

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 23, 2019
Time of Incident:	2:55 pm
Location of Incident:	3151 West Harrison Street
Date of COPA Notification:	September 23, 2019
Time of COPA Notification:	4:04 pm

Police Officer Homar Navar (Officer Navar) and Police Officer Pedro Anaya (Officer Anaya) arrested [REDACTED] on September 23, 2019, on charges related to domestic violence. The officers, both members of the Eleventh District tactical team, placed [REDACTED] in a prisoner holding room adjacent to the tactical team office while they completed paperwork. While alone in the holding room, [REDACTED] placed his belt around his neck and attempted suicide by attaching the belt to a bench. Officers discovered [REDACTED] while he was unconscious, removed the belt, and provided first aid. [REDACTED] was transported to Mount Sinai Hospital and survived his injuries. COPA’s investigation revealed that Officer Navar and Officer Anaya, as the arresting officers, were responsible for searching [REDACTED] and removing his belt before leaving him in the holding room. By failing to properly search [REDACTED] both officers violated the relevant Department directives regarding arrestee processing, and COPA found that allegations against both officers were SUSTAINED for failing to assure the safety of an arrestee.

**II. INVOLVED PARTIES**

Involved Officer #1:	Homar Navar; <sup>1</sup> Star #13069; Employee ID # [REDACTED]; Date of Appointment: February 23, 2015; Police Officer; Unit of Assignment: 011/376; DOB: [REDACTED] 1988; Male; White Hispanic
Involved Officer #2:	Pedro Anaya; Star #15639; Employee ID # [REDACTED]; Date of Appointment: May 1, 2013; Police Officer; Unit of Assignment: 011; DOB: [REDACTED], 1982; Male; White Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1986; Male; Black

<sup>1</sup> Officer Navar resigned from the Chicago Police Department during the pendency of this investigation. Attachment 41.

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Homar Navar	<p>It is alleged by Lt. Darwin Butler #726 that on September 23, 2019, at approximately 2:55 pm, at or near 3151 W. Harrison Street, that Police Officer Homar Navar #13069 committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to assure the safety of arrestee [REDACTED] by leaving [REDACTED] in possession of a belt while [REDACTED] was left unattended in a holding room adjacent to the District 11 tactical team offices.</p>	SUSTAINED / Close-Hold
Officer Pedro Anaya	<p>It is alleged by Lt. Darwin Butler #726 that on September 23, 2019, at approximately 2:55 pm, at or near 3151 W. Harrison Street, that Police Officer Pedro Anaya #15639 committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to assure the safety of arrestee [REDACTED] by leaving [REDACTED] in possession of a belt while [REDACTED] was left unattended in a holding room adjacent to the District 11 tactical team offices.</p>	SUSTAINED/ 10-Day Suspension

**IV. APPLICABLE RULES AND LAWS**

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Rules

1. Rule 5: Failure to perform any duty.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 10: Inattention to duty.

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General Orders

1. General Order G06-01-01 Field Arrest Procedures (effective date December 8, 2017)
2. General Order G06-01-02 Restraining Arrestees (effective date December 8, 2017)

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

**Lieutenant Darwin Butler** was interviewed by COPA investigators on December 16, 2020.<sup>3</sup> Lieutenant Butler recalled working as the Watch Operations Lieutenant in the Eleventh District for the Third Watch on September 23, 2019. A supervisor for the district tactical team, Sergeant Barnett, came into Lieutenant Butler's office and told him that a prisoner who had been arrested by tactical team officers had attempted to hang himself. Lieutenant Butler immediately went to the tactical team office, where he observed Officer Diana Klaus providing medical attention to a man, later identified as ██████████ in the adjacent holding room. A Chicago Fire Department ambulance also responded to provide additional medical assistance, and ██████████ was transported by ambulance to the hospital.

Lieutenant Butler explained that the holding room is separated from the tactical team office by a solid wood door and that there is no way to see into the holding room from the office when the door is closed. Lieutenant Butler also explained that arrestees are placed in the holding room before they are taken to lockup, and the arresting officers are responsible for monitoring the arrestee while in the holding room. The arresting officers are also responsible for searching the arrestee prior to leaving them alone in the holding room. During the search, the arresting officers would remove any weapons or contraband from the arrestee and would typically remove the arrestee's belt in anticipation of moving him to lockup. The arresting officers would also check on the welfare of the arrestee at approximately ten- to fifteen-minute intervals. In the case of ██████████ the arresting officers were Officer Navar and Officer Anaya.

After reviewing his Initiation Report,<sup>4</sup> Lieutenant Butler stated that he made an error by naming Officer Klaus as an accused officer. Lieutenant Butler explained that he assumed Officer Klaus was one of the arresting officers because she was in the room with ██████████ Lieutenant Butler also explained that he intended the accused officers to be the partners who arrested ██████████ Officer Navar and Officer Anaya. Specifically, Lieutenant Butler intended to allege that Officer Navar and Officer Anaya were inattentive to duty because they failed to ensure the safety of ██████████ when they left him in possession of an item he could use to harm himself: his belt.

**Police Officer Homar Navar** was interviewed by COPA investigators on March 2, 2021.<sup>5</sup> Officer Navar recalled that he and his partner, Officer Pedro Anaya, arrested ██████████ on September 23, 2019, at approximately noon. The officers' supervisor had asked them to find and arrest ██████████ because complaints had been signed accusing ██████████ of violating an order of protection. The officers looked up ██████████ arrest history and searched for him in the neighborhood where he had previously been arrested. When they arrived, they saw ██████████ standing on the sidewalk and recognized him from prior booking photographs. ██████████ was not combative when placed in custody and no weapons or contraband were found during a pat-down. Officer Navar could not recall if ██████████ made any threats to harm himself. ██████████ was then transported to the Eleventh District police station.

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<sup>2</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>3</sup> Attachments 32, 33.

<sup>4</sup> Attachment 1.

<sup>5</sup> Attachment 40.

At the police station, Officer Navar and Officer Anaya placed ██████ in a holding room between the tactical team office and a processing area. One other arrestee was already in the room. At that time, either Officer Navar or Officer Anaya performed a custodial search of ██████. Officer Navar could not remember for certain who performed the search, but he believed it was Officer Anaya. The holding room was equipped with a bench and a rail, and ██████ was handcuffed to the rail by one hand. The door between the tactical team office and the holding room was not equipped with a window, and there was no way to see into the holding room from the office without opening the door. However, while Officer Navar was completing the arrest paperwork in the office, he could hear ██████ speaking with the other arrestee through the closed door. When other officers took the other arrestee to lockup, it became quiet in the holding room, and Officer Navar decided to check on ██████ after approximately ten to fifteen minutes. When Officer Navar opened the door, he saw that ██████ was still handcuffed to the bench, but there was a belt wrapped around ██████ neck and tied to the bench. ██████ was unconscious and on the floor. Officer Navar immediately removed the belt and then alerted other officers. Sergeant Barnett radioed for an ambulance while Officer Kraus and Officer Goss assisted by performing rescue breathing until the ambulance arrived.

Officer Navar admitted that ██████ belt should have been taken from him when he was placed in the holding room specifically because it could be used in a suicide attempt. When confronted with the allegation that he failed to assure the safety of arrestee ██████ by leaving ██████ in possession of a belt while unattended in a holding room, Officer Navar admitted that it was his responsibility to make sure that ██████ did not have access to the belt. While Officer Navar could not remember who performed the custodial search of ██████, Officer Navar admitted that both he and his partner were responsible for the arrestee and that they simply missed the belt when searching ██████.

**Police Officer Pedro Anaya** was interviewed by COPA investigators on September 21, 2021.<sup>6</sup> Officer Anaya's account of the arrest of ██████ on September 23, 2019, was substantially the same as the account provided by his partner, Officer Navar. Officer Anaya remembered that ██████ was wearing a hooded sweatshirt and jeans, but Officer Anaya did not remember seeing ██████ wearing a belt. Officer Anaya remembered walking into the holding room adjacent to the Eleventh District tactical team office while Officer Navar was already in the process of conducting a custodial search of ██████. Officer Anaya specifically remembered seeing ██████ with his hands against the wall while Officer Navar went through his pockets. Officer Anaya explained that the purpose of a custodial search is to confiscate anything that could be used as a weapon and anything, such as shoestrings or belts, that the arrestee could use to harm himself. Officer Anaya did not remember what, if anything, Officer Navar confiscated from ██████. Officer Anaya further explained that he would always take an arrestee's belt and shoelaces before leaving the arrestee in the holding room specifically because the arrestee could use these items to harm himself and that there would be no reason to ever leave these items with an arrestee. Officer Anaya remembered that ██████ was handcuffed by one hand to a bar in the holding room after the search was finished, although he could not remember if he handcuffed ██████ to the bar or if Officer Navar handcuffed ██████ to the bar.<sup>7</sup> Another arrestee was already in the holding room when they arrived, although that arrestee was gone when Officer Anaya returned to the holding room later.

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<sup>6</sup> Attachment 44.

<sup>7</sup> Later in the interview, Officer Anaya asserted that Officer Navar handcuffed ██████ to the bar.

Later, while Officer Anaya was completing paperwork, Officer Navar alerted him that something was wrong, and they rushed back into the holding room where Officer Anaya saw [REDACTED] lying on the bench with something tied around his neck.<sup>8</sup> Officer Anaya explained that the door separating the tactical team office from the holding room is normally left open when an arrestee is in the holding room so that officers in the office can monitor the arrestee. However, Officer Anaya could not remember if the door was left open on the day of this incident. Officer Anaya further explained that after Officer Navar searched [REDACTED] Officer Anaya went across the hall to a different office to complete his reports, leaving Officer Navar in the office adjacent to the holding room. Officer Anaya did not remember going back into the office adjacent to the holding room until Officer Navar alerted him that something was wrong with [REDACTED]. When Officer Anaya went back into the holding room, he was accompanied by Officer Navar, Officer Klaus, and Officer Goss, and soon after joined by their supervisor, Sergeant Barnett. The officers found [REDACTED] lying on his side on the bench, unconscious and breathing very shallowly, and they moved him to the floor. Officers Klaus and Goss provided first aid while an ambulance was immediately summoned. [REDACTED] was transported to the hospital after the ambulance arrived.

Officer Anaya acknowledged that he received training in the police academy regarding searching arrestees, that he was familiar with the relevant Department directives, and that he had additional experience and training in searches from his previous employment as a corrections officer in a jail. Officer Anaya also acknowledged that General Orders G06-01-01 and G06-01-02 make each arresting officer responsible for the safety and security of their arrestee, including the responsibility for thoroughly searching the arrestee, and that both he and Officer Navar were [REDACTED] arresting officers. However, Officer Anaya denied responsibility for [REDACTED] being left unattended in the holding room with a belt. Officer Anaya explained that Officer Navar performed the custodial search of [REDACTED] and remained in the tactical team office to monitor [REDACTED]. Officer Anaya emphasized that he was across the hall in a different office while Officer Navar was monitoring [REDACTED]. Officer Anaya also emphasized that he did not remember seeing a belt on [REDACTED] when [REDACTED] was arrested, and Officer Anaya hypothesized that [REDACTED] may have obtained the belt from another arrestee after he was searched.

## **b. Digital Evidence**

**Body-worn camera (BWC)** video recordings from both Officer Navar and Officer Anaya depict the arrest of [REDACTED] shortly after noon on September 23, 2019.<sup>9</sup> [REDACTED] lifts his shirt as Officer Anaya approaches him on the sidewalk, and [REDACTED] belt is visible.<sup>10</sup> Officer Navar's recording ends when [REDACTED] is placed in a squadrol for transport to the police station, and neither recording depicts the events in the holding room. [REDACTED] does not make any statements on either recording indicating an intent to harm himself.

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<sup>8</sup> Later in the interview, Officer Anaya asserted that he never saw anything tied around [REDACTED] neck because Officer Navar had removed the item prior to summoning Officer Anaya's assistance. Officer Anaya also asserted that he did not remember if he ever saw a belt.

<sup>9</sup> Attachment 26. No BWC recordings associated with the ambulance request after [REDACTED] suicide attempt were found. *See Id.*

<sup>10</sup> *See Figure 1.*



**Figure 1.** Screen capture from Officer Anaya's BWC depicting [REDACTED] black belt with brass buckle.

**Evidence Technician photographs**<sup>11</sup> taken on the afternoon of September 23, 2019, depict the black cloth belt with a plain, brass buckle that [REDACTED] used during his unsuccessful suicide attempt,<sup>12</sup> the interior of the Eleventh District police station tactical team office and adjacent holding room, and the arrestee bench in the holding room. No photographs were taken of [REDACTED]



**Figure 2.** Evidence Technician photograph of black cloth belt with plain brass belt buckle.

COPA obtained recordings of **police radio transmissions** for the Eleventh District between noon and 4:00 pm on September 23, 2019. Beat 1163 (Sergeant Thomas Barnett) calls for an ambulance to the tactical team office at the Eleventh District police station at 2:53 pm for a prisoner who lost consciousness.

<sup>11</sup> Attachment 12. A Crime Scene Processing Report also documents the photographs that were taken. Attachment 10.

<sup>12</sup> See Figure 2.

### c. Physical Evidence

**Medical records**<sup>13</sup> obtained from Mount Sinai Hospital document that ██████ was admitted on September 23, 2019, and that he was discharged to the Cook County Jail on September 25, 2019. ██████ was diagnosed with neck trauma secondary to hanging, as well as severe unspecified bipolar and related disorder. ██████ was sedated and intubated when he arrived at the emergency department and extubated the next day. A psychiatrist determined that ██████ was at elevated risk of harm to himself and others after ██████ expressed suicidal thoughts and stated, “I won’t go back [to jail/prison].”<sup>14</sup>

### d. Documentary Evidence

An **Arrest Report**<sup>15</sup> authored by Officer Navar documents that ██████ was arrested at 12:12 pm on September 23, 2019, at ██████ on charges related to a domestic violence incident that occurred on August 26, 2019,<sup>16</sup> along with subsequent alleged violations of a no-contact order.<sup>17</sup> ██████ was then transported to the Eleventh District police station for arrest processing.

An **Original Case Incident Report**<sup>18</sup> authored by Officer Anaya documents that ██████ attempted suicide while in police custody at 2:52 pm on September 23, 2019, at the Eleventh District police station. Per the report narrative, Officer Navar checked on ██████ and found him handcuffed to a bench with a belt tied to the bench and around his neck. Officer Navar removed the belt and called for assistance. Officers Klaus, Anaya, and Goss began rescue breathing prior to the arrival of an ambulance. ██████ was subsequently transported to Mount Sinai Hospital.

An **Initiation Report**<sup>19</sup> authored by Lieutenant Darwin Butler documents that on September 23, 2019, at about 2:55 pm, the lieutenant was informed that an arrestee was unresponsive in the holding room. Lieutenant Butler responded to the holding room and observed Officer Navar and Officer Klaus administering oxygen to ██████ who was unresponsive but breathing. Lieutenant Butler learned that Officers Navar and Klaus had discovered ██████ positioned between a bench and the floor with a belt around his neck. Lieutenant Butler interviewed ██████ an arrestee who had been in the holding room with ██████ prior to the apparent suicide attempt, and ██████ told the lieutenant that ██████ had not appeared to be suicidal. Lieutenant Butler listed Officer Homar Navar and Officer Diana

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<sup>13</sup> Attachment 35.

<sup>14</sup> *Id.*, p. 25.

<sup>15</sup> Attachment 3. Four Event Query Reports document the arrest of ██████ the request for an ambulance at the Eleventh District police station (two Event Queries – one for Police and one for the Chicago Fire Department), and the request for an evidence technician to photograph the scene. These reports document that ██████ was originally stopped on the street at 12:01 pm, the ambulance was requested at 2:53 pm, and the Evidence Technician was requested at 3:44 pm. Attachments 16–19.

<sup>16</sup> See Original Case Incident Report JC407934. Attachment 13.

<sup>17</sup> See Original Case Incident Report JC435239. Attachment 4.

<sup>18</sup> Attachment 7.

<sup>19</sup> Attachment 1. Lieutenant Butler also documented substantially the same information in a Report of Extraordinary or Unusual Occurrences filed with the Illinois Department of Corrections. Attachment 2.

Klaus as the accused officers in the Initiation Report, with an allegation of “inattention to duty.”<sup>20</sup>

A **Detective’s Supplemental Report**<sup>21</sup> documents that Area North detectives investigated the attempted suicide of ██████ at the Eleventh District police station on September 23, 2019. The detectives interviewed Officer Navar, who described discovering ██████ in the holding room adjacent to the Tactical Team office lying next to a bench, handcuffed, with a belt wrapped around his neck and tied to the bench. Officer Navar also described performing rescue breathing procedures along with Officer Klaus. The detectives also interviewed another arrestee, Justin ██████ who was in the holding room with ██████ prior to ██████ suicide attempt. ██████ told detectives that he had spoken with ██████ but ██████ did not say anything out of the ordinary and did not mention wanting to harm himself. ██████ did note that ██████ still had his belt and his shoelaces. ██████ described being taken from the holding room to lockup by his arresting officers,<sup>22</sup> leaving ██████ on the bench in the holding room.

After relocating to Mount Sinai Hospital, the detectives interviewed Officer Anaya, who described the incident with the same essential details as his partner, Officer Navar. Officer Anaya told detectives that he was in the room next to the holding room when the incident occurred, and by the time he entered the holding room ██████ belt had been removed from the bench and ██████ was lying on the floor. The detectives attempted to interview ██████ but he was intubated and sedated. An officer guarding ██████ later told detectives that ██████ said he attempted to kill himself because he was sick and tired of his ex-girlfriend. The next day, September 24, 2019, detectives interviewed ██████ at the hospital. ██████ told them that he tried to kill himself because he believed there was no way out and because his ex-girlfriend continually harassed him by making domestic violence complaints.

A **Chicago Fire Department (“CFD”) run sheet**<sup>23</sup> documents that paramedics were dispatched to the 11<sup>th</sup> District police station at 2:56 pm on September 23, 2019, arriving at 3:02 pm. Paramedics found ██████ unresponsive on the floor with a weak pulse and difficulty breathing. Police officers told CFD personnel that ██████ had been found unresponsive with a belt around his neck, tied to a metal bar. ██████ had been kneeling on the ground, placing tension on the belt for an unknown period of time before he was discovered. ██████ was immobilized, given oxygen, and transported to Mount Sinai Hospital. The ambulance departed the police station at 3:14 pm and arrived at the hospital at 3:19 pm.

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<sup>20</sup> In his interview with COPA investigators (summarized above) Lieutenant Butler explained that he listed Officer Klaus as an “accused” officer in error and that he intended the accused officers to be Officer Navar and Officer Anaya. Lieutenant Butler did not intend to lodge any allegations against Officer Klaus, who he characterized as a witness. Officer Klaus resigned from the Department during the pendency of this investigation and was not interviewed as a witness. Attachment 43.

<sup>21</sup> Attachment 9.

<sup>22</sup> The detectives also interviewed Officer Pufpaf, who confirmed that he and his partner, Officer Lisciandrello, removed ██████ from the holding room after speaking momentarily with ██████. The detectives also noted that ██████ was received in lockup at 2:37 pm. *See Id.*

<sup>23</sup> Attachment 21.

COPA also obtained the **Daily Prisoner Log Record** for the Eleventh District male lockup for September 23, 2019.<sup>24</sup> Because ██████ attempted suicide in the tactical team office holding room before reaching lockup, the suicide attempt is not noted on the log.

## 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 did not comply with CPD policy.<sup>25</sup> If the evidence gathered in an investigation establishes that it is more likely that the conduct violated CPD 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.<sup>26</sup> 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."<sup>27</sup>

## VII. ANALYSIS

General Order G06-01-01 requires that Department members taking an individual into custody are responsible for the arrestee's safety and security and further requires a thorough search be conducted in accordance with established Department procedures.<sup>28</sup> General Order G06-01-02 requires that Department members taking an individual into custody are responsible for conducting a thorough search and ensuring that the individual is appropriately restrained to prevent escape or injury.<sup>29</sup> In this incident, there is no dispute that ██████ remained in possession of his belt when he was left in the holding room adjacent to the tactical team office. There is also no dispute that ██████ was unattended for some period prior to his suicide attempt.

COPA finds that **Allegation 1 against Officer Navar is SUSTAINED**. Officer Navar admitted that as one of the arresting officers, he was responsible for assuring that ██████

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<sup>24</sup> Attachment 25.

<sup>25</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.").

<sup>26</sup> See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

<sup>27</sup> *Id.* ¶ 28.

<sup>28</sup> G06-01-01, Field Arrest Procedures, § II.A (effective Oct. 8, 2017). Attachment 37.

<sup>29</sup> G06-01-02, Restraining Arrestees, § IV.B (effective Dec. 8, 2017). Attachment 36.

did not have access to a belt when he was secured in the prisoner holding room. Officer Navar further admitted that both arresting officers (himself and Officer Anaya) were equally responsible for the safety of their arrestee and that they “missed” the belt when searching ██████████. COPA finds it to be more likely than not that Officer Navar violated General Orders G06-01-01 and G06-01-02 by failing to assure the safety of ██████████ and by failing to perform an adequate search of ██████████ before leaving ██████████ in the holding room. In violating these general orders, Officer Navar violated Rule 5 (failure to perform any duty), Rule 6 (disobedience of a written order or directive), and Rule 10 (inattention to duty).

**COPA finds that Allegation 1 against Officer Anaya is SUSTAINED.** Officer Anaya denied performing the custodial search of ██████████ but he admitted he was in the room when his partner performed the search. Officer Anaya also acknowledged that CPD directives place responsibility for the safety of an arrestee on each arresting officer and place responsibility for searching an arrestee on each arresting officer. While COPA makes no factual finding regarding which officer – Officer Navar or Officer Anaya – performed the custodial search, both were ultimately responsible under the relevant Department directives.

Officer Anaya denied seeing a belt when he arrested ██████████ and speculated that ██████████ may have somehow obtained the belt after he was searched. However, ██████████ belt is clearly visible on Officer Anaya’s BWC recording of ██████████ arrest. Also, the belt photographed by evidence technicians after ██████████ suicide attempt appears to be the same belt that was visible in Officer Anaya’s BWC recording. Based on this evidence, as well as Officer Anaya’s admission that he was present when ██████████ was searched, COPA finds it to be more likely than not that Officer Anaya violated General Orders G06-01-01 and G06-01-02 by failing to assure the safety of ██████████ and by failing to perform an adequate search of ██████████ before leaving ██████████ in the holding room. In violating these general orders, Officer Anaya violated Rule 5 (failure to perform any duty), Rule 6 (disobedience of a written order or directive), and Rule 10 (inattention to duty).

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Homar Navar

Officer Navar resigned from the Department during the pendency of this investigation.<sup>30</sup> COPA therefore recommends that this investigation be placed in “Closed-Hold” status as to Officer Navar.

### b. Officer Pedro Anaya

COPA has obtained and considered Officer Anaya’s complimentary and disciplinary history.<sup>31</sup> COPA has found that Officer Anaya failed to discover and remove the belt that ██████████ was wearing prior to ██████████ being left unattended in a holding cell; ██████████ ultimately used the belt in an unsuccessful suicide attempt where he sustained serious injuries. Had a thorough search been conducted, the belt would have been discovered, precluding this method of suicide. Thorough searches of arrestees are also necessary for the safety and security of other CPD

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<sup>30</sup> Attachment 41.

<sup>31</sup> Attachment 47.

members who interact with an arrestee, as these members could be harmed by weapons or other contraband that are not discovered by the arresting officers. COPA has no reason to believe that Officer Anaya’s oversight was willful or malicious, but Officer Anaya has not taken responsibility for his mistake and has attempted to deflect blame onto his partner. Considering Officer Anaya’s record of service and the factors discussed above, COPA finds that a 10-day suspension is the appropriate penalty to impose in this case.

**IX. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Homar Navar	<p>It is alleged by Lt. Darwin Butler #726 that on September 23, 2019, at approximately 2:55 pm, at or near 3151 W. Harrison Street, that Police Officer Homar Navar #13069 committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to assure the safety of arrestee ██████ by leaving ██████ in possession of a belt while ██████ was left unattended in a holding room adjacent to the District 11 tactical team offices, in violation of Rules 5, 6, and 10.</p>	SUSTAINED / Close-Hold
Officer Pedro Anaya	<p>It is alleged by Lt. Darwin Butler #726 that on September 23, 2019, at approximately 2:55 pm, at or near 3151 W. Harrison Street, that Police Officer Pedro Anaya #15639 committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to assure the safety of arrestee ██████ by leaving ██████ in possession of a belt while ██████ was left unattended in a holding room adjacent to the District 11 tactical team offices, in violation of Rules 5, 6, and 10.</p>	SUSTAINED/ 10-Day Suspension

Approved:



9/30/2021

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	2
<b>Major Case Specialist:</b>	Greg Masters
<b>Supervising Investigator:</b>	Robert Coleman
<b>Deputy Chief Administrator:</b>	Matthew Haynam