

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 12, 2017
Time of Incident:	11:00 p.m.
Location of Incident:	4926 W. Cornelia - inside
Date of COPA Notification:	November 22, 2017
Time of COPA Notification:	10:46 a.m.

On November 12, 2017, [REDACTED] called the police and told them [REDACTED] threatened to pull out a gun and kill him after he ordered him to open the bedroom door that his wife, [REDACTED] was in smoking marijuana with [REDACTED] Officer Dimalanta and Officer Castro responded and obtained a signed complaint from [REDACTED] for the threats made by [REDACTED] They also smelled a strong odor of marijuana coming from the bedroom. Subsequently, while placing [REDACTED] in handcuffs, [REDACTED] (sister to [REDACTED]) interfered with the arrest by striking, jumping, and pushing Officer Dimalanta. [REDACTED] was giving direct orders to stop her actions. When she refused, Officer Dimalanta used an open hand strike to the face to stop her actions. As a result, [REDACTED] was arrested for aggravated battery to a police officer.

II. INVOLVED PARTIES

Involved Officer #1:	Jude Dimalanta, Star #17266, Employee # [REDACTED], Date of Appointment: April 10, 2000, PO, Unit of Assignment: 016, DOB: [REDACTED], 1963 Male/Asian <sup>1</sup>
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1994, Female/ Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jude Dimalanta	1.Slapped [REDACTED] on the face.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules
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<sup>1</sup> On January 16, 2021, Officer Dimalanta retired from the Department (Att #55).

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1. Rule 8 – Maltreatment of any person, while on or off-duty.

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

### a. Interviews

In her statement to COPA<sup>3</sup> on February 22, 2018, ██████████ stated that she was downstairs sleeping in the living room of her home while her sister, ██████████, was upstairs with their cousin, ██████████ in her bedroom. ██████████, her brother-in-law, came home intoxicated and called the police on her sister and ██████████ because they refused to open the bedroom door. The officers arrived and made contact with ██████████ and ██████████. ██████████ said she went upstairs after she heard her sister speaking loudly to the officers and saw the officers in the hallway near the landing. Officer Dimalanta was handcuffing ██████████ and Officer Castro was standing nearby. ██████████ said she and her sister told the officers that they could have their cousin over per their lease and they were not doing anything wrong with having ██████████ there. ██████████ said Officer Dimalanta slapped her across the face and she ran away and went downstairs crying confused as to why she was slapped. ██████████ was later placed under arrest when officers came downstairs. She was charged with aggravated battery to a police officer. She denied making physical contact with Officer Dimalanta to interfere with the arrest of ██████████ She believed that ██████████ was arrested for being at the residence. She said she sustained redness to the right cheek area but did not seek medical treatment.

In her statement to COPA<sup>4</sup> on February 22, 2018, ██████████ is sister to ██████████ and the wife to ██████████. ██████████ said she was upstairs with her cousin ██████████ when her husband, ██████████, knocked on the bedroom door. They refused to open the door for him due to his jealous tendencies. ██████████ was upset, called the police, and accused ██████████ of having a gun and threatening ██████████ with the gun. Destiny related that ██████████ did not have a gun and did not threaten to shoot ██████████ as alleged. Officers Dimalanta and Castro responded with their guns drawn and pointed at all of them as they ordered ██████████ against the wall. ██████████ stated that during the pat down of ██████████ she tried to prevent Officer Dimalanta from arresting ██████████. ██████████ came upstairs, tried to prevent ██████████ from being involved in the arrest by pulling her away and as a result, Officer Dimalanta slapped ██████████ on the face. ██████████ stated that ██████████ did not touch, grab, strike, or push Officer Dimalanta. ██████████ left the house, but later heard that ██████████ and ██████████ were arrested.

In his statement to COPA<sup>5</sup> on August 26, 2018, ██████████, arrived home from work and found his wife, ██████████, locked in their daughter's bedroom with her cousin, ██████████. ██████████ and ██████████ were smoking weed and they refused to open the door. ██████████ knocked on the door multiple times and ██████████ threatened to pull a gun and kill him if he entered the room or failed to stop knocking. ██████████ called the police and Officers Dimalanta and Castro responded. Officer Dimalanta was conducting a pat down of ██████████ when ██████████ came upstairs

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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> Att. 19.

<sup>4</sup> Att. 23.

<sup>5</sup> Att. 42.

and started talking to Officer Dimalanta. [REDACTED] was in between the doorway and Officer Dimalanta as she tried to stop him from taking her sister [REDACTED], who she believed was going to be arrested. [REDACTED] did not see [REDACTED] push, pull or shove Officer Dimalanta. [REDACTED] did not see [REDACTED] interfere with the arrest of [REDACTED] but admitted that she was in between the doorway and where Officer Dimalanta was located with [REDACTED] [REDACTED] also admitted that [REDACTED] did not want [REDACTED] arrested. [REDACTED] alleged that he did not see [REDACTED] slap Officer Dimalanta's hand down and could not recall if Officer Dimalanta directed verbal commands. [REDACTED] saw when Officer Dimalanta extended his hand and struck [REDACTED] about her face. [REDACTED] was not sure if Officer Dimalanta's actions were intentional or accidentally because of the interactions with [REDACTED] However, during the process, Officer Dimalanta struck [REDACTED] about face with his extended arm. Officer Dimalanta called for assistance and additional officers responded. [REDACTED] could not explain which officer he talked to but could not recall providing the information that was in the case report regarding his comment about [REDACTED] actions toward Officer Dimalanta. [REDACTED] did not observe any injuries to [REDACTED] and did not hear her complain of any injuries.

In his statement to COPA<sup>6</sup> on August 17, 2018, **Officers James Farrell and Cesar Siguenza** responded to a 10-1 called by an officer now believed to be Officer Dimalanta. Their duties consisted of standing by to assist where needed but they learned the situation was already under control. No further information relevant to the allegations.

In his statement to COPA<sup>7</sup> on August 22, 2018, **Officer Craig Castro** responded with Officer Dimalanta to a call of a man with a gun. Upon arrival, [REDACTED] informed the officers that his wife [REDACTED] was upstairs smoking weed with a man in the bedroom and that he was threatened by the man with a gun. He and Officer Dimalanta went upstairs and knocked on the door and smelled a strong odor of marijuana. He and Officer Dimalanta announced themselves as police officers and ordered [REDACTED] to open the door and he complied. Officer Dimalanta instructed [REDACTED] to exit the bedroom with his hands up and placed them on the wall. [REDACTED] was patted down for weapons by Officer Dimalanta when [REDACTED] came upstairs, ran past Officer Castro, and started jumping and hitting Officer Dimalanta striking him several times. Officer Dimalanta warned [REDACTED] to step back and cease her actions or she would be arrested, but she ignored the orders and kept jumping on him. Officer Dimalanta delivered an open hand strike to [REDACTED] face.

[REDACTED] yelled at Officer Dimalanta and went downstairs. Officer Castro stated that everything happened fast, and he was caught off guard by [REDACTED] actions.

Officer Castro admitted that he had a slow reaction to the situation and was too slow in gaining any control of [REDACTED] when she struck Officer Dimalanta. Officer Castro said that he did not stop [REDACTED] from pushing Officer Dimalanta, more than once. Officer Dimalanta at one point called for backup and additional officers responded.

Officer Castro did not observe any injuries to [REDACTED] and did not hear her complain of any injuries. Sergeant Courtney and other officers responded to the scene. [REDACTED] and

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<sup>6</sup> Atts. 39, 46.

<sup>7</sup> Att. 40.

██████████ were placed under arrest. No weapons were recovered from ██████████ who was transported to the station.

In his statement to COPA<sup>8</sup> on October 25, 2018, **Sergeant Brian Courtney** responded to a 10-1 call which involved a domestic incident that Officers Dimalanta and Castro responded to. According to Sergeant Courtney, officers from the 16<sup>th</sup> and 17<sup>th</sup> Districts responded to the call and were at the scene. Sergeant Courtney entered the house and observed a Hispanic female now identified as ██████████ yelling and cursing. Sergeant Courtney went upstairs where Officers Dimalanta and Castro were located. Officer Dimalanta had ██████████ against the wall and placed him under arrest. Officer Dimalanta informed Sergeant Courtney of the domestic call and that during the pat down of ██████████ ██████████ interfered with the arrest of ██████████ and struck him approximately three times. Officer Dimalanta told him he directed verbal commands at ██████████, but she ignored them and failed to back away or stop the actions against him. ██████████ and ██████████ were placed under arrest. Sergeant Courtney had 017<sup>th</sup> District officers transport ██████████ to the 016<sup>th</sup> District. Sergeant Courtney was not a witness to the interaction between Officer Dimalanta and ██████████

In his statement to COPA<sup>9</sup> on September 14, 2018, **Officer Judd Dimalanta** stated essentially the same account as Officer Castro. Officer Dimalanta explained that after ██████████ ██████████ failed to step away, follow verbal direction and failed to stop hitting him, he had to use an open hand strike to gain her attention and to stop ██████████ from assaulting him. Officer Dimalanta stated that Sergeant Courtney and additional officers responded to the scene after the incident and were not witnesses. ██████████ and ██████████ were placed under arrest. Officer Dimalanta did not observe any injuries to ██████████ or hear her complain of pain or any injuries.

#### **b. Physical Evidence**

The **Evidence Technician photos**<sup>10</sup> taken of ██████████ depicted that both cheeks are equally red. It is unclear what caused the redness.

#### **c. Documentary Evidence**

The **Arrest Report**<sup>11</sup> of ██████████ documented that she was charged with Aggravated Battery to a Police Officer, in that without justification, knowingly and intentionally she interfered with the arrest of ██████████ and struck Officer Dimalanta several times.

The **Case Report**<sup>12</sup> documented a similar account as that of the Arrest Report of ██████████ ██████████ but further described that offender ██████████ was in a bedroom smoking weed with ██████████ and refused to exit the room upon request from ██████████ In turn, the police were called. ██████████ accused ██████████ of threatening ██████████ with a gun and that he was going to kill him.

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<sup>8</sup> Att. 52, 53.

<sup>9</sup> Att. 50.

<sup>10</sup> Att. 28.

<sup>11</sup> Att. 6.

<sup>12</sup> Att. 7.

Upon the officers' arrival, PO Dimalanta ordered ██████ out of the room, against the wall in the hallway and was patting him down for weapons when ██████<sup>13</sup> in an aggressive manner interfere. ██████ pushed Officer Dimalanta and told him to leave ██████ alone. Officer Dimalanta told ██████ to step back and not to touch an officer and raised his hand up and extended it to create distance and to stop ██████ actions against him. ██████ ignored the commands, struck Officer Dimalanta's hand down then struck him on the shoulder telling him to leave ██████ alone. Officer Dimalanta responded with an open hand strike to ██████ face, who ran down the stairs and was later placed under arrest.

The **Supplementary Report**<sup>14</sup> documented a similar account as the other Department reports but added that Officer Castro was at the scene and was a witness to ██████ actions toward Officer Dimalanta. Officer Castro observed when ██████ slapped down Officer Dimalanta's arm down and then when ██████ was pushing Officer Dimalanta. Officer Siguenza attempted to contact ██████ for an interview with the detectives, however all attempts were met with negative results. Officer Siguenza stated that he spoke with ██████ while at the scene. ██████ told him that ██████ got out of hand and that she was pushing and slapping the officer. ██████ stated that ██████ was pointing at Officer Dimalanta when he pushed her hand down and hit her. Felony charges were placed on ██████ for her actions against Officer Dimalanta.

The **Tactical Response Report (TRR)**<sup>15</sup> of Officer Dimalanta documented that ██████ refused to follow verbal commands, attacked him without a weapon, but struck him with her hand/arm/elbow and pushed/shoved/pulled Officer Dimalanta. The TRR documented that the officer used an open hand strike toward ██████ actions.

## VI. ANALYSIS

COPA finds that Allegation #1 against Officer Dimalanta is **Exonerated**. Department members are permitted to use force to gain compliance from members of the public who are resisting. A member of the public who refuses to comply with Department members' instructions are passive resisters. Department members are permitted to use stun (open hand strike) to overcome passive resistance. Further, when a member of the public strikes or attempts to strike a Department member they are an assailant, and Department members are permitted to use direct mechanical strikes (punches) to overcome the resistance.

Here, ██████ admitted that she was actively interfering with ██████ arrest when she told Officer Dimalanta not to arrest ██████ and was at proximity of their location. Additionally, ██████ statement, Department Reports and Department members' statements all detail ██████ refusal to follow commands to separate from ██████ actions made her passive resister. ██████ passive resistance permitted Officer Dimalanta to use a stun (open hand strike) to gain compliance, after ██████ grabbed, struck, and pushed him. Further, once ██████ pushed Officer Dimalanta, he was permitted, but elected to not use, direct mechanical strikes (punches) to gain compliance. Since ██████ was clearly a passive resister, Officer Dimalanta's actions were permissible and

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<sup>13</sup> The Case Report identified ██████ as ██████ which is one of her alias names.

<sup>14</sup> Att. 8.

<sup>15</sup> Att. 13.

within policy. COPA notes that based on [REDACTED] actions, Officer Dimalanta used less force than was permitted to overcome her ongoing resistance.

**VII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Judd Dimalanta	1.Slapped [REDACTED] on the face.	Exonerated

Approved:

[REDACTED]

6-30-2021

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Angela Hearts-Glass  
*Deputy Chief Investigator*

\_\_\_\_\_  
Date

**Appendix A**

Assigned Investigative Staff

<b>Squad#:</b>	11
<b>Investigator:</b>	Maira Webb
<b>Supervising Investigator:</b>	Valiza Ann Nash
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass
<b>*Attorney:</b>	