ for his account of what occurred. ██████ told the officers that he had an altercation with his neighbor (██████). ██████ related that he was physically assaulted by his neighbor. ██████ informed the officers that he was in his vehicle and his neighbor tried to pull him out of it and on a separate occasion he was in his front yard and his neighbor grabbed him by his shirt and attempted to pull him through the gate causing injury. ██████ showed the officer an injury to his forearm that was caused by his neighbor. According to Officer ██████ he observed a visible raised injury that was still bleeding on ██████ arm. ██████ also showed the officers that his front window was broken and there was a brick inside the house. ██████ told the officers that ██████ threw the brick. Officer ██████ asked ██████ if he wanted to sign complaints and he stated that he did want to sign.

Officer ██████ exited ██████ residence and spoke to the assisting officers. The assisting officers related to Officer ██████ that they had spoken to ██████ and he admitted that he did get into an altercation with his neighbor. ██████ stated that he did not want to call the police

⁶ Att. 23.

because he was not a snitch. After the complaint was signed by ██████████ was placed into custody. ██████████ told Officer ██████████ that this was not his first rodeo. Officer ██████████ stated that ██████████ never made any specific allegations and just stated that he was not a snitch. Officer ██████████ described ██████████ demeanor as a little frightened and fed up. Officer ██████████ described ██████████ demeanor as a bit combative and verbally abusive. ██████████ was basically threatening ██████████ to the officers. ██████████ also made a comment that he should have shot ██████████ and dragged him into the yard. The decision was made collectively to place ██████████ into custody. ██████████ was arrested for simple battery. Officer ██████████ placed the handcuffs on ██████████ Officer ██████████ does not recall ██████████ complaining about how the handcuffs were placed on him. Officer ██████████ does not recall if he informed ██████████ of why he was being arrested but he may have later. According to Officer ██████████ he does not like to get into the specifics about arrests on scene to protect the rights of the arrestee and as a de-escalation technique. Officer ██████████ does not recall hearing ██████████ say anything about him being assaulted by his neighbor. No paperwork was produced on ██████████ behalf. Officer ██████████ does not recall ██████████ asking for a supervisor on scene or medical attention. Officer ██████████ does not recall ██████████ complaining about the handcuffs or any pain. Officer ██████████ denied all allegations made by ██████████

Detention Aide (DA) ██████████ was interviewed by COPA on July 1, 2020.⁷ The incident occurred on August 26, 2019, near the lock up area. DA ██████████ was working in the ██████████ District with DA ██████████ DA ██████████ searched ██████████ on the date of his arrest. DA ██████████ has no independent recollection of his encounter with ██████████ DA ██████████ does not recall if ██████████ asked for medical attention. According to DA ██████████ generally speaking, if someone asked him for medical attention, he would make sure the person is ok and ask them what's wrong and then notify his sergeant.

b. Digital Evidence

Officer ██████████ body-worn camera (bwc) video⁸ begins with Officer ██████████ standing near a garage area. Other officers are on scene as well. ██████████ comes to a locked fence and then opens the fence for the officers. Officer ██████████ enters the gangway area and then walks to the front of the house. Officer ██████████ asks ██████████ to show him the windows. ██████████ shows the officer the windows. ██████████ says something about a brick and Officer ██████████ asks him if he still has the brick and ██████████ tells him it is in the house. Officer ██████████ follows ██████████ inside the house. ██████████ points to the ground where glass is on the ground. ██████████ tells Officer ██████████ that he saw ██████████ break the window. ██████████ also told Officer ██████████ that ██████████ was going to hit him with a bat. Officer ██████████ asks ██████████ how he obtained his injuries. ██████████ explains that he and ██████████ got into an argument earlier. ██████████ tells Officer ██████████ that ██████████ grabbed him through his fence. ██████████ then tells Officer ██████████ that ██████████ tried to attack him again in the alley. ██████████ tells Officer ██████████ that he

⁷ Att. 26.

⁸ Att. 12.

did not see him break the window but that he did see him throwing stuff at the window. Officer [REDACTED] tells [REDACTED] to stay inside the house because [REDACTED] is outside and that they will be back to talk to him.

Officer [REDACTED] leaves [REDACTED] house and speaks with his partner, Officer [REDACTED]. Officer [REDACTED] speaks with Officer [REDACTED] on scene and tells him that [REDACTED] has broken windows. Officer [REDACTED] tells Officer [REDACTED] that [REDACTED] admitted to doing it. Officer [REDACTED] tells Officer [REDACTED] that [REDACTED] is documenting everything [REDACTED] is doing to [REDACTED] but [REDACTED] is not documenting what [REDACTED] is doing to [REDACTED]. Officer [REDACTED] tells Officer [REDACTED] that [REDACTED] told him that he and [REDACTED] had an altercation earlier about 4:30 or 5pm. Officer [REDACTED] gets into a squad vehicle and types something in the PDT. Officer [REDACTED] tells the other officers that there are two reports made by [REDACTED] against [REDACTED]. Officer [REDACTED] tells Officer [REDACTED] if [REDACTED] signs a report [REDACTED] is going to jail.

Officer [REDACTED] and Officer [REDACTED] go back to [REDACTED] house. Officer [REDACTED] asks [REDACTED] if he is going to sign a complaint and [REDACTED] says yes. Officer [REDACTED] and Officer [REDACTED] go back into the alley and they ask [REDACTED] to put his hands behind his back and Officer [REDACTED] places handcuffs on [REDACTED]. [REDACTED] is heard saying you all should arrest him too. [REDACTED] asks Officer [REDACTED] to call his wife. [REDACTED] looks into Officer [REDACTED] camera and says he (referring to [REDACTED]) is going to be fucked. [REDACTED] keeps stating that he is not a snitch. Officer [REDACTED] tells [REDACTED] that it's on paper and his hands are tied. Officer [REDACTED] tells [REDACTED] that he is going to search him and then he proceeds to search [REDACTED]. [REDACTED] is placed inside a marked squad vehicle.

Officer [REDACTED] body-worn camera (bwc) video⁹ begins with Officer [REDACTED] already inside [REDACTED] home. Officer [REDACTED] is speaking with [REDACTED]. Officer [REDACTED] and Officer [REDACTED] leave [REDACTED] home and go back into the alley. While in the alley Officer [REDACTED] speaks with Officer [REDACTED]. Officer [REDACTED] goes back inside [REDACTED] home to see if he wants to sign a complaint. Officer [REDACTED] asks [REDACTED] if he is going to sign a complaint against [REDACTED] and [REDACTED] tells her yes, he will. Officer [REDACTED] tells him to stay in the house. Officers [REDACTED] and [REDACTED] go into the alley and they approach [REDACTED]. Officer [REDACTED] places handcuffs on [REDACTED]. Officer [REDACTED] tells [REDACTED] that there were two reports made. Officer [REDACTED] tells [REDACTED] that his name is on the reports. Officer [REDACTED] tells [REDACTED] he has to make a report next time and [REDACTED] tells her that he is not a snitch. A marked squad car pulls up to the scene and Officer [REDACTED] walks up to the vehicle and speaks with the officers. Officer [REDACTED] asks the officers for a misdemeanor complaint and she asks the officers if they would transport [REDACTED] for them. Officer [REDACTED] goes back inside [REDACTED] home with the complaint and [REDACTED] signs the complaint.

⁹ Att. 13.

Officer ██████████ body-worn camera (bwc) video¹⁰ begins with Officer ██████████ driving his squad vehicle. Officer ██████████ stops and exits the vehicle. Officer ██████████ and his partner, Officer ██████████¹¹ speak with ██████████ tells the officers that he had an incident earlier with ██████████ and that officers already came for that incident and it was taken care of. ██████████ then tells Officer ██████████ that ██████████ tried to run him over, but he does not want to make a big deal out of it because he is just going to catch ██████████ and beat him up. ██████████ tells Officer ██████████ that he was washing his garbage cans when ██████████ approached him. ██████████ tells the officer that ██████████ started talking about his wife and children. ██████████ then tells Officer ██████████ that ██████████ tried to hit him in the head with a barricade but that he blocked it with his hand. ██████████ points to his hand which has a bandage on it. ██████████ tells the officer that he went inside his house to put on some shoes but when he came back out ██████████ ran inside his home. ██████████ tells Officer ██████████ that he busted ██████████ house windows with a bat. ██████████ then came out of his house and tried spitting on ██████████ and going crazy. ██████████ told ██████████ to come out of the fence. When the officers came earlier, they talked to ██████████ and talked to ██████████ told the officers that he did not want to press charges and that he was going to handle it the street way.

██████████ tells Officer ██████████ that ██████████ tried to run him over, but that he did not call the cops and he just left it along. ██████████ tells Officer ██████████ when he catches ██████████ he is going to beat him up. Officer ██████████ asks ██████████ if he can see ██████████ hand. ██████████ removes the bandage and shows his hand to Officer ██████████ tells Officer ██████████ that he did not want an ambulance and that he is a tough guy. ██████████ tells Officer ██████████ he really does not care about his hand and he puts the bandage back on his hand. ██████████ tells Officer ██████████ that when he catches ██████████ he is going to put him in a casket or hurt him really bad. Officer ██████████ tells ██████████ that if all that happened then he needs to document it. ██████████ tells Officer ██████████ that the cops told him to do a report, but he did not because he is not a snitch. ██████████ tells Officer ██████████ that he is not a snitch again and that he will not make a report, but instead would rather go to jail. Officers ██████████ and ██████████ arrive on scene and exit their squad vehicle. Officer ██████████ tells Officers ██████████ and ██████████ what ██████████ told him and Officer ██████████ tells Officer ██████████ that she was there when ██████████ made a report and that ██████████ was the named offender in the report.

c. Documentary Evidence

According to his **arrest report**,¹² ██████████ was arrested on August 26, 2019, for battery. The narrative states ██████████ grabbed ██████████ while ██████████ was sitting in his vehicle and tried to pull him out of the vehicle. ██████████ also told responding officers that he had an earlier altercation with ██████████ where ██████████ grabbed ██████████ and tried to pull him through his gate. ██████████ also told the responding officers that he observed ██████████ throwing object at his residence, and officers

¹⁰ Att. 15.

¹¹ Officer ██████████ BWC video captures much of what is depicted in Officer ██████████ BWC. See Att. 11.

¹² Att. 4.

observed glass on the inside of the residence and a brick on the windowsill. [REDACTED] was arrested on signed complaints and transported to the [REDACTED] district for processing.

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 reviewed complied with 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 conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

VII. ANALYSIS

COPA makes a finding of **Not Sustained** for **allegation #1** against Officer [REDACTED] in that she improperly handcuffed [REDACTED]. G06-01-02 states that when feasible, an arrestee will be handcuffed with both hands behind the back and palms positioned outward. Handcuffs will be double-locked. [REDACTED] stated in his interview to COPA that Officer [REDACTED] placed the handcuffs on him too tightly and that he informed her of that, and she told him not to move around because they would get tighter. According to Officer [REDACTED] she placed the handcuffs on [REDACTED] as she was trained to do. Officer [REDACTED] took one arm and placed one handcuff on his wrist and then took the other arm and placed the other handcuff on his other wrist. Officer [REDACTED] made sure that there was adequate space in between the handcuffs and his wrists. Officer [REDACTED] does not recall if she double locked the handcuffs on [REDACTED]. Officer [REDACTED] further stated if [REDACTED] would have informed her that the handcuffs were too tight she would have loosened them. Officer [REDACTED] BWC was activated as she placed handcuffs on [REDACTED] and [REDACTED] never made any mention that the handcuffs were too tight. In fact, [REDACTED] made threats about what he was going to do to his

neighbor instead. [REDACTED] also never received any medical treatment for the handcuffs being too tight. As such, COPA makes a finding of Not Sustained for this allegation.

COPA makes a finding of **Exonerated** for **allegation #2** against Officer [REDACTED] and **allegation #1** against Officer [REDACTED] in that both officers failed to tell [REDACTED] why he was being arrested. According to [REDACTED] Officers [REDACTED] and [REDACTED] never told him why he was being arrested. Officer [REDACTED] stated that [REDACTED] was aware that he was getting arrested and that he was informed of his charges at the police station. Officer [REDACTED] did not inform [REDACTED] why he was being arrested on scene. Officer [REDACTED] does not recall if he informed [REDACTED] of why he was being arrested but he may have done so at a later time. According to Officer [REDACTED] he does not like to get into the specifics about arrests on scene to protect the rights of the arrestee and as a de-escalation technique. It is unclear whether [REDACTED] was told at the scene of why he was being arrested by the officers, but it is clear from the officers' BWC footage that [REDACTED] was aware of the reason he was being arrested. Officers on scene spoke to [REDACTED] about the fight he had with his neighbor [REDACTED] and even told [REDACTED] that he was the named party on a police report made by [REDACTED]. Officers even tried to convince [REDACTED] to make a report regarding his allegations against his neighbor [REDACTED] but [REDACTED] told the officers that he was not a snitch and that he would rather go to jail than make a report. As such, COPA makes a finding of Exonerated for these allegations.

COPA makes a finding of **Exonerated** for **allegation #3** against Officer [REDACTED] and **allegation #2** against Officer [REDACTED] in that both officers failed to properly investigate [REDACTED] claim that he was assaulted by his neighbor. According to [REDACTED] officers never looked into his claims that [REDACTED] tried to run him over with his vehicle. Neither Officer [REDACTED] nor Officer [REDACTED] recall hearing [REDACTED] state anything about his neighbor trying to run him over. Further body-worn camera footage show Officers [REDACTED] and [REDACTED] arrived after other officers were already on scene speaking with [REDACTED] and getting his side of what occurred. Officers [REDACTED] and [REDACTED] had limited conversation with [REDACTED] and they did not speak about [REDACTED] attempting to run [REDACTED] over. Officer [REDACTED] who was also present at the scene, did speak to [REDACTED] about his complaint and [REDACTED] told him that he did not make a report because he was not a snitch. [REDACTED] also can be heard on several of the officers' body-worn cameras stating that he would not file any reports on [REDACTED] because he wanted to handle it the street way. [REDACTED] actually made the statement that he would rather go to jail then to make a report. As such, COPA makes a finding of Exonerated for these allegations.

COPA makes a finding of **Unfounded** for **allegation #4** against Officer [REDACTED] and **allegation #3** against Officer [REDACTED] in that both officers failed to call for a supervisor when asked to do so by [REDACTED]. According to [REDACTED] he asked for a supervisor to be called in the presence of both officers while at the scene and neither one of them called a supervisor for him. Both officers deny hearing [REDACTED] ask for a supervisor. Both officers had their body-worn cameras activated while at the scene and [REDACTED] is never heard asking for a supervisor. The evidence is clear and convincing that no such request was made. As such, COPA makes a finding of Unfounded for these allegations.

COPA makes a finding of **Unfounded** for **allegation #5** against Officer [REDACTED] and **allegation #4** against Officer [REDACTED] in that both officers failed to provide medical attention

when [REDACTED] asked for it. According to [REDACTED] he asked for medical attention on scene in the presence of both officers and neither one of them provided him with medical attention. [REDACTED] stated he needed medical attention for a cut he had received in his earlier encounter with [REDACTED] and for the handcuffs being too tight. Both officers deny hearing [REDACTED] ask for medical attention. Both officers had their body-worn cameras activated while at the scene and [REDACTED] is never heard asking either officer for medical attention. [REDACTED] is also heard on Officer [REDACTED] bwc discussing the cut on his hand. He stated that the officers who had arrived earlier asked if he needed an ambulance for his cut, and [REDACTED] told them he did not; that he was a tough guy. [REDACTED] also did not seek any medical treatment once he was released from custody. The evidence is clear and convincing that no such request was made. As such, COPA makes a finding of Unfounded for these allegations.

COPA makes a finding of **Not Sustained** for **allegation #1** against Detention Aide (DA) [REDACTED] in that DA [REDACTED] failed to provide medical attention when [REDACTED] asked. According to [REDACTED] he asked for medical attention while being processed in lock up for a cut he had gotten in his earlier encounter with [REDACTED] and for the handcuffs being too tight. DA [REDACTED] had no independent recollection of his encounter with [REDACTED] and he only knew that he assisted with [REDACTED] processing because he read it off the arrest report. COPA finds [REDACTED] ability to recall historical fact, as demonstrated in the previous two paragraphs, is unreliable. As such, COPA makes a finding of Not Sustained for the allegation against DA [REDACTED]

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged by [REDACTED] that on or about August 26, 2019, at approximately 8:10pm, at or near [REDACTED] Officer [REDACTED] star [REDACTED] committed misconduct through the following act or omission: by improperly handcuffing [REDACTED] in violation of Rule 10.	Not Sustained
	2. It is alleged by [REDACTED] that on or about August 26, 2019, at approximately 8:10pm, at or near [REDACTED] Officer [REDACTED] star [REDACTED] committed misconduct through the following act or omission: by failing to tell [REDACTED] why he was being arrested, in violation of Rule 5.	Exonerated
	3. It is alleged by [REDACTED] that on or about August 26, 2019 at approximately 8:10pm, at or near [REDACTED] Officer [REDACTED]	Exonerated

	<p>█████ star █████ committed misconduct through the following act or omission: by failing to properly investigate █████ claim that he was assaulted by his neighbor in violation of Rule 10.</p> <p>4. It is alleged by █████ that on or about August 26, 2019 at approximately 8:10pm, at or near █████ Officer █████ █████ star █████ committed misconduct through the following act or omission: by failing to call for a supervisor when asked to do so by █████ in violation of Rule 5.</p> <p>5. It is alleged by █████ that on or about August 26, 2019 at approximately 8:10pm, at or near █████ Officer █████ █████ star █████ committed misconduct through the following act or omission: by failing to provide █████ with medical attention when he asked, in violation of Rule 5.</p>	<p>Unfounded</p> <p>Unfounded</p>
<p>Officer █████ █████</p>	<p>1. It is alleged by █████ that on or about August 26, 2019 at approximately 8:10pm, at or near █████ Officer █████ █████ star █████ committed misconduct through the following act or omission: by failing to tell █████ why he was being arrested, in violation of Rule 5.</p> <p>2. It is alleged by █████ that on or about August 26, 2019 at approximately 8:10pm, at or near █████ Officer █████ █████ star █████ committed misconduct through the following act or omission: by failing to properly investigate █████ claim that he was assaulted by his neighbor, in violation of Rule 10.</p> <p>3. It is alleged by █████ that on or about August 26, 2019 at approximately 8:10pm, at or near █████ Officer █████ █████ star █████ committed misconduct through the following act or omission: by failing to call for a supervisor when asked to do so by █████ in violation of Rule 5.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>

	<p>4. It is alleged by [REDACTED] that on or about August 26, 2019 at approximately 8:10pm, at or near [REDACTED] Officer [REDACTED] [REDACTED] star [REDACTED] committed misconduct through the following act or omission: by failing to provide [REDACTED] with medical attention when he asked, in violation of Rule 5.</p>	<p>Unfounded</p>
<p>Detention Aide [REDACTED] [REDACTED]</p>	<p>1. It is alleged by [REDACTED] that on or about August 26, 2019, at approximately 9:47pm, at or near the [REDACTED] District lock up, Detention Aide [REDACTED] Employee # [REDACTED] committed misconduct through the following act or omission: by failing to provide [REDACTED] with medical attention when he asked, in violation of Rule 5.</p>	<p>Not Sustained</p>

Approved:



7-13-2020

 Angela Hearts-Glass
 Deputy Chief Administrator-Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass