

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

|                            |  |
|----------------------------|--|
| Date of Incident:          | December 1, 2018                         |
| Time of Incident:          | 7:45 am                                  |
| Location of Incident:      | ██ |
| Date of COPA Notification: | December 5, 2018                         |
| Time of COPA Notification: | 2:19 pm                                  |

On December 1, 2017, the complainant, ██████████ was arrested inside the home he shared with his girlfriend, ██████████, at ██████████. Mr. ██████████ was arrested on the authority of Sergeant Matt Lewis of the 05<sup>th</sup> District pursuant to an arrest warrant for Mr. ██████████ because he had violated an Order of Protection that had been placed against him by Ms. ██████████ on November 29, 2018. The Order of Protection was placed by Ms. ██████████ after a domestic incident occurred between herself and Mr. ██████████ on November 28, 2018.

The warrant for Mr. ██████████ documented that he was to be considered ‘Armed and Dangerous’ by police. Ms. ██████████, who was also at the scene when Mr. ██████████ was arrested, also advised the officers that Mr. ██████████ possessed a firearm.

Mr. ██████████ was apprehended by the arresting officers inside his home without incident, and no weapon was found. Mr. ██████████ claimed to the officers that he had no knowledge of the Order of Protection. While Mr. ██████████ was in custody and being searched by arresting officers inside the home, Sergeant Lewis conducted a cursory search of Mr. ██████████’s vehicle parked just outside the home Mr. ██████████ later stated to COPA that his arrest and the search of his vehicle were unjustified. He also alleged that Sergeant Lewis left his vehicle unlocked after searching it, resulting in some cash that was inside being missing. The apprehension of Mr. ██████████ as well as the search of his person and his vehicle were captured on the arresting officers’ Body Worn Cameras.

II. INVOLVED PARTIES

|  |  |
|--|--|
| Involved Officer #1 (Accused):                   | <b>Matt D. Lewis</b> , Star #1767, Employee #████████, Appointed April 30, 2001; Sergeant of Police, Unit 005, DOB ██████████, 1967; Black Male, |
| Involved Individual #1 (Reporting Party Victim): | ████████████████████, DOB ██████████, 1988; Male Black   |

**III. ALLEGATIONS**

| Officer        | Allegation  | Finding   |
|----------------|---|-----------|
| Sergeant Lewis | 1. It was alleged that on or about December 2, 2018, at or near [REDACTED], Sergeant Lewis arrested [REDACTED] without justification.                       | Unfounded |
|                | 2. It was alleged that on or about December 2, 2018, at or near [REDACTED], Sergeant Lewis searched [REDACTED]'s vehicle without justification.             | Unfounded |
|                | 3. It was alleged that on or about December 2, 2018, at or near [REDACTED], Sergeant Lewis failed to securely lock [REDACTED]'s vehicle after searching it. | Unfounded |

**IV. APPLICABLE RULES AND LAWS**

**Rules**

Rule 10: Inattention to Duty.

**Federal Laws**

4<sup>th</sup> Amendment to the Constitution of the United States

**V. INVESTIGATION<sup>1</sup>**

**a. Interviews**

**Reporting Party Victim [REDACTED]<sup>2</sup>**

In his interview with COPA on December 5, 2018, Mr. [REDACTED] stated that on November 28, 2018, he had an argument with his girlfriend, [REDACTED], at the home they had been renting together at [REDACTED]. The couple had argued from approximately 2:30 am until approximately 3:45 am when they mutually decided to end the relationship, and Mr. [REDACTED] then left the home at that time.

The next day on November 29, Mr. [REDACTED] visited the 06<sup>th</sup> Police District to file a domestic police report against Ms. [REDACTED]. He completed the report, received a copy, and was given the

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

<sup>2</sup> Att 5.

contact information for the Special Victims Unit. He asked that Ms. ██████ be arrested, but was told by the officer taking the complaint,<sup>3</sup> “That’s not what we do.”<sup>4</sup> Mr. ██████ then returned to the home that same morning and saw that Ms. ██████’s mother’s car was there. At the same time, Ms. ██████ and her Aunt pulled up in another vehicle. Mr. ██████ entered the house through the unlocked front door and shortly after began arguing with Ms. ██████ and her Aunt. He grabbed some of his clothing inside the home and left for the time being. That same day, Ms. ██████ retrieved her belongings from the home and moved out. Mr. ██████ later returned to the home and continued living there.

On December 1, Mr. ██████ was sleeping upstairs when he heard footsteps and then a voice say, “Get up. Don’t move.”<sup>5</sup> Mr. ██████ realized that several police officers later identified as Officers Starling, Lane, Murrah, Huff, and Kudzia, as well as one Sergeant later identified as Sergeant Lewis, had entered his home and surrounded him in the bedroom. Officer Huff noted concerns to the other officers about Mr. ██████ having a weapon, which Mr. ██████ denied. The officers let Mr. ██████ put pants on and remove his jewelry. They then flipped the covers of the bed to make sure no weapons were underneath. The officers handcuffed Mr. ██████ and walked him downstairs to the living room. The officers told Mr. ██████ that he was not supposed to be at the home and that they had a warrant for him. As they were walking down the stairs, Mr. ██████ saw Ms. ██████ standing outside behind the front door with two officers blocking near her. Mr. ██████ asked the officers about the warrant, but they did not answer his questions and said they would address his concerns later at the station.

Mr. ██████ was searched by a male officer in the living room. He had a knife in his pants which was confiscated, and his car keys were sitting on the coffee table. Officer Huff picked up the keys and handed them to Sergeant Lewis, who went outside to Mr. ██████’s vehicle, a Toyota Camry parked outside. Mr. ██████ stated that he did not consent to a search of his vehicle and that he was concerned about Ms. ██████ getting in his car because there was money in it.<sup>6</sup> Sergeant Lewis told Mr. ██████ not to worry because everything was being recorded. Sergeant Lewis continued to search Mr. ██████’s vehicle with Ms. ██████ standing on, and Mr. ██████ contested to this, asking why the Sergeant was searching the car. Sergeant Lewis searched the car and found a silver aerosol pistol in a case in the front glove box, which he unloaded and placed back under the passenger seat. Sergeant Lewis then handed some keys to Ms. ██████, which she said were hers, without locking the door. At the time of his COPA interview, Mr. ██████ stated that he was missing some keys and \$350 in cash from inside his car, and he did not know who took it.

Mr. ██████ stated that it was not until after arriving at the police station that he was told about the Order of Protection and the reason for his arrest. Mr. ██████ stated to police that he knew nothing about this and had not been served with the Protection Order.<sup>7</sup> Mr. ██████ was also advised by the officers at the station that a police report had been filed against him on November 28 by Ms. ██████ just before he had filed one against her.

---

<sup>3</sup> This officer was not identified.

<sup>4</sup> Att 5, 19:35.

<sup>5</sup> Att 5, 24:50.

<sup>6</sup> On the video footage, Mr. ██████ did not mention consenting to the officers searching. He was only heard stating that he did not want Ms. ██████ inside his car.

<sup>7</sup> The evidence confirmed that Mr. ██████ had not been formally served with the Protection Order as of December 1.

Mr. ██████ noted to COPA that when he was later released from the police station, he found a wire hanger on his car, which led him to believe that someone had tried to break into it. He suspected that Ms. ██████ had done this and had also heard from one of his neighbors that the neighbor had seen Ms. ██████ trying to break into the car.

### b. Documentary Evidence

The **Department Reports and Court Documents**<sup>8</sup> obtained by COPA showed a petition for an Order of Protection against ██████ being granted to ██████ on November 29, 2018. An arrest warrant was then issued for Mr. ██████ that same day. The Order of Protection was documented as being related to an incident that occurred between the two parties, after which both Mr. ██████ and Ms. ██████ filed police reports against each other, alleging themselves to be victims of Domestic Battery. In the police reports, Mr. ██████ alleged that Ms. ██████ had punched him about the head and body and also damaged his cell phone during the argument. Mr. ██████ inquired about an Order of Protection at the police station when filing the report. In Ms. ██████'s report filed the same day, she alleged that Mr. ██████ had pushed her down the stairs and then locked her out of the home. Mr. ██████ was arrested pursuant to the warrant by Officers Starling and Lane and Sergeant Lewis of the 05<sup>th</sup> District on December 1, 2018 at approximately 7:45 am at his home, after the officers confirmed the active warrant and Order of Protection in their law enforcement database system known as LEADS.<sup>9</sup>

### c. Digital Evidence

The **Body Worn Camera Footage**<sup>10</sup> showed the arresting officers approaching Mr. ██████ in his bedroom inside the home. The officers explained to Mr. ██████ that Ms. ██████ had obtained an Order of Protection against him and that he now had a warrant which was why he was being apprehended. Mr. ██████ explained that he had not appeared in court as he was required to, but admitted that he had been instructed to stay away from Ms. ██████. Ms. ██████ told Officer Huff on camera that Mr. Roberts had a firearm which he mostly kept in his car.<sup>11</sup> Officer Huff then notified the other officers of the possible weapon. Mr. ██████ remained compliant; he was allowed to get dressed and remove his jewelry. He was then handcuffed, and the officers explained to him that they would formally serve him with the Order of Protection at the station.

The officers searched Mr. ██████'s person in the living room while Sergeant Lewis retrieved Mr. ██████'s car keys and went outside to search it with Ms. ██████. Mr. ██████ noticed out the window that Ms. ██████ was outside looking in his car with the Sergeant and stated that he did not give consent to that because the vehicle belonged to him.<sup>12</sup> Sergeant Lewis's Body Worn Camera showed Sergeant Lewis opening Mr. ██████'s vehicle for Ms. ██████ and conducting a search of the front, where he found an aerosol gun. After inspecting it, he returned it to the vehicle. Sergeant Lewis found some keys that belonged to Ms. ██████ inside the car and gave them to her. Sergeant Lewis then explained to Mr. ██████ that he was getting Ms. ██████'s belongings from the vehicle, and Mr. ██████ was transported to the station.

---

<sup>8</sup> Atts 6-7 and 12-15.

<sup>9</sup> Att 16.

<sup>10</sup> Att 18.

<sup>11</sup> Att 18, Officer Huff, 02:35.

<sup>12</sup> Att 18, Officer Huff, 13:05.

**VI. ANALYSIS**

**Accused Sergeant Lewis**

COPA finds that **Allegation #1** that Sergeant Lewis arrested ██████████ without justification is **Unfounded**. The arrest of Mr. ██████████ was effected in accordance with Department policy upon the execution of an active arrest warrant. The arrest was therefore valid under the law.

COPA finds that **Allegation #2** that Sergeant Lewis searched ██████████'s vehicle without justification is **Unfounded**. The search of Mr. ██████████'s vehicle was cursory and conducted pursuant to a lawful custodial arrest, which is reasonable under the 4<sup>th</sup> Amendment and also an exception to the search warrant requirement.<sup>13</sup> The vehicle search was initiated at the request of Ms. ██████████, who possessed common authority over, joint access to, and control over the vehicle, as well as a sufficient relationship to the effects being inspected as indicated by her possession of the vehicle keys and her relationship to Mr. ██████████.<sup>14</sup> The search was valid under the law and pursuant to probable cause that evidence of a crime may be present inside the vehicle.

COPA finds that **Allegation #3** that Sergeant Lewis failed to securely lock ██████████'s vehicle after searching it is **Unfounded**. On Sergeant Lewis's Body Worn Camera video,<sup>15</sup> Mr. ██████████'s car can be heard being locked by Sergeant Lewis just before he handed the keys to the transporting officer in the police SUV that Mr. ██████████ was in. The car door was securely closed by Sergeant Lewis. Also, Mr. ██████████ had stated to COPA that he had heard from a neighbor that Ms. ██████████ was seen trying to break into the car after the incident, contradicting his theory that the car was left unlocked by the officers. Finally, it could not be verified that Ms. ██████████ herself did not take the cash from inside the vehicle.

**VII. CONCLUSION**

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

| Officer        | Allegation  | Finding   |
|----------------|---|-----------|
| Sergeant Lewis | 1. It was alleged that on or about December 2, 2018, at or near ██████████, Sergeant Lewis arrested ██████████ without justification.           | Unfounded |
|                | 2. It was alleged that on or about December 2, 2018, at or near ██████████, Sergeant Lewis searched ██████████'s vehicle without justification. | Unfounded |

<sup>13</sup> United States v. Robinson.

<sup>14</sup> United States v. Matlock.

<sup>15</sup> Att 18, Sgt Lewis, 19:14. There was a faint beep that can be heard while Sergeant Lewis was handling the car keys and walking away to talk to Mr. ██████████ in the police SUV, indicating the locking of the vehicle.

3. It was alleged that on or about December 2, 2018, at or near [REDACTED], Sergeant Lewis failed to securely lock [REDACTED]'s vehicle after searching it.

Unfounded

Approved:

[REDACTED]

12-29-2020

\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Investigator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

---

|                                    |                     |
|------------------------------------|---------------------|
| <b>Squad#:</b>                     | 2                   |
| <b>Investigator:</b>               | Jessica Beckman     |
| <b>Supervising Investigator:</b>   | Sherry Daun         |
| <b>Deputy Chief Administrator:</b> | Angela Hearts-Glass |