

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 31, 2020
Time of Incident:	8:05 PM
Location of Incident:	420 N. Clark St.
Date of COPA Notification:	June 3, 2020
Time of COPA Notification:	7:09 PM

On June 3, 2020, the Civilian Office of Police Accountability (“COPA”) received a Twitter video depicting a melee between members of the Chicago Police Department (“CPD”) and civilians protesting the death of George Floyd. COPA identified two involved civilians, [REDACTED] and [REDACTED] and obtained copies of their Federal Bureau of Investigations (“FBI”) interviews. [REDACTED] also furnished video that he took during the incident, and COPA obtained surveillance footage from a nearby business. Only minimal relevant body worn camera (“BWC”) footage captured the incident. After reviewing the relevant evidence, COPA interviewed five witness officers and fourteen accused officers¹, with allegations including but not limited to: use of batons without justification, excessive force, making improper detentions and arrests, not activating BWC, failing to report or intervene in misconduct, and failing to complete required documentation. The following is a summary of the events that occurred during the incident; COPA’s findings are discussed in the analysis portion of this report.

At approximately 8:05 PM on May 31, 2020, Sergeant Shannon Martin (“Sergeant Martin”) observed an individual, now identified as [REDACTED] throw a water bottle at a mounted officer near the LaSalle St. bridge. Sergeant Martin pointed out [REDACTED] to Sergeant Matthew Kasput (“Sergeant Kasput”), who gave chase on his bike as [REDACTED] fled on foot. Sergeant Kasput caught up to [REDACTED] at Hubbard & Clark, ultimately knocking [REDACTED] to the ground with his bike. Additional bike officers followed shortly behind and restrained [REDACTED]. [REDACTED] acted as a passive resister, causing Officer Ivan Aviles (“Officer Aviles”) to drag [REDACTED] down the sidewalk as protestors arrived at their location. Officer Aviles, Sergeant Kasput, and other bike officers placed [REDACTED] in front of 420 N. Clark St. and established a perimeter around him with their bikes. As more civilians arrived at the scene, a crowd formed around the officers detaining [REDACTED]. Sergeant Kasput called for backup, referencing objects being thrown at the police.

Sergeant Martin and members of his bike team arrived at the scene, where they pushed numerous civilians out of their way to reach the officers detaining [REDACTED]. One of these civilians was [REDACTED] who stayed in place as Sergeant Martin tried to move past him. Sergeant Martin pushed [REDACTED] but after initially moving back [REDACTED] took a step towards the sergeant. Sergeant Martin pushed

¹ COPA was unable to identify or interview seven unknown accused officers. Additionally, two accused Department members retired before COPA was able to compel their statements.

again, eventually restraining him against a wall. At the same time, Officer Aid Obradovic (“Officer Obradovic”), Officer Guadalupe Oviedo (“Officer Oviedo”), Sergeant Zachary Rubald (“Sergeant Rubald”), and other officers arrived at the scene on foot. Officer Obradovic grabbed upper body and pushed him away from Sergeant Martin. stumbled, then turned around to face Officer Obradovic. As Officer Obradovic and Sergeant Rubald advanced on with their batons held horizontally, Officer Oviedo struck twice with his baton. and Officer Obradovic then fell to the ground, and took the officer’s baton. Officer Obradovic punched and Officer Bojan Simic (“Officer Simic”), Officer Michael Seiser (“Officer Seiser”), Officer Reginald Foster (“Officer Foster”), and Officer Brandon Neita-Scott (“Officer Neita-Scott”) all struck with their batons. After a brief struggle and with assistance from multiple officers, Officers Foster and Seiser restrained and escorted him from the scene.

As the officers engaged with attempted to intervene in the struggle to assist Sergeant Rubald observed approaching as engaged with Officer Obradovic. Sergeant Rubald and Officer Stefan Wojtan (“Officer Wojtan”) pushed against a wall. Sergeant Rubald then flung away from CPD members and towards the street, while Officer Oviedo struck with his baton. landed on the curb in front of Officer Simic and Officer Jose Sandoval (“Officer Sandoval”), who both struck him with their batons. As began crawling away, Officer Richard Bankus (“Officer Bankus”) also struck him with his baton. eventually stood up and fled the scene with the assistance of other civilians.

As the CPD members engaged with and other officers used additional force, including pushing and baton strikes, against dozens of civilians in the vicinity of Hubbard & Clark. Eventually, CPD blocked off the north end of Clark St., SWAT arrived at the scene, and officers forced the crowd southbound on Clark St. Officer Aviles and Officer Jeffery Bybee (“Officer Bybee”) then escorted from the scene.

II. INVOLVED PARTIES

Involved Officer #1:	Michael Pigott, Star #n/a, Employee ID [REDACTED], Date of Appointment: January 2, 1992, Deputy Chief, Unit 216 (Deputy Chief – Central Control Group), Date of Birth: [REDACTED] 1969, Male, White, Date of Resignation: May 31, 2021
Involved Officer #2:	Shannon Martin, Star #2583, Employee ID [REDACTED], Date of Appointment: February 5, 2001, Sergeant of Police, Unit 715 (Critical Incident Response Team), Date of Birth: [REDACTED] 1977, Male, White
Involved Officer #3:	Matthew Kasput, Star 1539, Employee ID [REDACTED], Date of Appointment: October 10, 2000, Sergeant of Police, Unit 715 (Critical Incident Response Team), Date of Birth: [REDACTED] 1978, Male, White

Involved Officer #4: Allen Finley, Star #1214, Employee ID [REDACTED], Date of Appointment: October 3, 1994, Sergeant of Police, 24th District, Date of Birth: [REDACTED] 1966, Male, White

Involved Officer #5: Zachary Rubald, Star #2609, Employee ID [REDACTED], Date of Appointment: April 29, 2002, Sergeant of Police, 19th District, Date of Birth: [REDACTED] 1976, Male, White

Involved Officer #6: Jason Slater, Star #939, Employee ID [REDACTED], Date of Appointment: December 18, 2006, Sergeant of Police, 19th District, Date of Birth: [REDACTED] 1982, Male, White

Involved Officer #7: Aid Obradovic, Star #19107, Employee ID [REDACTED], Date of Appointment: February 20, 2018, Police Officer, Unit 215 (Deputy Chief- Area 5), Date of Birth: [REDACTED] 1993, Male, White

Involved Officer #8: Bojan Simic, Star #12847, Employee ID [REDACTED], Date of Appointment: April 6, 2015, Police Officer, 19th District, Date of Birth: [REDACTED] 1985, Male, White

Involved Officer #9: Brandon Neita-Scott, Star #18908, Employee ID [REDACTED], Date of Appointment: December 12, 2016, Police Officer, Unit 714 (Summer Mobile Patrol), Date of Birth: [REDACTED] 1993, Male, Black

Involved Officer #10: Guadalupe Oviedo, Star #12564, Employee ID [REDACTED], Date of Appointment: April 6, 2015, Police Officer, 19th District, Date of Birth: [REDACTED] 1981, Male, Hispanic

Involved Officer #11: Ivan Aviles, Star #19579, Employee ID [REDACTED], Date of Appointment: April 1, 2013, Police Officer, Unit 124 (Training and Support Group), Date of Birth: [REDACTED] 1980, Male, Hispanic

Involved Officer #12: Jose Sandoval, Star #11169, Employee ID [REDACTED], Date of Appointment: May 1, 2006, Police Officer, 19th District, Date of Birth: [REDACTED] 1982, Male, Hispanic

Involved Officer #13: Michael Seiser, Star #4615, Employee ID [REDACTED], Date of Appointment: July 10, 1995, Police Officer, 18th District/ Unit 376 (Alternate Response Section), Date of Birth: [REDACTED] 1962, Male, White, Date of Resignation: December 15, 2020

Involved Officer #14:	Reginald Foster, Star #5943, Employee ID [REDACTED], Date of Appointment: November 18, 1991, Police Officer, 19 th District, Date of Birth: [REDACTED] 1969, Male, Black
Involved Officer #15:	Richard Bankus, Star #6769, Employee ID [REDACTED], Date of Appointment: September 27, 2004, Police Officer, 19 th District, Date of Birth: [REDACTED] 1974, Male, White
Involved Officer #16:	Stefan Wojtan, Star #19303, Employee ID [REDACTED], Date of Appointment: October 16, 2017, Police Officer as Field Training Officer, 18 th District, Date of Birth: [REDACTED] 1979, Male, White
Involved Officer #17	Unknown Officer 1
Involved Officer #18	Unknown Officer 2
Involved Officer #19	Unknown Officer 3
Involved Officer #20	Unknown Officer 4
Involved Officer #21	Unknown Officer 5
Involved Officer #22	Unknown Officer 6
Involved Officer #23	Unknown Officer 7
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1999, Male, Hispanic
Involved Individual #2:	[REDACTED] Date of Birth: [REDACTED] 00, Male, White
Involved Individual #3:	[REDACTED] Date of Birth: [REDACTED] 2000, Male, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Deputy Chief Pigott	<p>It is alleged that on May 31, 2020, prior to members of the Chicago Police Department being deployed to the George Floyd protests, the accused engaged in misconduct through the following acts and/or omissions:</p> <p>1. Instructed members of the Chicago Police Department that a blanket Tactical Response Report was in place for force used in relation to the George Floyd protests;</p>	Closed/Hold

	<p>2. Gave members of the Chicago Police Department improper guidance for executing mass arrests; and</p> <p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <p>3. Failed to ensure COPA received all evidence related to alleged misconduct and uses of force.</p>	<p>Closed/Hold</p> <p>Closed/Hold</p>
<p>Sergeant Martin</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., Sergeant Martin engaged in misconduct through the following acts and/or omissions:</p> <p>1. Failing to operate Body Worn Camera (BWC) in accordance with Special Order S03-14;</p> <p>2. Engaging in an unnecessary physical altercation with [REDACTED]</p> <p>3. Detaining [REDACTED] without justification;</p> <p>4. Failing to intervene in the misconduct displayed by Department members; and</p> <p>5. Failing to report the misconduct displayed by Department members.</p>	<p>Sustained</p> <p>Exonerated</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Sergeant Kasput</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., Sergeant Kasput engaged in misconduct through the following acts and/or omissions:</p> <p>1. Used excessive force to detain [REDACTED]</p> <p>2. Failed to operated Body Worn Camera (BWC) in accordance with Special Order S03-14;</p> <p>3. Failed to complete a Tactical Response Report (TRR) detailing the use of force against [REDACTED]</p> <p>4. Detained [REDACTED] without justification;</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p>

	<p>5. Arrested [REDACTED] without justification;</p> <p>6. Failed to intervene in the misconduct displayed by Department members; and</p> <p>7. Failed to report the misconduct displayed by Department members.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
Sergeant Finley	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., Sergeant Finley engaged in misconduct through the following acts and/or omissions:</p> <p>1. Failing to intervene in the misconduct displayed by Department members;</p> <p>2. Failing to report the misconduct displayed by Department members; and</p> <p>3. Failing to operate Body Worn Camera (BWC) in accordance with Special Order S03-14.</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Sergeant Slater	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <p>1. Failed to intervene in the misconduct displayed by Department members;</p> <p>2. Failed to report the misconduct displayed by Department members; and</p> <p>3. Failed to operate Body Worn Camera (BWC) in accordance with Special Order S03-14.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>
Sergeant Rubald	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., Sergeant Rubald engaged in misconduct through the following acts and/or omissions:</p> <p>1. Failing to operate Body Worn Camera (BWC) in accordance with Special Order S03-14;</p>	<p>Sustained</p>

	<p>2. Pulling an unknown civilian without justification;</p> <p>3. Unnecessarily pushing protesters with his baton;</p> <p>4. Throwing ██████████ to the ground without justification;</p> <p>5. Failing to complete a Tactical Response Report (TRR) detailing the throwing of ██████████ to the ground;</p> <p>6. Failing to satisfactorily intervene in the misconduct displayed by Department members; and</p> <p>7. Failing to report the misconduct displayed by Department members.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Sustained</p> <p>Sustained</p>
Officer Obradovic	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <p>1. Pushing at least one unknown civilian without justification;</p> <p>2. Pushed ██████████ without justification;</p> <p>3. Took ██████████ to the ground without justification;</p> <p>4. Punched ██████████ without justification;</p> <p>5. Detained ██████████ without justification;</p> <p>6. Pushed another unknown civilian without justification;</p> <p>7. Failed to complete a Tactical Response Report (TRR) detailing the use of force against ██████████</p> <p>8. Failed to operate body worn camera (BWC) in accordance with Special Order S03-14.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
Officer Simic	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark</p>	

	<p>St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Used a baton against ██████████ without justification; 2. Used a baton against ██████████ without justification; 3. Used a baton against a second unknown civilian or civilians without justification; 4. Pushed an unknown civilian without justification; 5. Failed to complete a Tactical Response Report (TRR) detailing the use of force against ██████████ 6. Failed to complete a Tactical Response Report (TRR) detailing the use of force against ██████████ and ██████████ 7. Failed to operate body worn camera (BWC) in accordance with Special Order S03-14. 	<p>Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Neita-Scott</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Failed to operate Body Worn Camera (BWC) in accordance with Special Order S03-14; 2. Unnecessarily shoved multiple civilians; 3. Unnecessarily threw an unknown civilian; 4. Struck ██████████ with his baton without justification; and 5. Failed to complete a Tactical Response Report (TRR) detailing his use of force against ██████████ 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Oviedo</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p>	

	<ol style="list-style-type: none"> 1. Failing to operate Body Worn Camera (BWC) in accordance with Special Order S03-14; 2. Striking ██████████ with his baton without justification; 3. Using his baton against ██████████ without justification; 4. Pushing an unknown civilian without justification; 5. Failing to complete a tactical response report detailing his use of force against ██████████ and 6. Failing to complete a tactical response report detailing his use of force against ██████████ 	<p>Exonerated</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Aviles</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Failed to operate Body Worn Camera (BWC) in accordance with Special Order S03-14; 2. Threw ██████████ personal items while searching him; and 3. Dragged ██████████ down the sidewalk while ██████████ was in handcuffs. 	<p>Sustained</p> <p>Sustained</p> <p>Exonerated</p>
<p>Officer Sandoval</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Failing to operate Body Worn Camera (BWC) in accordance with Special Order S03-14; 2. Using his baton against an unknown civilian without justification; 3. Striking ██████████ with his baton without justification; 	<p>Exonerated</p> <p>Sustained</p> <p>Sustained</p>

	<p>4. Pushing a second unknown civilian without justification;</p> <p>5. Failing to complete a tactical response report detailing his use of force against an unknown civilian; and</p> <p>6. Failing to complete a tactical response report detailing his use of force against ██████████</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Seiser</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <p>1. Failed to operate Body Worn Camera (BWC) in accordance with Special Order S03-14;</p> <p>2. Struck an unknown civilian with his baton without justification;</p> <p>3. Jabbed a second unknown civilian in the back with his baton without justification;</p> <p>4. Struck ██████████ with his baton without justification;</p> <p>5. Detained ██████████ without justification;</p> <p>6. Arrested ██████████ without justification;</p> <p>7. Failed to complete a Tactical Response Report (TRR) detailing his use of force against ██████████</p> <p>8. Failed to complete a Tactical Response Reports (TRRs) detailing his use of force against unknown civilians.</p>	<p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p>
<p>Officer Foster</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p>	

	<ol style="list-style-type: none"> 1. Failed to operate Body Worn Camera (BWC) in accordance with Special Order S03-14; 2. Struck an unknown civilian with his baton without justification; 3. Struck a second unknown civilian with his baton without justification; 4. Struck [REDACTED] with his baton without justification; 5. Detained [REDACTED] without justification; 6. Arrested [REDACTED] without justification; 7. Failed to complete a Tactical Response Report (TRR) detailing the use of force against [REDACTED] 8. Failed to complete a Tactical Response Report (TRR) detailing the use of force against unknown civilians. 	<p>Exonerated</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Bankus</p>	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Used a baton against an unknown civilian without justification; 2. Used a baton against [REDACTED] without justification; 3. Used a baton against a second unknown civilian without justification; 4. Pushed a third unknown civilian without justification; 5. Pushed a fourth unknown civilian without justification; 6. Failed to complete a Tactical Response Report (TRR) detailing the use of force against [REDACTED] and [REDACTED] 	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>

	7. Failed to operate body worn camera (BWC) in accordance with Special Order S03-14.	Exonerated
Officer Wojtan	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Failed to operate Body Worn Camera (BWC) in accordance with Special Order S03-14; and 2. Used his baton to push ██████████ into a wall without justification. 	<p>Sustained</p> <p>Exonerated</p>
Unknown #1	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Failed to inventory photographs taken in relation to RD #JD248566. 	Not Sustained
Unknown #2	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Failed to inventory video taken in relation to RD #JD248566. 	Not Sustained
Unknown #3	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Pushed an unknown civilian without justification. 	Not Sustained
Unknown #4	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Struck an unknown civilian with his baton without justification. 	Not Sustained

Unknown #5	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <p>1. Ordered members of the Chicago Police Department to not record on their body worn cameras.</p>	Not Sustained
Unknown #6	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <p>1. Pushed and pulled an unknown civilian without justification.</p>	Not Sustained
Unknown #7	<p>It is alleged that on May 31, 2020, at approximately 8:05 PM, at or near 420 N. Clark St., the accused engaged in misconduct through the following acts and/or omissions:</p> <p>1. Failed to ensure COPA received all evidence related to alleged misconduct and uses of force;</p> <p>2. Failing to intervene in the misconduct displayed by Department members; and</p> <p>3. Failing to report the misconduct displayed by Department members.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 3:** Prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
3. **Rule 5:** Prohibits failure to perform any duty.
4. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
5. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.

6. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

7. **Rule 22:** Prohibits failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

8. **Rule 38:** Prohibits unlawful or unnecessary use or display of a weapon.

General Orders

1. **G02-01:** Human Rights and Human Resources.²
2. **G03-02:** Use of Force.³
3. **G03-02-01:** Force Options.⁴
4. **G03-02-02:** Incidents Requiring the Completion of a Tactical Response Report.⁵
5. **G03-02-07:** Baton Use Incidents.⁶

Special Orders

1. **S03-14:** Body Worn Cameras.⁷
2. **S06-06:** Mass Arrest Procedures.⁸

Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

² Att. 200.

³ The Use of Force policy referenced in this report was effective from February 29, 2020 through April 14, 2021. (Att. 172).

⁴ The Force Options policy referenced in this report was effective from February 29, 2020 through April 14, 2021. (Att. 199).

⁵ The Incidents Requiring the Completion of a Tactical Response Report policy referenced in this report was effective from February 29, 2020 through April 14, 2021. (Att. 173).

⁶ The Baton Use Incidents policy referenced in this report was effective from February 29, 2020 through April 14, 2021. (Att. 201).

⁷ Att. 174.

⁸ Att. 171.

V. INVESTIGATION⁹

a. Interviews¹⁰

i. Federal Bureau of Investigations (“FBI”) - Civilian Interviews

██████████ (██████████)¹¹

The FBI interviewed ██████████ on an unspecified date in 2020. On May 31, 2020, ██████████ and his friend, ██████████ went downtown to protest the police. They turned a corner and saw a semicircle of officers standing next to a wall, detaining ██████████ (██████████ became stuck between two groups of officers, and one officer began bumping into ██████████ with his bike. The officer told ██████████ to move, but ██████████ was blocked and “had no route to exit.”¹² The officer then hit ██████████ crotch with his bike. ██████████ responded by putting his hands out, “like you’re snapping a football... like, to block the wheel.”¹³ At that point, a different officer pushed ██████████ back towards the street corner, and ██████████ was pulled to the ground and struck with batons by at least two officers. One officer flipped ██████████ onto his chest and put a knee on his back. Another officer also hit ██████████ in the head with a baton. ██████████ began “army crawling, just out of pure instinct,”¹⁴ as he did not know he was under arrest. Suddenly, ██████████ felt intense pain in his leg, and he realized an officer was sitting on his ankle and twisting his leg. An officer delivered three to five baton strikes to ██████████ knee, and ██████████ felt additional baton strikes to his thighs and ribs. Eventually, officers restrained ██████████ picked him up from the ground, and brought him to a wagon.

██████████ (██████████)¹⁵

The FBI interviewed ██████████ on an unspecified date in 2020. On May 31, 2020, ██████████ and ██████████ were protesting downtown. They joined a larger group of protesters and marched towards Hubbard & Clark, where ██████████ saw bike officers detaining ██████████. As more officers arrived, ██████████ turned towards ██████████ to tell him they should leave, only to see an officer push ██████████ towards a wall and strike him in the head with a baton. ██████████ then heard officers tell ██████████ to stop resisting. ██████████ reached out to break ██████████ fall and inadvertently hit an officer behind him. An officer grabbed ██████████ pushed him up against the wall, and struck him on his head two or three times. The same officer then threw ██████████ to the ground, and two or three officers struck ██████████ legs and torso with their batons. No one tried to detain or arrest ██████████ and he scrambled to his feet and was able to evade CPD.

ii. Accused Officers

⁹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

¹⁰ Neither ██████████ nor the National Lawyers Guild (“NLG”), whose legal observers witnessed the incident, responded to COPA’s requests for interviews. Additionally, Officer Seiser and Deputy Chief Pigott retired from CPD prior to having their statements compelled by COPA.

¹¹ Atts. 26 & 96.

¹² Att. 96: Page 16, Line 17.

¹³ Att. 96: Page 17, Lines 3 - 5.

¹⁴ Att. 96: Page 21, Lines 1 - 2.

¹⁵ Atts. 13 & 94.

Sergeant Matthew Kasput (“Sergeant Kasput”)¹⁶

COPA interviewed Sergeant Kasput on July 1, 2021. On May 31, 2020, Sergeant Kasput was a bike patrol sergeant.¹⁷ He did not recall who declared a mass arrest, and he did not receive any guidance on completing TRRs. On May 31, 2020, Sergeant Kasput was with the crowd of protesters near LaSalle St., where mounted units blocked the bridge. Sergeant Kasput saw Sergeant Martin riding his bike in pursuit of an individual running on foot. Sergeant Martin “got caught up in the crowd,”¹⁸ so Sergeant Kasput began chasing the individual, now identified as [REDACTED] ([REDACTED] down the alley to Clark St.

Sergeant Kasput rode his bike towards [REDACTED] and detained him near Hubbard & Clark, after making contact with [REDACTED] on the sergeant’s left side. [REDACTED] then lost his balance and fell down. After watching surveillance video, Sergeant Kasput believed he attempted to maneuver his bike in front of [REDACTED] to stop [REDACTED] from fleeing. Sergeant Kasput denied intentionally riding his bike into [REDACTED] denied using his bike as a weapon, and did not believe a TRR was required, as there was no allegation of injury or apparent injury. Sergeant Kasput related that, after he stopped [REDACTED] from fleeing, he turned his focus onto the approaching crowd. The corner was an exposed position, so bike officers moved and encircled [REDACTED]. Sergeant Kasput denied calling a 10-1¹⁹ and related he called for help and “some kind of resources over to our location because the crowd was moving in our direction.”²⁰ Sergeant Kasput did not recall seeing additional altercations during this incident.

Officer Ivan Aviles (“Officer Aviles”)²¹

COPA interviewed Officer Aviles on June 9, 2021. Officer Aviles stated the protest on May 31, 2020 was a mass arrest incident, and he understood that if he had needed to complete a TRR, he should have done so before his tour of duty ended. When this incident began, Officer Aviles did not immediately activate his BWC because of “the hectic nature of the...incident at the time.”²² He added that he was operating his bicycle and using both hands when the event began. Officer Aviles observed other officers yelling and pointing to [REDACTED] saying, “He’s under arrest.” Officer Aviles and other bike officers then pursued [REDACTED] for a short period of time. [REDACTED] resisted and did not follow orders to stand up.

After watching surveillance video, Officer Aviles agreed he did not properly handle [REDACTED] belongings and apologized. He also apologized for not turning on his BWC at the beginning of the event. Officer Aviles did not recall dragging [REDACTED] but admitted he did so after watching the video. Officer Aviles speculated that he dragged [REDACTED] “to move him to a secure

¹⁶ Atts. 136 & 157.

¹⁷ During his COPA statement, Sergeant Kasput watched the BWC video saved under Sergeant Martin’s profile. Sergeant Kasput believed that he, not Sergeant Martin, was actually the individual wearing the camera. Sergeant Kasput speculated that he might have accidentally grabbed Sergeant Martin’s BWC at the beginning of his shift.

¹⁸ Att. 157, Page 13, Line 4.

¹⁹ A 10-1 is a radio call indicating an officer needs emergency assistance.

²⁰ Att. 157, Page 19, Line 23 – Page 20, Line 1.

²¹ Atts. 76 & 149.

²² Att. 149, Page 13, Line 24 – Page 14, Line 2.

location while he was passively resisting.”²³ Officer Aviles added that there was “a large hostile crowd quickly approaching us so I tried to get [REDACTED] to stand and move him to a much more secure location.”²⁴ Officer Aviles did not recall providing input into [REDACTED] arrest report; he escorted [REDACTED] to a transport vehicle and left [REDACTED] with another officer.

Sergeant Shannon Martin (“Sergeant Martin”)

COPA first interviewed Sergeant Martin on March 31, 2021.²⁵ On May 31, 2020, Sergeant Martin was a bike sergeant monitoring the protests in the Central Business District.²⁶ Sergeant Martin knew ahead of time that it would be a mass arrest and mass TRR situation, but he could not recall who authorized the mass TRRs. During the protest, Sergeant Martin observed an individual, now identified as [REDACTED] throw a water bottle at a mounted unit officer near the LaSalle St. bridge. Sergeant Martin described [REDACTED] to the bike officers on scene, and they arrested [REDACTED] at Sergeant Martin’s direction. Sergeant Martin did not know why he is listed as the first arresting officer on the arrest reports for [REDACTED] ([REDACTED]) ([REDACTED]) and [REDACTED].

COPA interviewed Sergeant Martin again on June 30, 2021.²⁷ Sergeant Martin reiterated that he told bike officers, including Sergeant Kasput, to look out for [REDACTED] after Sergeant Martin saw [REDACTED] throw a bottle at a mounted unit. Sergeant Martin recalled [REDACTED] was wearing something specific on May 31, 2020, but could not recall what. Sergeant Martin described the crowd at Hubbard & Clark as hostile, and he attempted to “separate the crowd from the officers that were encircling [REDACTED]”²⁸ Sergeant Martin did not recall [REDACTED] his interaction with [REDACTED] or observing other officers engage with [REDACTED]. After watching surveillance video, Sergeant Martin speculated that he attempted to separate [REDACTED] from [REDACTED] and the crowd of bike officers. Sergeant Martin denied awareness of the altercations around him, denied that he observed officers use force against [REDACTED] and denied that he witnessed [REDACTED] arrest. Additionally, he could not recall why he was the arresting officer for this incident. Sergeant Martin did not recall providing his information to the transport unit or speaking with the officer(s) who wrote the reports, and he did not know how the reporting officers obtained the information in the arrest reports.

*Officer Aid Obradovic (“Officer Obradovic”)*²⁹

COPA interviewed Officer Obradovic on June 21, 2021. On May 31, 2020, Officer Obradovic was assigned to a 19th District tactical team and deployed downtown. Officer Obradovic could not recall if he was wearing his BWC and speculated that the battery was dead from the previous two days. CPD was using mass arrest procedures and Officer Obradovic believed there was an open TRR, meaning the detectives at the district completed all of the paperwork. After watching video footage, Officer Obradovic stated he did not recall pushing an unknown civilian

²³ Att. 149, Page 17, Lines 20 – 21.

²⁴ Att. 149, Page 29, Lines 20 – 22.

²⁵ Atts. 45 & 101.

²⁶ Sergeant Martin could not recall if he was wearing a BWC during the incident. After watching the BWC footage that was saved under his profile on evidence.com, Sergeant Martin denied that he recorded the video.

²⁷ Atts. 123 & 154.

²⁸ Att. 154, Page 15, Lines 2 – 4.

²⁹ Atts. 102 & 150.

but speculated he did so to get the civilian to leave the area. Similarly, Officer Obradovic could not recall why he first engaged with █████ but he speculated that █████ ignored verbal orders to disperse. Officer Obradovic denied that he performed a takedown on █████. The officer stated he lost his balance and, as he was falling, █████ took control of his baton. Officer Obradovic then punched █████ who was combative, ignored verbal commands, and “did not seem to want to disengage with [CPD].”³⁰ Officer Obradovic then stood up, █████ his radio, and took out his asp for crowd control. Officer Obradovic pushed back a civilian in cuffed jeans, because the civilian was walking towards the rear of an officer, which was not safe during a high-stress situation.

*Officer Bojan Simic (“Officer Simic”)*³¹

COPA interviewed Officer Simic on June 29, 2021. On May 31, 2020, Officer Simic was assigned to a 19th District tactical team and deployed downtown. Officer Simic did not believe he was wearing his BWC on May 31, 2020, as the battery had died. A CPD supervisor, whom Officer Simic believed was Deputy Chief Pigott, instructed officers it was a mass arrest incident with open TRR procedures. Officer Simic went to Hubbard and Clark in response to a call for officer assistance. He did not recall swinging his baton at █████ but acknowledged he did so after watching surveillance video. Officer Simic believed the force he used was reasonable because CPD was “responding to a 10-1 and we have a hostile crowd and we have to...clear the street. We have to set up a perimeter and we have to get to those officers.”³² When asked why he swung his baton at █████ Officer Simic related that █████ was an active resister and he was trying to get █████ to move along. When asked why he pushed a civilian in a plaid shirt, Officer Simic denied that the push was forceful and asserted he was trying to get the protestor to back away from officers. Officer Simic added that he grew up in Bosnia in the early 1990s, and “never personally thought I’d see a day or days like that in Chicago, but it was like a war.”³³

*Officer Guadalupe Oviedo (“Officer Oviedo”)*³⁴

COPA interviewed Officer Oviedo on July 6, 2021. On May 31, 2020, Officer Oviedo was assigned to the 19th District tactical team and deployed downtown. Officer Oviedo compared the weekend of the incident to his time in Iraq,³⁵ and described a series of chaotic and violent days. Officer Oviedo could not recall if he was wearing BWC on May 31, 2020, but his camera was probably not fully charged after his previous shift. Prior to the incident, Deputy Chief Pigott instructed CPD members over the radio that mass arrest procedures and an open TRR were in effect. When Officer Oviedo arrived at Hubbard & Clark, he observed a civilian, now identified as █████ with control of Officer Obradovic’s baton. Officer Oviedo tried to retrieve the baton and called a 10-1 over the radio. Officer Oviedo swung his baton at █████ and gave █████ verbal commands, but █████ did not release the baton. At that point, Officer Oviedo observed █████ trying to intervene to assist █████ so the officer swung his baton at █████. Officer Oviedo also pushed an

³⁰ Att. 150: Page 27, Lines 13 – 14.

³¹ Atts. 118 & 151.

³² Att. 151: Page 16, Lines 17 – 20.

³³ Att. 151: Page 8, Lines 10 – 11.

³⁴ Atts. 147 & 167.

³⁵ Att. 167, Page 22, Lines 10 – 19.

unknown civilian to move him away from the officers, “So nobody would attack us from the back or we would have anybody in front of us.”³⁶

Officer Jose Sandoval (“Officer Sandoval”)³⁷

COPA interviewed Officer Sandoval on July 6, 2021. On May 31, 2020, Officer Sandoval was assigned to the 19th District tactical unit and deployed downtown. Officer Sandoval could not recall if he was wearing BWC, and it may not have been charged. Deputy Chief Pigott told officers there was “a blanket TRR, which means there’s no reports...being done.”³⁸ Officers were also told that mass arrest teams would complete the paperwork for officers who made arrests in the field. At the time of the incident, Officer Sandoval heard a 10-1 called over the radio and responded to the scene at Hubbard & Clark. He observed civilians throwing projectiles at CPD members, and heard officers ordering the crowd to disperse. After watching surveillance video, Officer Sandoval related that he swung his baton at an unknown civilian and ██████ because they were active resisters who were refusing to leave. Officer Sandoval also pushed another unknown civilian to get the man to move, but Officer Sandoval denied the push was forceful.

Officer Reginald Foster (“Officer Foster”)³⁹

COPA interviewed Officer Foster on June 10, 2021. On May 31, 2020, Officer Foster was assigned to the 19th District tactical team and deployed downtown. Officer Foster was not wearing his BWC, as supervisors had told officers to forgo their cameras, which may not have been fully charged. Prior to the incident, Officer Foster staged at McCormick Place, where Chief Pigott told officers there was an open TRR and to anticipate mass arrests. Officer Foster recalled responding to a 10-1 at Hubbard & Clark. When he arrived at the scene, he saw people running and throwing things, and described it as “mass hysteria.”⁴⁰ Officer Foster had his baton out for crowd control and saw an individual, now identified as ██████ holding Officer Obradovic’s baton. ██████ had full control of the baton and was attempting to flee with it. ██████ and Officer Obradovic fell, at which point Officer Foster got on top of ██████ and attempted to wrestle the baton away from him. Officer Foster struck ██████ with his baton multiple times and told ██████ to release the baton. ██████ turned over onto his back, and Officer Foster used his baton to strike ██████ in the shins. Officer Foster then turned ██████ back onto his stomach. ██████ held his arms close to his chest, so Officer Foster used his baton as leverage to force ██████ arms back. ██████ was then handcuffed, stood upright, and brought to a transport vehicle. Officer Foster gave no input into ██████ arrest report. After watching BWC, Officer Foster related he also struck two unknown individuals with his baton as “crowd control to move them along.”⁴¹

³⁶ Att. 167, Page 14, Lines 8 – 11.

³⁷ Atts. 142 & 169.

³⁸ Att. 169, Page 7, Lines 13 – 14.

³⁹ Atts. 82 & 156.

⁴⁰ Att. 156, Page 10, Line 17.

⁴¹ Att. 156, Page 15, Line 17 & Page 16, Lines 10 – 11.

Officer Brandon Neita-Scott (“Officer Neita-Scott”)⁴²

COPA interviewed Officer Neita-Scott on June 10, 2021. Officer Neita-Scott knew in advance he would be assigned to the protest downtown, which supervisors advised would be a mass arrest incident with detectives completing paperwork and TRRs. Officer Neita-Scott was wearing his BWC, but when he arrived at Hubbard & Clark, he encountered a 10-1 situation. He exited his vehicle, rushed to an officer’s aid, and forgot to activate his BWC. Officer Neita-Scott stated he observed Officer Obradovic and ██████ “falling backwards, and the offender taking the baton and falling on the ground. And an officer on the ground.”⁴³ Officer Neita-Scott intervened and tried to take away the baton from ██████ hands, but he was actively resisting and would not release the baton. Officer Neita-Scott struck ██████ with his own baton out of concern that ██████ would use Officer Obradovic’s baton. Officer Neita-Scott believed he then joined officers forming a line across the street, and a supervisor instructed officers to turn off their BWCs. Officer Neita-Scott provided no input into ██████ arrest report. After watching the surveillance video, Officer Neita-Scott acknowledged that he pushed multiple unknown civilians at the beginning of the incident. He explained that he was attempting to move the civilians out of his way so he could reach ██████. The force he used was part of crowd control, “just pushing everybody towards where the chaos was not.”⁴⁴

Officer Richard Bankus (“Officer Bankus”)⁴⁵

COPA interviewed Officer Bankus on July 1, 2021. On May 31, 2020, Officer Bankus was assigned to the 19th District tactical team and deployed downtown. He could not recall if he was wearing his BWC. Officer Bankus told COPA that he responded to a 10-1 at Hubbard & Clark and saw “a melee taking place.”⁴⁶ Officer Bankus stated he carried an asp, not a baton, and he did not recall striking anyone with his asp or using force during the incident. Officer Bankus did not recognize himself in surveillance video and neither agreed nor denied that he was the officer identified by COPA. He agreed he owns a fleece jacket, as worn by the officer identified by COPA, and carries the same type of metal asp and taser as the officer in the video. Officer Bankus also speculated it was possible someone else was wearing his helmet. He related that if he was the officer in the video, the force he used was justified because it was “a riot situation, and there’s assailants there that are actively engaging the police.”⁴⁷ However, Officer Bankus reiterated multiple times that he could not say if the officer was him and believed the video did not sufficiently identify him. Officer Bankus also provided COPA with a selfie he took of himself on May 31, 2020.⁴⁸ In the photo, Officer Bankus is wearing the same style undershirt as the officer in the surveillance video.⁴⁹ Officer Bankus’ taser also appears to be in the same location. COPA disagrees with Officer Bankus’ assertion that, because he is not wearing his fleece jacket in the selfie, he is excluded as the accused.

⁴² Atts. 93 & 153.

⁴³ Att. 153: Page 11, Lines 19 – 22.

⁴⁴ Att. 153: Page 15, Lines 13 – 14.

⁴⁵ Atts. 131 & 158.

⁴⁶ Att. 158, Page 9, Lines 12 – 13.

⁴⁷ Att. 158, Page 31, Lines 18 – 19.

⁴⁸ Att. 137.

⁴⁹ Att. 202.

Officer Stefan Wojtan (“Officer Wojtan”)⁵⁰

COPA interviewed Officer Wojtan on June 4, 2021. On May 31, 2020, Officer Wojtan was assigned to the 18th District and partnered with Officer Seiser. Officer Wojtan was wearing his BWC and thought he activated it during the incident, but due to the chaotic nature of events, “I can only assume that I failed in my attempt.”⁵¹ Officer Wojtan related he responded to Hubbard & Clark in response to a radio call for assistance. Upon arrival, Officer Wojtan saw a large crowd approaching, including civilians throwing projectiles, charging at officers, and trying to retrieve their bikes. Officer Wojtan had his baton out for crowd control and denied he struck anyone with it. He recalled officers making an arrest behind him while he kept back civilians. After watching surveillance video, Officer Wojtan related he used his baton to push ██████████ but he held the baton horizontally and only pushed ██████████ to stop him from interfering with an arrest and after giving verbal direction.

Sergeant Zachary Rubald (“Sergeant Rubald”)⁵²

COPA interviewed Sergeant Rubald on April 5, 2021. On May 31, 2020, Sergeant Rubald was working with the 19th District tactical team. Sergeant Rubald responded to a call for help at Hubbard & Clark and saw a chaotic situation with a crowd of people in the street. Sergeant Rubald did not recall if he struck anyone with his baton, or if he saw any other officers do so. After watching surveillance video, Sergeant Rubald acknowledged that he pulled an unknown civilian out of his way, but he explained, “There’s a melee up there with the bike officers, they are calling for help. He’s heading towards them. We don’t want anybody coming up behind officers. That’s for safety.”⁵³ Sergeant Rubald offered the same justification for pushing another unknown civilian, though he did not have an independent recollection of it. Finally, Sergeant Rubald explained that he pushed ██████████ because there was “an extremely aggressive crowd and we’re trying to get them off the block.”⁵⁴ Sergeant Rubald acknowledged that ██████████ fell after he pushed him, but the sergeant was uncertain if ██████████ tripped over his own feet or fell due to the push. Sergeant Rubald did not complete a TRR because he heard from multiple supervisors and over the radio that an open TRR was in effect. Sergeant Rubald did not recall officers striking ██████████ with their batons and he denied seeing officers use excessive force against ██████████

Sergeant Allen Finley (“Sergeant Finley”)⁵⁵

COPA interviewed Sergeant Finley on March 31, 2021. On May 31, 2020, Sergeant Finley was a 24th District tactical sergeant who was deployed to the 1st District. He could not recall if he was wearing a BWC or why he did not record this incident. Sergeant Finley stated he responded to a call for assistance at Hubbard & Clark and observed a hostile crowd of protesters. He had his baton out “to keep the crowd away from the police.”⁵⁶ Sergeant Finley told COPA he did not recall observing any officers use excessive force. After watching the surveillance video, Sergeant Finley

⁵⁰ Atts. 75 & 98.

⁵¹ Att. 98, Page 14, Lines 1 – 2.

⁵² Atts. 57 & 99.

⁵³ Att. 99, Page 13, Lines 14 – 17.

⁵⁴ Att. 99, Page 15, Lines 21 – 24.

⁵⁵ Atts. 44 & 100.

⁵⁶ Att. 100, Page 14, Lines 9 – 10.

denied that he saw any of the following events in-person on May 31, 2020: Officer Foster striking a civilian with his baton; Officer Neita-Scott pushing a civilian; or Officers Simic, Sandoval, and Bankus striking ██████████ with their batons. Sergeant Finley also denied seeing officers use force against ██████████

Sergeant Jason Slater (“Sergeant Slater”)⁵⁷

COPA interviewed Sergeant Slater on August 10, 2021. Sergeant Slater’s regular day off (“RDO”) was canceled on May 30, 2020, and his BWC got lost. On May 30, 2020, Sergeant Slater attended roll call at McCormick Place, where he learned that CPD was “operating with a blanket TRR and a mass arrest situation.”⁵⁸ Sergeant Slater asked for clarification on what a blanket TRR was, but he did not receive an answer. He assumed it meant that all force would be documented as one incident without specific details for every use of force that was used. The following day, Sergeant Slater was a 19th District tactical sergeant and deployed to the Central Business District. He responded to a call for help because “the Central Bike Unit was having an issue.”⁵⁹ Sergeant Slater recalled that he ordered officers to form a line so the crowd of civilians could not walk down the street. He did not observe excessive force and asserted he would have intervened or reported if he had. After reviewing the surveillance video, Sergeant Slater denied he observed any altercations.

iii. Witness Officers

Officer Jeffery Bybee (“Officer Bybee”)⁶⁰

COPA interviewed Officer Bybee on June 24, 2021. Officer Bybee described the weekend of May 29 – 31, 2020 as “hostile”,⁶¹ “insane”,⁶² and “from a bad movie.”⁶³ Officer Bybee was on a bike team and instructed that mass arrest procedures and a blanket TRR were in effect. After watching the surveillance video, Officer Bybee recalled that a sergeant was chasing a protester, now known to be ██████████ and Officer Bybee joined the pursuit on his bike. Bike officers encircled ██████████ and an angry crowd approached the officers. Protesters threw projectiles at officers, and someone called a 10-1 over the radio. Officer Bybee remained on guard with ██████████ and was not aware of the altercations occurring around him.

Officer Jeremiah Szlaga (“Officer Szlaga”)⁶⁴

COPA interviewed Officer Szlaga on June 23, 2021. Officer Szlaga was not wearing BWC on May 31, 2020, as he had recently transferred units and had not yet been assigned a new camera. Officer Szlaga related that the weekend of May 29 – 31, 2020 “all kind of blends together” with

⁵⁷ Atts. 165 & 166.

⁵⁸ Att. 166, Page 6, Lines 21 – 22.

⁵⁹ Att. 166, Page 9, Lines 13 – 14.

⁶⁰ Atts. 113 & 152.

⁶¹ Att. 152, Page 9, Line 24 & Page 10, Line 1.

⁶² Att. 152, Page 10, Line 3.

⁶³ Att. 152, Page 10, Line 3.

⁶⁴ Atts. 108 & 148.

“protest after protest and...10-1 after 10-1.”⁶⁵ Officers were instructed that mass arrest procedures were in place, with wagons transporting arrestees and other officers processing the arrests. Officers were also advised that a blanket TRR was in effect. Officer Szlaga believed he went to Hubbard & Clark to assist with crowd control while officers waited with [REDACTED]. Officer Szlaga recalled interacting with [REDACTED] who was angry and yelling, causing spit to go into the officer’s face. Officer Szlaga asked [REDACTED] to calm down, and Sergeant Kasput asked for more units over the radio as the crowd grew in size. Sergeant Martin arrived at the scene and tried to move the crowd back. Officer Szlaga remained with [REDACTED] “to create a safe area until the mass arrest team or whoever was going to transport the arrestee to arrive.”⁶⁶

Officer [REDACTED] Kovacs (“Officer Kovacs”)⁶⁷

COPA interviewed Officer Kovacs on June 23, 2021. On May 31, 2020, Officer Kovacs was assigned to the 24th District and deployed downtown. Officer Kovacs did not know why he did not record on his BWC but related that on some days, he started in the parking lot and only had four hours between shifts. Officer Kovacs was instructed that an arrest team would complete reports and TRRs. Officer Kovacs recalled responding to a 10-1 at Hubbard & Clark. Officer Kovacs was told to form a line and he did. Officer Kovacs added that there was dumpster which people were throwing debris from, and his holster was hit by a concrete block.

Officer Patrick Kearney (“Officer Kearney”)⁶⁸

COPA interviewed Officer Kearney on July 13, 2021. After watching surveillance video, Officer Kearney believed he went to Hubbard & Clark in response to a request for officer assistance. Officer Kearney vaguely recalled the altercation between [REDACTED] and Sergeant Martin, and he speculated that Sergeant Martin told [REDACTED] to get back. Officer Kearney did not recall why he moved from the line of officers guarding [REDACTED] to the officers struggling with [REDACTED] but suggested they might have needed help. When asked why he put his hand on Officer Seiser as Officer Seiser struck [REDACTED] with his baton, Officer Kearney responded, [REDACTED] was combative with the police...even on the ground. And through the chaos and all the noise...he was saying, ‘I’m okay’ and I observed him not fighting as much, which— I don’t know if [Officer Seiser] observed the same thing.”⁶⁹ As [REDACTED] struggled with other officers, Officer Kearney went hands-on with [REDACTED] to help place him into custody. Officer Kearney did not recall [REDACTED] holding anything.

Officer Brian Stoyak (“Officer Stoyak”)⁷⁰

COPA interviewed Officer Stoyak on May 11, 2021. On May 31, 2020, Officer Stoyak was assigned to the bike unit and deployed to the Central Business District. Officer Stoyak could not recall if he was wearing his BWC and related it might not have been charged due to his long hours the previous day. Officer Stoyak was aware it was a mass arrest incident, and officers in the

⁶⁵ Att. 148, Page 7 Lines 17 – 18 & 21.

⁶⁶ Att. 148, Page 20, Line 7 – 9.

⁶⁷ Atts. 110 & 155.

⁶⁸ Atts. 160 & 168.

⁶⁹ Att. 169, Page 22, Lines 5 – 11.

⁷⁰ Atts. 63 & 97.

field would give the arrest team their information, and the arrest team would process the arrest. Officer Stoyak did not recall being told TRRs were not required. He did not have an independent recollection of responding to Hubbard & Clark, as “all the incidents blended in.”⁷¹

b. Digital Evidence

Boss Bar Security Footage⁷²

At approximately 8:05 PM, ██████ runs north on Clark St., followed by Sergeant Kasput on his bike. Sergeant Kasput catches up to ██████ and strikes him with his bike, and ██████ falls to the ground.⁷³ Additional bike officers catch up and detain ██████ on the northwest corner of Hubbard and Clark. A crowd of protesters also starts to approach, and Officer Aviles drags ██████ down the sidewalk on Clark St.⁷⁴ Bike officers then make a semicircle around ██████ and Officer Aviles.

At approximately 8:09 PM, ██████ and ██████ approach the perimeter. Sergeant Martin tries to get past the protestors, but ██████ stays in place and resists Sergeant Martin’s pushes. More officers approach on foot and move civilians out of their way. Sergeant Martin pushes ██████ against a wall, and Officer Obradovic grabs ██████ left arm and flings him north, towards the corner of Hubbard & Clark. ██████ turns to face Officer Obradovic, who pushes ██████ backwards and falls on top of him. Multiple officers then swing their batons at ██████. Officers form a line across the north end of Clark St., and another line of CPD members push the crowd south on Clark St. Several officers remain on guard around ██████ while others address altercations and/or join the lines blocking off Clark St. At approximately 8:16 PM, the video captures Unknown Officer #7 on the northwest corner of the intersection, and SWAT arrives about a minute later. At approximately 8:20 PM, the crowd dissipates.

Body Worn Camera (“BWC”)⁷⁵

Sergeant Matthew Kasput (labeled as Sergeant Shannon Martin)⁷⁶

At approximately 8:07 PM, Sergeant Kasput is on the northwest corner of Hubbard & Clark as bike officers detain ██████. Less than a minute later, protestors begin to approach the scene. The bike team brings ██████ south on Clark St. and makes a semi-circle around him. Sergeant Kasput stands directly in front of ██████ with his back to the arrestee. Protestors continue walking

⁷¹ Att. 97, Page 14, Lines 19 – 20.

⁷² Att. 9. Guides for the accused officers’ actions as seen in video can be found in the Appendices.

⁷³ Approximately 00:00:45 minutes of Att. 9, Channel 3.

⁷⁴ Approximately 00:03:51 minutes of Att. 9, Channel 3.

⁷⁵ The remaining BWC footage gathered in the course of this investigation and not detailed in this report lacks content relevant to the present allegations.

⁷⁶ Att. 8, “Sgt Shannon Martin_2020-05-31_2009.” This video was uploaded onto evidence.com under Sergeant Martin’s profile, and subsequently saved as such in COPA’s case file. However, after comparing the video to surveillance footage and interviewing both Sergeants Martin and Kasput, it is clear that Sergeant Kasput actually recorded this BWC footage.

past them and a crowd forms, at which point Sergeant Kasput activates his BWC⁷⁷ and requests assistance over the radio. He shakes his OC spray and comments, “Step it up, they’re throwing bricks here.”⁷⁸ People in the crowd shout for CPD to release ██████████ and they try to obtain ██████████ name and information.

At approximately 8:12 PM, additional officers arrive at the scene. Seconds later, the crowd moves north on Clark St., while Sergeant Kasput and additional officers remain around ██████████. Officers form a line across Clark St., and they struggle with at least two civilians who are apparently refusing to move.⁷⁹ A larger scuffle ensues, with protesters throwing objects and yelling profanities at CPD members. At 8:19 PM, Unknown Officer #7 tells a SWAT member, “My order is gonna come real fast. I’m not really gonna take [inaudible].”⁸⁰ Seconds later, Unknown Officer #7 orders the line of officers in the middle of Clark St. to move forward. Sergeant Kasput terminates his BWC after asking an officer for ██████████ whereabouts.

*Officer Ivan Aviles*⁸¹

At approximately 8:19 PM, Officer Aviles escorts ██████████ to a wagon. Officers Aviles, Officer Bybee, and the squadrol officer all search ██████████ before ██████████ is secured inside the wagon. Officers Seiser and Foster next escort ██████████ to the wagon, noting that he has asthma and just used his inhaler. At about 8:21 PM, additional officers walk past while escorting a handcuffed Tim ██████████⁸²

*Officer Kimberly Otten*⁸³

Officer Otten follows as Officer Aviles drags ██████████ south down the sidewalk on Clark St., and bike officers make a perimeter around ██████████. A crowd forms around the officers detaining ██████████ voicing their displeasure. Additional bike officers arrive at approximately 8:12 PM and began moving the crowd back. Shortly after, Sergeant Martin pushes ██████████ towards a wall.⁸⁴ As ██████████ turns around to face Sergeant Martin, at least three officers surround ██████████ with their bikes. Sergeant Martin pushes ██████████ right shoulder, and Officer Obradovic flings ██████████ north on the sidewalk. ██████████ falls, is immediately surrounded by officers, and goes out of view.

*Officers Melissa Obermayr and Jimmy Piedrasanta*⁸⁵

At approximately 8:16 PM, Officers Obermayr and Piedrasanta arrive at Hubbard & Clark and join the line of officers blocking off the north end of Hubbard. Officers warn each other about

⁷⁷ At the time a member activates his/her BWC, the camera automatically saves the previous two minutes of video without audio.

⁷⁸ Approximately 2:42 minutes of Att. 8, “Sgt Shannon Martin_2020-05-31_2009.”

⁷⁹ Approximately 8:49 minutes of Att. 8, “Sgt Shannon Martin_2020-05-31_2009.”

⁸⁰ Approximately 12:05 minutes of Att. 8, “Sgt Shannon Martin_2020-05-31_2009.”

⁸¹ Att. 8, “Aviles_2020-05-31_2019”

⁸² Att. 7, ██████████

⁸³ Att. 124

⁸⁴ Approximately 3:44 minutes of Att. 124.

⁸⁵ Atts. 176 & 177

rocks being thrown. At 8:17 PM, officers announce, “get ready for gas” and put their face shields down.⁸⁶ Officers escorting █████ █████ walk past at roughly 8:20 PM.

*GoPro Footage*⁸⁷

█████ recorded footage on his GoPro camera. The video begins with █████ and █████ walking near Clark and Wacker. Mounted units are seen on the Clark St. bridge. The two men join a group of protestors and walk north on LaSalle, east on Hubbard, then turn south onto Clark. █████ and █████ approach the bike officers detaining █████ on the sidewalk. Sergeant Martin and additional bike officers arrive at the scene, and Sergeant Martin pushes his bike past █████ and stops next to █████. When █████ does not immediately move, Sergeant Martin pushes █████ back with his bike. Officer Obradovic grabs █████ left elbow and pulls him away from the officers detaining █████. █████ moves several feet before turning around to face Officer Obradovic. Officer Obradovic and Sergeant Rubald then advance on █████ who falls backwards as Officer Obradovic falls on top of him. Officer Seiser then strikes █████ with his baton. █████ reaches towards █████ and Officer Wojtan pushes █████ against the wall with a horizontal baton. █████ falls to the ground before other protestors assist him.

*Radio Transmissions*⁸⁸

At approximately 8:04 PM, Beat 1834 reports that a group of protestors is heading south from LaSalle. About three minutes later, Beat 1834 informs Dispatch that the group is still heading south on LaSalle and is crossing Illinois. At roughly 8:08 PM, an officer relates that individuals walking east on Hubbard are throwing bottles.⁸⁹ Beat 1834 also observes bottles thrown and comments that the group has split into two, with “some heading southbound on LaSalle, some are going eastbound on Hubbard throwing stuff at the buildings and businesses.”⁹⁰ About a minute later, Beat 1840 states there is a large group heading east on Hubbard from LaSalle, and another officer adds the crowd is walking south towards Kinzie. At approximately 8:13 PM, Beat 1824 requests additional units to Clark & Hubbard.⁹¹

*News Media*⁹²

█████ and ABC7 Chicago reported on this incident. Their video shows officers approaching the bike team as they are detaining █████. Sergeant Rubald arrives at the scene first, followed by Officers Oviedo, Obradovic, and Seiser. The video then shows Officer Sandoval strike █████ with his baton, followed by Officer Simic and then Officer Bankus.⁹³ Later, Officers Foster and Seiser are seen detaining █████.⁹⁴

⁸⁶ Approximately 2:46 minutes of Att. 176.

⁸⁷ Atts. 12 & 14.

⁸⁸ Att. 10, “Z4 2000-2130.mp3.”

⁸⁹ Approximately 8:11 minutes of Att. 10, “Z4 2000-2130.mp3.”

⁹⁰ Approximately 8:25 minutes of Att. 10, “Z4 2000-2130.mp3.”

⁹¹ Approximately 13:24 minutes of Att. 10, “Z4 2000-2130.mp3.”

⁹² Att. 24, “old town video ScreenCapture_2020-6-9 07.55.06.mp4.”

⁹³ Approximately 00:29 minutes of Att. 24, “old town video ScreenCapture_2020-6-9 07.55.06.mp4.”

⁹⁴ Approximately 00:54 minutes of Att. 24, “old town video ScreenCapture_2020-6-9 07.55.06.mp4.”

*Social Media*⁹⁵

A now defunct Twitter account, maintained by individual named [REDACTED], shared a video of the incident that was submitted to the City of Chicago's Office of the Inspector General ("OIG"). The OIG then forwarded the complaint to COPA. [REDACTED] Twitter video captures officers shouting "back up" as protestors quickly move away. The video then shows Sergeant Rubald and Officer Obradovic pushing [REDACTED] back.⁹⁶ [REDACTED] falls backwards and Officer Obradovic falls on top of him. Officer Foster strikes a protestor's bicycle spokes with his baton, before several officers strike [REDACTED] with batons.⁹⁷ As officers struggle with [REDACTED] falls to the curb and is struck by Officer Sandoval's baton, followed by Officer Simic's baton and Officer Bankus' baton.⁹⁸

c. Documentary Evidence*CPD Documentation*

COPA obtained the arrest reports for [REDACTED] and [REDACTED] from May 31, 2020, under RD #JD248566.⁹⁹ The men were arrested at 430 N. Clark St. at approximately 8:15 PM. All three were charged with disorderly conduct, with narratives stating Sergeant Martin observed them "assemble with three or more persons for the purpose of using force or violence to disturb the public peace." Each of the arrest reports identifies Sergeant Martin as the arresting officer, and lists Detective Robert Shultz as the processing and attesting officer. The reports indicate none of the arrestees reported pain or injuries. Case and supplementary reports under RD #JD248566 are unrelated to the present investigation.¹⁰⁰

Only one Tactical Response Report ("TRR") was filed under RD #JD248566, which is unrelated to the present investigation.¹⁰¹

Federal Civil Lawsuits

On May 26, 2021, [REDACTED] and [REDACTED] each filed federal civil lawsuits, which were consolidated on August 18, 2021, and are pending as of the date of this report.¹⁰² [REDACTED] complaint asserts he observed officers detaining [REDACTED] at Hubbard & Clark. [REDACTED] tried to help [REDACTED] but officers used their bikes to push away [REDACTED] and other civilians. More officers arrived and [REDACTED] was shoved from behind and knocked to the ground. [REDACTED] alleged that he was beaten by batons and assaulted, including by Officers Seiser, Foster, Simic, and Neita-Scott. [REDACTED] was then falsely arrested by Sergeant Martin. [REDACTED] reported injuries include a traumatic head injury, head laceration, rib bruising, and leg pain. [REDACTED] complaint states that on May 31, 2020, he was beaten with batons by Officer Simic, Officer Bankus, and unknown officers after trying to assist [REDACTED] sustained a traumatic head injury, as well as cuts, bruising, and leg pain.

⁹⁵ Atts. 23-24, "river north ScreenCapture_2020-6-9 08.08.06.mp4."

⁹⁶ Approximately 00:10 minutes of Att. 24, "river north ScreenCapture_2020-6-9 08.08.06.mp4."

⁹⁷ Approximately 00:14 minutes of Att. 24, "river north ScreenCapture_2020-6-9 08.08.06.mp4."

⁹⁸ Approximately 00:18 minutes of Att. 24, "River north ScreenCapture_2020-6-9 08.08.06.mp4."

⁹⁹ Att. 7.

¹⁰⁰ Atts. 16 – 18.

¹⁰¹ Atts. 33, 197 & 198.

¹⁰² Case numbers [REDACTED] ([REDACTED] and [REDACTED] ([REDACTED] Atts. 66 – 69, 179 – 195.

*Criminal Court Proceedings*¹⁰³

On June 1, 2020, criminal case #20119615001 was filed in the Cook County Clerk of Courts naming █████ as a defendant. █████ was charged with one quasi-misdemeanor count of disorderly conduct – assembly. A judgement of non-suit was entered on September 16, 2020.

VI. LEGAL STANDARD

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.¹⁰⁴ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. 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.”¹⁰⁵ *Id.* at ¶ 28.

VII. ANALYSIS

a. █████ █████

The relevant videos capture █████ running north on Clark St., away from Sergeant Kasput on his bike, and tossing his backpack aside. As █████ approaches Hubbard St., Sergeant Kasput catches up to him. Sergeant Kasput’s foot comes off his bike as he leans his left shoulder into

¹⁰³ Att. 196.

¹⁰⁴ *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).

¹⁰⁵ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

¹⁰⁶ Appendix 1 contains screenshots and a detailed description of the video evidence capturing █████ interactions with CPD.

██████████ right side. ██████████ immediately falls forward into a wall and then to the ground. Sergeant Kasput stops his bike, knocks into ██████████ and additional bike officers detain ██████████. Officer Aviles grabs ██████████ by the collar and sits him up. ██████████ acts as dead weight and falls back to the ground. Officer Aviles and another bike officer then put ██████████ in zip-tie restraints. Officer Aviles goes through ██████████ pockets, tossing ██████████ phone, headphones, cigarette rolling papers, and wallet to the ground. Officer Aviles tries to stand ██████████ up, but he again goes limp. Officer Aviles proceeds to drag ██████████ south, down the northwest sidewalk of Clark St., by his cuffed wrists, while ██████████ is face down and his hips are touching the pavement. The remaining bike team, including Sergeant Kasput, set up a perimeter around ██████████ as protestors approach. Officer Aviles, ██████████ and Sergeant Kasput largely remain in place, as more protestors arrive and altercations with CPD occur in the immediate vicinity. After about ten minutes, CPD members block off Clark St., the civilians disperse, and Officers Aviles and Bybee walk ██████████ to a transport wagon.

i. Sergeant Kasput

Sergeant Martin asserted that he observed ██████████ throw a water bottle at a mounted unit and wanted ██████████ arrested. Sergeant Kasput acted on Sergeant Martin's information and chased ██████████ on his bike. ██████████ GoPro footage confirms there were mounted units near the LaSalle bridge, and Officer Aviles confirmed that other officers pointed out ██████████ and ordered ██████████ arrest. However, ██████████ did not respond to COPA's request for an interview and there is not enough evidence to prove that ██████████ threw a water bottle at a mounted unit by the clear and convincing standard. As such, allegations 4 and 5, that Sergeant Kasput detained and arrested ██████████ without justification, are not sustained. However, COPA notes it is problematic that neither Sergeant Kasput nor Sergeant Martin ensured ██████████ arrest was appropriately documented with the correct probable cause in his arrest report.

Allegation 1 against Sergeant Kasput, that he used excessive force to detain ██████████ is sustained. Surveillance video confirms that ██████████ engaged in full flight by running from Sergeant Kasput and was therefore an active resister. CPD General Order G03-02-01 authorizes officers dealing with an active resister to conduct a takedown, which the policy defines as "the act of physically directing a subject to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the subject." However, this policy does not allow officers to use a bike to perform a takedown. At the time of the takedown, ██████████ was on foot while Sergeant Kasput was operating a rapidly moving bicycle. Once Sergeant Kasput's left shoulder touched ██████████ right side, ██████████ fell and Sergeant Kasput kept going before coming to a complete stop. The momentum from the bike was not controllable, as evident by ██████████ hitting the wall and Sergeant Kasput knocking into ██████████ with his bike tires.

Sergeant Kasput's assertion that he was trying to pull in front of ██████████ to force ██████████ to stop is not supported by video evidence.¹⁰⁷ COPA cannot verify Sergeant Kasput's intentions, but video reveals that Sergeant Kasput knocked into ██████████ and caused ██████████ to fall in a potentially dangerous way. Sergeant Kasput performed a takedown in a manner where he used his bicycle as a weapon to detain ██████████ similar to the use of direct mechanical strikes or impact

¹⁰⁷ COPA does not believe that Sergeant Kasput provide a willfully false statement and notes the chaos of that weekend, as well the time between the incident and the sergeant's COPA interview.

weapons. However, CPD policy only authorizes direct mechanical strikes and/or impact weapons against assailants. Regardless of whether [REDACTED] was an assailant at the beginning of the incident, he was an active resistor at the moment Sergeant Kasput stopped him. CPD policy requires mitigation of force to match the level of a subject's resistance. Because Sergeant Kasput used a higher level of force than the situation warranted, allegation 1 is sustained.

Similarly, Allegation 3, that Sergeant Kasput failed to complete a TRR documenting his use of force against [REDACTED] is sustained. Under Special Order S06-06, which sets forth CPD's mass arrest procedures, a TRR is required during use of force incidents involving an assailant, or when a person is injured or alleges injury. Sergeant Kasput told COPA that he did not think a TRR was required because [REDACTED] had no obvious or alleged injury. Here, [REDACTED] was struck by a moving bike, pushed into a wall, taken to the ground, and knocked into a second time as the bike stopped. Sergeant Kasput used force against [REDACTED] that could reasonably result in injury, even if injury did not actually occur. Additionally, although [REDACTED] was an active resistor, Sergeant Kasput used force appropriate for an assailant. Finally, unlike the other accused members with TRR allegations, Sergeant Kasput never asserted he believed there was a blanket TRR in effect. Because CPD policy required Sergeant Kasput to complete a TRR, allegation 3 against him is sustained.

Allegation 2, that Sergeant Kasput failed to operate his Body Worn Camera (BWC) in accordance with Special Order S03-14, is sustained. COPA has determined that Sergeant Kasput was wearing Sergeant Martin's BWC at the time of the incident. Sergeant Kasput's speculation that he inadvertently grabbed Sergeant Martin's camera is reasonable, especially in light of the chaos of that weekend and the long hours worked. Further, the fact that Sergeant Kasput did not activate the BWC until he stopped [REDACTED] is reasonable because Sergeant Kasput was operating a bicycle, requiring the use of both his hands. However, the evidence shows that after Sergeant Kasput struck [REDACTED] with his bike, he waited approximately four minutes to turn on his camera. COPA finds this delay was not reasonable. During this period, Sergeant Kasput stood on the sidewalk, observed officers engage with [REDACTED] and assisted in setting up a perimeter around [REDACTED]. None of these activities precluded Sergeant Kasput from activating his BWC in accordance with CPD policy. As a result, this allegation is sustained.

ii. Officer Aviles

Allegation 1, that Officer Aviles failed to operate his Body Worn Camera (BWC) in accordance with Special Order S03-14, is sustained. Officer Aviles activated his BWC as he escorted [REDACTED] to the wagon, approximately fifteen minutes after the incident began. COPA acknowledges that Officer Aviles' hands would not have been free to activate his BWC when he began chasing [REDACTED] because Officer Aviles needed his hands to operate his bike. However, the vast majority of this incident occurred after Officer Aviles arrived at Clark & Hubbard and got off his bike, at which point the officer had ample opportunity to activate his BWC. Because Officer Aviles violated Special Order S03-14, this allegation is sustained.

Allegation 2, that Officer Aviles threw [REDACTED] personal items while searching him, is sustained. Officer Aviles' actions are captured on video, and Officer Aviles acknowledged them during his COPA interview. General Order G02-01 states, "Department members will act,

speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.” Officer Aviles handled [REDACTED] property in a manner that it could have become lost or broken, especially the cell phone. Officer Aviles failed to safeguard [REDACTED] property and his actions showed a lack of respect for [REDACTED] therefore, COPA finds allegation 2 is sustained.

Allegation 3, that Officer Aviles dragged [REDACTED] down the sidewalk while [REDACTED] was in handcuffs, is exonerated. [REDACTED] was a passive resistor in his interactions with Officer Aviles, as the video shows [REDACTED] acting as dead weight and refusing to cooperate with CPD. General Order G03-02-01 allows holding techniques on passive resisters, to “include a firm grip, grabbing an arm, wristlocks, and come-along holds.” While this policy also discourages “using force against a person who is secured and restrained with hands or other restraining devices,” Officer Aviles had to move a non-compliant arrestee. The surging crowd eliminated time for Officer Aviles to engage in force mitigation efforts, and the officer believed it was safer to move [REDACTED] against a wall, versus exposed on the corner. Officer Aviles used enough force to complete the necessary task of moving [REDACTED] but he did not use excessive force or cause injury. For these reasons, this allegation is exonerated.

b. [REDACTED]

The video evidence shows [REDACTED] arrive at Hubbard & Clark and approach bike officers detaining [REDACTED] at roughly 8:09 PM. Sergeant Martin arrives on his bike at approximately 8:12 PM, and he pushes civilians out of his way to reach the officers guarding [REDACTED] stays in place and leans forward. Sergeant Martin pushes [REDACTED] who initially moves back before taking a step towards the sergeant. Sergeant Martin again pushes [REDACTED] until [REDACTED] is against a wall. Officer Obradovic then grabs [REDACTED] upper body and pushes [REDACTED] down the sidewalk, away from the bike team and [REDACTED] stumbles, then turns around to face Officer Obradovic. As Officer Obradovic and Sergeant Rubald advance on [REDACTED] with their batons held horizontally, Officer Oviedo strikes [REDACTED] twice with his baton. [REDACTED] left foot catches on a bike, causing [REDACTED] to fall backwards and Officer Obradovic to fall on top of [REDACTED]

As [REDACTED] and Officer Obradovic fall on the sidewalk, the officer loses control of his baton to [REDACTED] Officer Obradovic begins punching [REDACTED] with his right hand while holding [REDACTED] body with his left hand. Officer Seiser begins striking [REDACTED] with his baton. Officer Foster approaches and goes hands-on with [REDACTED] also using his baton to strike [REDACTED] Officer Kearney then approaches and puts his hands on Officer Seiser. Officer Seiser steps back and Officer Kearney goes hands-on with [REDACTED] as does Officer Neita-Scott, who strikes [REDACTED] with his baton. After several seconds, Officer Foster extracts a wooden baton from underneath [REDACTED] body. [REDACTED] tries to crawl away and holds his arms to his chest. Officers Foster and Seiser again strike [REDACTED] with their batons. Sergeant Rubald and Sergeant Finley stand nearby as officers try to arrest [REDACTED] Officers Seiser and Foster struggle with [REDACTED] for about two minutes before they are able to restrain [REDACTED] in zip-ties. Sergeant Rubald assists in the struggle and detention, as do Officers Kearney, Simic, Neita-Scott, and Bankus. Officers Foster and Seiser then escort [REDACTED] to a transport wagon.

¹⁰⁸ Appendix 2 contains screenshots and a detailed description of the video evidence capturing [REDACTED] interactions with CPD.

i. Sergeant Martin

Allegation 2, that Sergeant Martin engaged in an unnecessary physical altercation with ██████ is exonerated. Based on video evidence, Sergeant Martin's COPA interview, and ██████ FBI interview, Sergeant Martin ordered ██████ to move but ██████ did not comply. The video shows that once Sergeant Martin attempted to push ██████ out of his way, ██████ actually moved closer to Sergeant Martin. ██████ assertion that there was nowhere for him to go is not supported by the video evidence. This is evident by the fact that ██████ who was standing next to ██████ was able to move towards the street. Once Sergeant Martin got off his bike and pushed ██████ into a wall, ██████ was surrounded by officers. Additional officers then engaged with ██████ and Sergeant Martin remained in the perimeter around ██████. Because ██████ was a passive resister who refused to move, Department policy authorized Sergeant Martin to use nonimpact pressure to gain ██████ compliance.

Allegation 3 against Sergeant Martin, that he detained ██████ without justification, is unfounded. The video and testimonial evidence shows that Sergeant Martin was not attempting to detain ██████ but rather was trying to get ██████ to move out of the area. Sergeant Martin was justified in asking ██████ to move because a large crowd was gathering and reportedly throwing projectiles at CPD, and officers needed to safely bring ██████ to a transport wagon. ██████ refused to move, so Sergeant Martin pushed ██████ away. ██████ still did not move, resulting in other Department members detaining and ultimately arresting ██████. In fact, after Officer Obradovic first grabbed and released ██████ stopped, turned around, and choose to further engage with CPD. At that point, ██████ was again no longer surrounded by CPD and had space to leave. Therefore, COPA finds that Sergeant Martin did not detain ██████ and allegation 3 is unfounded.

ii. Officer Obradovic

Allegation 2, that Officer Obradovic pushed ██████ without justification, is exonerated. As detailed above, Sergeant Martin tried to get ██████ to leave the area voluntarily, but ██████ did not comply. When Officer Obradovic approached, Sergeant Martin was in the process of pushing ██████ against the wall. Officer Obradovic then grabbed ██████ upper body, pushed him away from Sergeant Martin, and released him. ██████ was a resister who refused to move, and Department policy authorized Officer Obradovic to use nonimpact pressure to gain ██████ compliance. After Officer Obradovic released ██████ regained his balance. ██████ was not surrounded by officers at this point, and he could have walked away. Instead, ██████ stopped and turned to face Officer Obradovic, who was holding his baton horizontally in two hands. The officer used his baton to push ██████ away, and both men fell to the ground. COPA finds that ██████ was a passive resister who refused to obey lawful orders to move; therefore, under General Order G03-02-07, Officer Obradovic was authorized to use his baton as a control instrument, with nonimpact pressure.

Allegation 3, that Officer Obradovic took ██████ to the ground without justification, is unfounded. COPA's review of the video evidence reveals that ██████ was walking backwards as Officer Obradovic pushed him with a horizontal baton. ██████ left foot became caught on a bike, and he fell backwards. The video and testimonial evidence suggest that ██████ grabbed Officer Obradovic's baton as he fell, pulling Officer Obradovic down on top of him. Officer Obradovic told COPA he did not perform a takedown of ██████ and the evidence indicates ██████ fell due to his own actions. For these reasons, allegation 3 is unfounded against Officer Obradovic.

Allegation 4 against Officer Obradovic, that he punched ██████ without justification, is exonerated. Based on video evidence and Officer Obradovic's COPA interview, it appears ██████ grabbed Officer Obradovic's baton as the two men fell to the ground. ██████ then held the baton to his chest and tried to crawl away. As seen in the surveillance video, Officer Obradovic held his baton horizontally as he and ██████ began to fall.¹⁰⁹ By mid-fall, Officer Obradovic held the baton in his left hand, pointed towards ██████¹¹⁰ ██████ then held his right arm to his chest and pushed Officer Obradovic with his left arm.¹¹¹ Officer Obradovic began striking ██████ with his closed right fist, and the video shows the officer's left hand was free, *i.e.*, no longer holding the baton.¹¹² Additional officers joined in the struggle and Officer Obradovic disengaged from ██████. The video shows a wooden baton underneath ██████ body as officers struggled to gain ██████ compliance,¹¹³ and Officer Foster ultimately pulled the baton from underneath ██████¹¹⁴ Under the Department's Use of Force policy, ██████ went from a resister to assailant when he took possession of Officer Obradovic's baton. General Order G03-02-01 allows the use of direct mechanical strikes, including punches, against assailants such as ██████. For these reasons, allegation 4 against Officer Obradovic is exonerated.

Allegation 5, that Officer Obradovic detained ██████ without justification, is exonerated. ██████ became an assailant when he grabbed Officer Obradovic's baton, and CPD's goal shifted from getting ██████ to leave to effecting ██████ arrest. Because CPD had probable cause to detain and arrest ██████, Allegation 5 is exonerated for Officer Obradovic.

iii. Officer Oviedo

Allegation 2 against Officer Oviedo, that he struck ██████ with his baton without justification, is sustained. Officer Oviedo told COPA he swung his baton at ██████ after ██████ took control of Officer Obradovic's baton. However, surveillance video reveals that Officer Oviedo struck ██████ left hip area with his baton as ██████ was being pulled aside by Officer Obradovic.¹¹⁵ At this point, ██████ had not yet grabbed Officer Obradovic's baton, and he was still a resister who refused to comply with lawful orders to leave. COPA does not believe Officer Oviedo provided a willfully false statement, and notes the chaos of the situation, the rapidly unfolding events, and length of time between the incident and Officer Oviedo's interview. However, the video evidence is clear that Officer Oviedo swung his baton at ██████ while ██████ was a resister, not an assailant. General Orders G03-02-01 and G03-02-07 prohibit the use of impact weapons on resisters; therefore, COPA finds this allegation is sustained.

iv. Officer Simic

Allegation 1 against Officer Simic, that he used a baton against ██████ without justification, is sustained. Officer Simic first swung his baton at ██████ after both ██████ and Officer Obradovic fell, and Officer Obradovic's hands were free. However, Officer Simic told COPA he

¹⁰⁹ Att. 9, Channel 7; see Appendix 2, Image 2.15.

¹¹⁰ See Appendix 2, Image 2.16.

¹¹¹ See Appendix 2, Image 2.17 & Image 2.18.

¹¹² See Appendix 2, Image 2.19 & Image 2.20.

¹¹³ Att. 9, Channel 21; see Appendix 2, Image 2.33 & Image 2.34.

¹¹⁴ See Appendix 2, Image 2.36.

¹¹⁵ See Appendix 2, Image 2.14.

swung his baton at [REDACTED] because the crowd was hostile, officers needed assistance, and CPD needed to establish a perimeter. Officer Simic was not aware [REDACTED] had Officer Obradovic's baton at the time he first swung his baton. Officer Simic's statement to COPA, as well as his actions in the surveillance video, indicate he was acting in the spirit of [REDACTED] being a resister who was refusing to leave. Based on the knowledge Officer Simic had at the time, [REDACTED] was not an assailant. General Orders G03-02-01 and G03-02-07 do not allow the use of impact weapons for crowd control or against resisters; therefore, this allegation is sustained.

v. Officer Neita-Scott

Allegation 4, that Officer Neita-Scott struck [REDACTED] with his baton without justification, is exonerated. Officer Neita-Scott told COPA that, when he arrived at Hubbard & Clark, he saw [REDACTED] and Officer Obradovic falling, and he realized that [REDACTED] had Officer Obradovic's baton. The surveillance video confirms that Officer Neita-Scott went hands-on with [REDACTED] as soon as he and Officer Obradovic fell to the ground. Officer Neita-Scott initially tried to hold [REDACTED] down, but [REDACTED] attempted to crawl away. At that point, Officer Neita-Scott struck [REDACTED] back with his baton approximately two times. Officer Neita-Scott then struck [REDACTED] in the back again, as Officer Foster extracted a baton from underneath [REDACTED] body. Officer Neita-Scott's helmet fell off and he disengaged from [REDACTED] enabling [REDACTED] to continue crawling away. As stated above, [REDACTED] became an assailant when he tried to abscond with Officer Obradovic's baton. Officer Neita-Scott stopped the baton strikes as soon as Officer Foster gained control of Officer Obradovic's baton. Under CPD policy, Officer Neita-Scott was permitted to use baton strikes against an assailant, and he modified his force as [REDACTED] behavior changed. For these reasons, COPA finds this allegation is exonerated.

vi. Officer Foster

Allegation 4, that Officer Foster struck [REDACTED] with his baton without justification, is sustained. Officer Foster told COPA he saw [REDACTED] holding Officer Obradovic's baton, and he struck [REDACTED] with his own baton to get [REDACTED] to release the baton. However, Officer Foster continued using baton strikes after he took the baton from [REDACTED] and he struck [REDACTED] at least five times after [REDACTED] was no longer an assailant. The surveillance video confirms that Officer Foster went hands-on with [REDACTED] almost as soon as [REDACTED] fell. During the struggle, Officer Foster pulled a wooden baton from underneath [REDACTED] body. [REDACTED] tried to crawl away, and Officer Foster jabbed [REDACTED] in the side with his baton before briefly disengaging. [REDACTED] continued to crawl towards the street while Officer Kearney straddled [REDACTED] legs and tried to grab [REDACTED] arms, which [REDACTED] held to his chest. At that point, [REDACTED] flipped onto his stomach, and Officer Foster repeatedly struck [REDACTED] in the legs with his baton. Sergeant Rubald then approached and Officer Foster backed off. The scuffle deescalated and Officer Foster again went hands-on to handcuff [REDACTED]. After approximately two minutes, Officers Seiser and Foster restrained [REDACTED] and walked him to a wagon.

COPA finds that Officer Foster's initial baton strikes complied with CPD policy, as [REDACTED] had control of Officer Obradovic's baton and was therefore an assailant. However, once Officer Foster took possession of the baton, [REDACTED] became an active resister trying to defeat arrest. COPA finds the baton strikes Officer Foster used after extracting Officer Obradovic's baton violated CPD

policy, as General Orders G03-02-01 and G03-02-07 prohibit the use of impact weapons against active resisters. For these reasons, allegation 4 is sustained.

Allegations 5 and 6, that Officer Foster detained and arrested ██████ without justification, are exonerated. As explained with Officer Obradovic, CPD had probable cause to arrest ██████ after ██████ took control of Officer Obradovic's baton, and Officer Foster's participation in ██████ detention and arrest were not misconduct. However, COPA notes it is problematic that the true details of ██████ arrest, including Officer Foster's involvement, were not memorialized in ██████ arrest report.

c. ██████ ██████

The video evidence shows ██████ and ██████ arrive at Hubbard & Clark at approximately 8:09 PM, and approach the bike officers detaining ██████¹¹⁷ At approximately 8:12 PM, Sergeant Martin arrives at the scene and engages with ██████ steps closer to the street and ends up outside the line of officers, with ██████ remaining inside.¹¹⁸ As Sergeant Martin pushes ██████ against the wall and Officer Obradovic pushes ██████ with his baton, ██████ walks closer to ██████ When ██████ walks past Sergeant Rubald and nears ██████ Officer Wojtan and Sergeant Rubald advance on ██████ Officer Wojtan holds his baton horizontally, with an end of the baton in each hand, and uses the baton to push ██████ into the wall.¹¹⁹ Sergeant Rubald then grabs ██████ right arm and flings ██████ towards the street, while Officer Oviedo swings his baton at ██████¹²⁰ ██████ falls to the ground, at which point Officers Simic and Sandoval strike him with their batons.¹²¹ Officer Bankus also joins in, striking ██████ with his baton. Sergeant Rubald then approaches and an unknown civilian shields ██████ with a bike. ██████ flees and civilians tend to his injuries.

i. Officer Wojtan

Allegation 2, that Officer Wojtan used his baton to push ██████ without justification, is exonerated. As Officer Obradovic fell onto ██████ attempted to walk past Sergeant Rubald to reach ██████ In his FBI interview, ██████ confirmed he was trying to break ██████ fall. Officer Wojtan reported that he held his baton horizontally for crowd control, and the surveillance video and GoPro footage confirm his account. Officer Wojtan approached ██████ and used his baton to push ██████ against the wall.¹²² Officer Wojtan disengaged when Sergeant Rubald pushed ██████ towards the street. COPA finds ██████ was an active resister at the moment Officer Wojtan pushed him into the wall. By ██████ own admission, he was trying to interfere with the officers engaged with ██████ General Order G03-02-07 authorizes officers to use their batons as control instruments against active and passive resisters. Because ██████ was an active resister

¹¹⁶ Appendix 3 contains screenshots and a detailed description of the video evidence capturing ██████ interactions with CPD.

¹¹⁷ See Appendix 3, Image 3.1.

¹¹⁸ See Appendix 3, Image 3.3.

¹¹⁹ See Appendix 3, Image 3.4.

¹²⁰ See Appendix 3, Image 3.5.

¹²¹ See Appendix 3, Image 3.6.

¹²² See Appendix 3, Image 3.4.

who disregarded verbal commands to leave and attempted to interfere with [REDACTED] arrest, this allegation is exonerated.¹²³

ii. Sergeant Rubald

Allegation 4 against Sergeant Rubald, that he threw [REDACTED] to the ground without justification, it exonerated. As stated above, [REDACTED] was an active resister when he approached the officers engaged with [REDACTED]. Sergeant Rubald acted in accordance with General Orders G03-02-01 and G03-02-07 by using non-impact pressure to force [REDACTED] to move. Therefore, this allegation is exonerated.

iii. Officer Oviedo

Allegation 3, that Officer Oviedo used his baton against [REDACTED] without justification, is sustained. As Sergeant Rubald flung [REDACTED] towards the street, Officer Oviedo swung his baton at [REDACTED] torso. Officer Oviedo told COPA that he swung his baton to stop [REDACTED] from interfering in [REDACTED] arrest. As stated above, [REDACTED] was an active resister when Sergeant Rubald grabbed him, and [REDACTED] was mid-fall when Officer Oviedo swung at him. [REDACTED] was a resister who disregarded lawful orders to leave, but he was not an assailant. Because General Orders G03-02-01 and G03-02-07 prohibit the use of impact weapons on resisters, this allegation is sustained.

iv. Officer Simic

Allegation 2, that Officer Simic used a baton against [REDACTED] without justification, is sustained. After Sergeant Rubald flung [REDACTED] towards the street, [REDACTED] fell onto the curb in front of Officers Simic and Sandoval. As soon as [REDACTED] landed, Officer Simic turned to [REDACTED] with a raised baton. Officer Simic struck [REDACTED] in the buttocks area with his baton, approximately two times, before Sergeant Rubald approached and [REDACTED] was able to crawl away. As noted above, [REDACTED] was an active resister when Sergeant Rubald first grabbed and flung him towards the street. Once [REDACTED] landed on the curb, however, he was at most a passive resister. Officer Simic did not give [REDACTED] any time to comply with CPD orders to move. Instead, the officer immediately struck [REDACTED] with his baton. General Orders G03-02-01 and G03-02-07 prohibits the use of impact weapons on resisters; therefore, this allegation is sustained.

v. Officer Sandoval

Allegation 3 against Officer Sandoval, alleging he struck [REDACTED] with his baton without justification, is sustained. As with Officer Simic, Officer Sandoval swung his baton at [REDACTED] left hip as soon as [REDACTED] fell to the ground. [REDACTED] did not have time to comply before Officer Sandoval struck him. During his COPA interview, Officer Sandoval described [REDACTED]

¹²³ Although [REDACTED] alleged he was struck in the head with a baton when he was pushed against the wall, COPA finds his perception was inaccurate, and neither Sergeant Rubald nor Officer Wojtan struck [REDACTED] head with their batons. COPA does not believe [REDACTED] was willfully dishonest, and notes the chaos of the incident, number of involved officers, and type of injuries [REDACTED] sustained.

as an active resister; however, COPA finds that at the time Officer Sandoval struck ██████████ ██████████ was at most a passive resistor who stayed in place after falling to the ground. Regardless, General Orders G03-02-01 and G03-02-07 prohibit the use of impact weapons on resisters, and allegation 3 is sustained against Officer Sandoval.

vi. Officer Bankus

Allegation 2, alleging Officer Bankus used a baton against ██████████ without justification, is sustained. Once ██████████ fell to the ground, Officers Simic and Sandoval began striking him with their batons. Officer Bankus then approached with his baton raised, ██████████ began crawling away, and Officer Bankus struck him with the baton.¹²⁴ By crawling away, ██████████ was attempting to comply with CPD's orders to leave, making him a cooperative subject when Officer Bankus struck him.¹²⁵ Therefore, no force was justified against ██████████ at this point, least of all a baton strike with the potential to cause severe injury. Officer Bankus did not confirm or deny to COPA that he was the officer who engaged in this conduct. He had no recollection of striking anyone with his baton, but maintained that if he did so, it would have been justified because there were assailants present who were actively engaging CPD. While there may have been assailants mixed in with the protesters, ██████████ was at no point an assailant. CPD policy requires officers' force to be specific to an individual and his/her actions, and the use of an impact weapon against ██████████ violated General Orders G03-02-01 and G03-02-07.

d. Unknown Civilians & Identified Officers¹²⁶

i. Two Unknown Civilians with Bikes

1. Officer Bankus

Allegation 1, that Officer Bankus used his baton against an unknown civilian without justification, is sustained. When Officer Bankus first arrived at Hubbard & Clark, several civilians crossed his path. One civilian in particular, wearing a white bike helmet, was walking away from CPD when Officer Bankus jabbed him in the side with his baton.¹²⁷ This individual was complying with CPD orders to leave, but Officer Bankus still used an impact weapon against him. General Orders G03-02-01 and G03-02-07 do not allow the use of impact weapons against cooperating subjects; therefore, this allegation is sustained.

2. Officer Foster

¹²⁴ COPA notes that Officer Bankus may have struck ██████████ in the head with his baton. Civil court records and ██████████ FBI interview indicate ██████████ sustained a head injury during the incident, and the surveillance video does not show ██████████ with a head injury before Officer Bankus swung at him. However, due to the lack of clarity in the video evidence, COPA is not making a finding of fact that Officer Bankus used deadly force against ██████████

¹²⁵ See Appendix 3, Image 3.8

¹²⁶ Appendix 4 contains screenshots and a detailed description of the video evidence capturing the unknown civilians' interactions with identified CPD members.

¹²⁷ Appendix 4, Image 4.16

Allegation 2 against Officer Foster, that he struck an unknown civilian with his baton without justification, is sustained. Immediately after Officer Bankus used his baton to jab the unknown civilian in the white bike helmet, Officer Foster struck that same individual's backpack with his baton.¹²⁸ As stated above, this individual was cooperating and appeared to be attempting to leave. Therefore, a baton strike was not authorized under General Orders G03-02-01 and G03-02-07, and allegation 2 is sustained.

Allegation 3, that Officer Foster struck a second unknown civilian with his baton without justification, is also sustained. The surveillance video captured this second civilian, a female, wearing a black bike helmet and pink backpack. Immediately after Officer Foster swung his baton at the unknown civilian in the white bike helmet, he used his baton to strike the female in the black bike helmet.¹²⁹ This civilian was also in the process of leaving, making her a cooperating subject at the moment Officer Foster struck her. As a result, the baton strike violated General Orders G03-02-01 and G03-02-07, and allegation 3 is sustained.

ii. Unknown Male in Cuffed Jeans with Camera

1. Officer Obradovic

Allegation 6 against Officer Obradovic, alleging he pushed another unknown civilian without justification, is exonerated. After Officer Obradovic disengaged from █████ an unknown male wearing cuffed jeans walked towards the officers still struggling with █████ Officer Obradovic stepped towards the man, then pushed him backwards.¹³⁰ It is unclear from the video whether the man was trying to approach █████ or whether he intended to turn right and join the remaining civilians in the street. Officer Obradovic told COPA he believed the man was coming up on an officer's rear, and he wanted to keep the officer safe. Regardless of the man's intentions, Officer Obradovic reasonably believed the man was approaching █████ and/or CPD members. Therefore, Officer Obradovic was justified in pushing the man backwards, and this allegation is exonerated.

2. Officer Oviedo & Officer Sandoval

Allegation 4 against Officers Oviedo and Sandoval, that the officers pushed the unknown male in cuffed jeans without justification, is exonerated. After Officer Obradovic pushed the man in the cuffed jeans, the man lingered for a few seconds before he briefly veered towards █████ a second time. At that point, both Officers Oviedo and Sandoval reached towards the man.¹³¹ Officer Oviedo grabbed the man's left arm and Officer Sandoval grabbed the back of his neck. The two officers then guided the man towards the street. COPA finds the force used by Officers Oviedo and Sandoval was reasonable because the man was trying to approach the officers arresting █████ The force was necessary because the officers were concerned with safety and did not want civilians approaching them from behind. The force was proportional because it was enough to move the man without causing injury or making him trip. For these reasons, Allegation 4 is exonerated for both Officer Oviedo and Officer Sandoval.

¹²⁸ Appendix 4, Image 4.17

¹²⁹ Appendix 4, Image 4.18

¹³⁰ Appendix 4, Image 4.6

¹³¹ Appendix 4, Image 4.7 & Image 4.8

3. Officer Bankus

Allegation 3, that Officer Bankus used his baton against the unknown male in cuffed jeans without justification, is sustained. As Officers Oviedo and Sandoval released the unknown male, Officer Bankus struck the man two times with his baton.¹³² At the time of both baton strikes, the man was moving towards the street and away from ██████ making him a cooperating subject. As with ██████ and the unknown civilian in the white bike helmet, Officer Bankus was not allowed to use an impact weapon on a cooperating subject. While the man had just been a resister by refusing to leave and approaching ██████ he was a cooperating subject when Officer Bankus struck him, and baton strikes are prohibited against both resisters and cooperating subjects. Because Officer Bankus violated General Orders G03-02-01 and G03-02-07 and engaged in excessive force, this allegation is sustained.

iii. Additional Unknown Civilians

1. Sergeant Rubald

Allegations 2 and 3, that Sergeant Rubald pulled an unknown civilian without justification and unnecessarily pushed protestors with his baton, are exonerated. When Sergeant Rubald first arrived at the scene, he encountered the unknown civilian as both men walked towards the bike officers positioned around ██████. Sergeant Rubald pulled the civilian out of his path and redirected him away from the bike officers.¹³³ The sergeant then continued towards the bike team, using his baton to push back other civilians congregating around ██████.¹³⁴ In both the BWC video (attributed to Sergeant Martin but worn by Sergeant Kasput) and Twitter video, CPD is heard ordering civilians to get back. Officers also reported to COPA that they gave these commands. Because the civilians were either approaching the bike officers or congregating near them, despite CPD's orders to get back, the civilians were resisters. Therefore, CPD policy authorized Sergeant Rubald to use nonimpact pressure and batons as control instruments to gain compliance, and allegations 2 and 3 are exonerated.

2. Officer Obradovic

Allegation 1, that Officer Obradovic pushed at least one unknown civilian without justification, is exonerated. As with Sergeant Rubald's above use of force against unknown civilians, Officer Obradovic was approaching the bike officers who had requested assistance, and CPD had given civilians orders to get back.¹³⁵ The civilians remaining in the area were resisters; therefore, CPD policy authorized Officer Obradovic to use his baton as a control instrument to gain compliance.

3. Officer Sandoval

¹³² Appendix 4, Image 4.8 & Image 4.9

¹³³ Appendix 4, Image 4.3 & Image 4.14

¹³⁴ Appendix 4, Image 4.2, Image 4.4 & Image 4.5

¹³⁵ Appendix 4, Image 4.1

Allegation 2, that Officer Sandoval used his baton against an unknown civilian, is sustained. When Officer Sandoval first arrived at the scene and approached the officers detaining ██████ he encountered a group of civilians standing on the sidewalk, in the path of CPD members. The surveillance video captured Officer Sandoval raising his baton and bringing it down forcefully against one of these civilians.¹³⁶ COPA finds Officer Sandoval's use of an impact weapon violated General Orders G03-02-01 and G03-02-07. The unknown civilian was a resister, either by staying in place or moving closer to CPD members after a dispersal order was given. CPD policy does not allow the use of baton strikes on resisters, and this allegation is sustained.

4. Officer Bankus

Allegations 4 and 5, alleging Officer Bankus pushed a third and fourth unknown civilian without justification, are exonerated. After Officer Bankus struck two other unknown civilians with his baton, he remained near the intersection of Hubbard & Clark. ██████ struggled with officers behind Officer Bankus, while officers clashed with civilians in the street in front of Officer Bankus. As this occurred, two female civilians in neon green hats from the National Lawyers Guild approached CPD members. One of the civilians walked towards Officer Kearney from the rear, and Officer Bankus pushed her back.¹³⁷ Officer Bankus then proceeded to the other woman, and also pushed her away from CPD members.¹³⁸ Because both civilians approached and remained near officers making an arrest, despite CPD's orders to get back, the civilians were active resisters. Therefore, Officer Bankus was within General Orders G03-02-01 in using nonimpact pressure to gain compliance.

5. Officer Simic

Allegation 3, that Officer Simic used a baton against an unknown civilian or civilians without justification, is not sustained. Similarly, Allegation 4, that Officer Simic pushed an unknown civilian without justification, is not sustained. At approximately 8:13 PM, the surveillance video captured part of an altercation between CPD members and civilians. Officer Simic advanced towards the civilians, raised his baton, and swung the weapon.¹³⁹ Due to the angle of the video, COPA is unable to determine which civilian(s) Officer Simic swung at, what they were doing, and if anyone was struck. Officer Simic then pushed a male in plaid shirt standing in the street.¹⁴⁰ When asked why he pushed this civilian, Officer Simic denied that the push was forceful and asserted he was trying to get the man to back away from CPD members. While the man may have been a resister, the video footage is not clear enough for COPA to make this determination. Because COPA lacks sufficient evidence to determine whether Officer Simic's uses of force in Allegations 3 and 4 complied with CPD policy, both allegations are not sustained.

¹³⁶ Appendix 4, Image 4.5

¹³⁷ Appendix 4, Image 4.12

¹³⁸ Appendix 4, Image 4.13

¹³⁹ Appendix 4, Image 4.10

¹⁴⁰ Appendix 4, Image 4.11

6. *Officer Neita-Scott*

Allegations 2 and 3, that Officer Neita-Scott unnecessarily shoved multiple civilians and threw an unknown civilian, are both sustained. When Officer Neita-Scott arrived at the scene, multiple civilians crossed his path. Officer Neita-Scott pushed the unknown civilian in the white bike helmet,¹⁴¹ then immediately pushed an individual wearing a white scarf.¹⁴² Officer Neita-Scott next grabbed the woman in the black bike helmet, dragged her backwards, and flung her away from CPD members.¹⁴³ All three individuals were in the middle of leaving the scene, making them cooperating subjects. CPD policy does not authorize the use of force against cooperating subjects, per General Orders G03-02-01, and both allegations are sustained.

e. Body Worn Camera Allegations

i. Sergeant Martin

Allegation 1, that Sergeant Martin failed to operate his BWC in accordance with Special Order S03-14, is sustained. Sergeant Martin did not know why he did not record on BWC, nor why Sergeant Kasput was wearing his BWC. In fact, Sergeant Martin was not even aware that Sergeant Kasput had recorded on his BWC until he was served with COPA's allegations. In the last video uploaded to Sergeant Martin's evidence.com profile on May 30, 2020, Sergeant Martin appears on camera at approximately 9:47 PM, indicating his BWC was already being worn by Sergeant Kasput.¹⁴⁴ Sgt. Martin's evidence.com profile has 11 total videos from May 29, 2020 – May 31, 2020.¹⁴⁵ Conversely, Sergeant Kasput's evidence.com profile has no videos from the same timeframe.¹⁴⁶ This suggests that even though Sergeant Kasput wore Sergeant Martin's camera that weekend, he still recorded as usual, despite having only hours between shifts. Sergeant Martin, on the other hand, failed to record any of the events of May 31, 2020. Sergeant Martin had no recollection of mixing up his and Sergeant Kasput's cameras, nor could he explain why Sergeant Kasput was wearing his BWC or why he did not record at all. Special Order S03-14 requires Department members to activate their BWC for law-enforcement-related activities including, but not limited to: arrests, use of force incidents, high-risk situations, and/or when dealing with an adversarial public. Sergeant Martin should have recorded this incident on BWC and offered no justification for why he did not; therefore, this allegation is sustained.

ii. Sergeant Finley

Allegation 3, that Sergeant Finley failed to operate his BWC in accordance with Special Order S03-14, is sustained. Sergeant Finley was unable to recall why he did not record this incident on BWC or if he was wearing a BWC on the date of the incident. CPD policy requires officers to activate their BWCs for law-enforcement-related activities including, but not limited to, arrests, use of force incidents, high-risk situations, and/or when dealing with an adversarial public.

¹⁴¹ Appendix 4, Image 4.18

¹⁴² Appendix 4, Image 4.19

¹⁴³ Appendix 4, Image 4.20

¹⁴⁴ Att. 206, approximately 2:55 minutes/T02:47:34Z.

¹⁴⁵ Att. 208

¹⁴⁶ Att. 207

Sergeant Finley was required to wear and activate his BWC, per CPD policy, and offered no justification for why he did not. Therefore, this allegation is sustained.

iii. Sergeant Slater

Allegation 3, that Sergeant Slater failed to operate his BWC in accordance with Special Order S03-14, is exonerated. While CPD required Sergeant Slater to record this incident on BWC, he explained to COPA that his camera got lost during the previous day's shift. Because Sergeant Slater was able to provide a reasonable justification for why he did not record on BWC, this allegation is exonerated.

iv. Sergeant Rubald

Allegation 1, that Sergeant Rubald failed to operate his BWC in accordance with Special Order S03-14, is sustained. As with Sergeants Martin and Finley, Sergeant Rubald was required by policy to record this incident on BWC. He did not make the recording or provide a justification as to why not; therefore, this allegation is sustained.

v. Officer Neita-Scott

Allegation 1, that Officer Neita-Scott failed to operate his BWC in accordance with Special Order S03-14, is sustained. Officer Neita-Scott told COPA he was wearing a BWC but did not activate it, as he rushed into a situation where officers needed assistance and a civilian took an officer's baton. While COPA appreciates that Officer Neita-Scott's focus was on the emergency in front of him, it takes seconds to activate a BWC and the officer could have done so while he was en route to the incident. Because CPD policy required Officer Neita-Scott to activate his BWC and he did not do so, this allegation is sustained.

vi. Officer Wojtan

Allegation 1, that Officer Wojtan failed to operate his BWC in accordance with Special Order S03-14, is sustained. Officer Wojtan confirmed his BWC was operational and he inadvertently failed to activate it when he arrived at Hubbard & Clark. Officer Wojtan was candid during his interview, and COPA accepts his explanation that he believed at the time he had turned on his BWC at the beginning of the incident. However, because Officer Wojtan did not actually record the incident in accordance with Special Order S03-14, this allegation is sustained.

vii. Officer Obradovic, Officer Simic, Officer Oviedo, Officer Sandoval, Officer Foster, and Officer Bankus

Allegation 8 against Officer Obradovic, Allegation 7 against Officer Simic, Allegation 1 against Officer Oviedo, Allegation 1 against Officer Sandoval, and Allegation 1 against Officer Foster, that the officers failed to operate their BWCs in accordance with Special Order S03-14, are all exonerated. These officers related that they were told to forgo BWC because their batteries died the previous shift and were not yet recharged. Attendance sheets confirm all five officers worked

the previous day and were assigned to the 19th District tactical team.¹⁴⁷ COPA finds the officers' explanations credible given that all five worked for the same unit and would have received the same instructions. Because the officers were following orders and able to provide reasonable explanations for why they did not wear or activate their BWCs, these allegations are exonerated.

Allegation 7, that Officer Bankus failed to operate his BWC in accordance with Special Order S03-14, is also exonerated. While Officer Bankus had not worked the previous day and was unable to articulate why he was not wearing his BWC, he was also assigned to the 19th District tactical team and deployed downtown on May 31, 2020. If guidance was given for officers to forgo their BWCs, it is reasonable that Officer Bankus would have been included in that directive. Therefore, this allegation is also exonerated.

f. Failure to Complete Tactical Response Reports

i. Sergeant Rubald, Officer Obradovic, Officer Simic, Officer Neita-Scott, Officer Foster, and Officer Bankus

Allegation 5 against Sergeant Rubald, Allegation 7 against Officer Obradovic, Allegations 5 & 6 against Officer Simic, Allegation 5 against Officer Neita-Scott, Allegations 5 & 6 against Officer Oviedo, Allegations 5 & 6 against Officer Sandoval, Allegations 7 & 8 against Officer Foster, and Allegation 6 against Officer Bankus, that the accused failed to complete a Tactical Response Report (TRR) detailing their reportable uses of force, are all exonerated. All seven accused members reported they received a directive from CPD leadership that TRRs were not required. Additionally, Sergeant Martin, Sergeant Slater, Officer Wojtan, Officer Bybee, Officer Szlaga, and Officer Kovacs — none of whom have TRR allegations — also confirmed they received this TRR directive. CPD Rule 7 prohibits insubordination towards supervisors. Because all of the accused were following supervisors' orders, these allegations are exonerated. However, CPD leadership was remiss in giving this order, as detailed in section VII(h) of this report, below.

g. Allegations Related to Supervisory Responsibilities

i. Sergeant Martin

Allegations 4 and 5 against Sergeant Martin, that he failed to intervene in or report the misconduct displayed by Department members, are both not sustained. During his COPA interview, Sergeant Martin denied that he saw officers engaged in an altercation with ██████████ or any other civilians. Surveillance video shows there were multiple officers and several feet in between ██████████ and Sergeant Martin when officers starting using impact weapons and strikes against ██████████. The same is true for the force used against ██████████. Sergeant Martin remained near ██████████ before extracting his asp and walking towards the street, past the officers detaining ██████████. Sergeant Martin then returned to ██████████ as officers forced the crowd southbound on Clark. Due to Sergeant Martin's positioning, it is possible that he did not observe officers using their batons. By the time Sergeant Martin walked by ██████████ arrest, batons were no longer in use. However, COPA lacks sufficient evidence to confirm or refute Sergeant Martin's account, and both allegations are not sustained.

¹⁴⁷ Atts. 209 – 213.

ii. Sergeant Kasput

Allegations 6 and 7, that Sergeant Kasput failed to intervene in or report the misconduct displayed by Department members, are not sustained. Sergeant Kasput stood in front of ██████████ throughout almost the entire incident. As with Sergeant Martin, due to Sergeant Kasput's placement and the number of people present, it is possible Sergeant Kasput did not see officers using their batons or detaining ██████████ and/or ██████████. Conversely, it is also possible Sergeant Kasput did see the misconduct because he was on scene and standing in the middle of the sidewalk. Because COPA lacks sufficient evidence to confirm or refute Sergeant Kasput's account, both allegations are not sustained.

iii. Sergeant Finley

Allegations 1 and 2, that Sergeant Finley failed to intervene in or report the misconduct displayed by Department members, are both sustained. Sergeant Finley told COPA he did not believe he saw any excessive force at Hubbard & Clark, and therefore he had nothing to intervene in or report. After watching surveillance video, Sergeant Finley denied that he observed the force in-person during the incident. COPA does not believe that Sergeant Finley provided an intentionally false report, and notes that the chaos of that weekend and the time between the incident and Sergeant Finley's COPA interview may have obscured his memory of the event. However, the video evidence shows that Sergeant Finley stood by as officers struck ██████████ ██████████ and unknown civilians with their batons. Specifically, the video captures Sergeant Finley standing an arm's length away from Officer Foster, looking directly at Officer Foster, as the officer struck two unknown civilians with his baton.¹⁴⁸ Sergeant Finley then watched as Officer Neita-Scott dragged and threw an unknown female civilian. These civilians were cooperating with CPD orders when Officers Foster and Neita-Scott engaged with them. Although it is possible Sergeant Finley did not see the force used against ██████████ and ██████████ the preponderance of the evidence shows he did observe the excessive force used against the unknown civilians. Sergeant Finley failed to intervene in or report this excessive force, as required by General Order G03-02; therefore, allegations 1 and 2 are sustained.

iv. Sergeant Slater

Allegations 1 and 2, that Sergeant Slater failed to intervene in and report the misconduct displayed by Department members, are not sustained. Sergeant Slater told COPA he did not witness excessive force in person on May 31, 2020, and he asserted he would have intervened and/or reported the misconduct if he had. The surveillance video shows that Sergeant Slater arrived at the scene just as officers stopped striking ██████████ and ██████████ with their batons. Sergeant Slater then remained near the intersection of Hubbard & Clark. Due to Sergeant Slater's positioning and the time he arrived, it is possible he did not observe the baton use or excessive force. However, it is also possible that he saw baton strikes against ██████████ and/or ██████████ when he approached. Because COPA lacks sufficient evidence to confirm or refute Sergeant Slater's account, these allegations are not sustained.

¹⁴⁸ Att. 9, Channel 21, approximately 00:07:32 minutes/08:12:29 PM.

v. Sergeant Rubald

Allegations 6 and 7 against Sergeant Rubald, that he failed to satisfactorily intervene in or report the misconduct displayed by Department members, are sustained. Sergeant Rubald denied seeing officers strike █████ with their batons or use excessive force against █████. However, surveillance video confirms that Sergeant Rubald was facing █████ when Officer Seiser first struck █████ with his baton. In fact, after █████ and Officer Obradovic fell, Sergeant Rubald appeared to focus on them and immediately moved towards them.¹⁴⁹ █████ got in his way, and after Sergeant Rubald threw █████ towards the street, he again looked over as Officer Seiser swung his baton down on █████.¹⁵⁰ Sergeant Rubald then moved his attention towards █████ and approached as Officer Bankus swung his baton at █████.¹⁵¹ Finally, as █████ crawled closer to the intersection and no longer had Officer Obradovic's baton, Officer Foster again struck █████ with his baton. Sergeant Rubald approached the officers detaining █████ and the struggle deescalated.

Sergeant Rubald may not recall seeing these officers' actions, or he may not have registered their actions as misconduct. However, the video clearly shows officers using their batons in violation of CPD policy. Further, Sergeant Rubald apparently did believe some of the force was excessive, as he intervened towards the end of the struggle with █████. For these reasons, COPA finds the preponderance of the evidence shows Sergeant Rubald observed officers use their batons in violation of CPD policy, but he did not stop the officers or report the excessive force as required by General Orders G03-02-01 and G03-02-07. Therefore, allegations 6 and 7 are sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Martin

In recommending discipline for sustained allegations, COPA has considered Sergeant Martin's disciplinary and complimentary histories.¹⁵² Sergeant Martin has no sustained disciplinary history in the past five years. He has received a total of 92 awards.

COPA has found that Sergeant Martin violated Rules 3, 5, and 6 by failing to activate his BWC during this incident. As a supervisory member of CPD, Sergeant Martin should have been keenly aware of the need to record his interactions with protesters. Despite this, Sergeant Martin not only failed to activate his BWC, he failed to wear his camera at all. In fact, Sergeant Martin was unaware that Sergeant Kasput had possessed his BWC the weekend of May 29-31, 2020 until COPA served him with allegations. For these reasons, COPA recommends Sergeant Martin receive a **15-day suspension**.

¹⁴⁹ Att. 9, Channel 7, approximately 00:07:34 minutes/08:12:30 PM.

¹⁵⁰ Att. 9, Channel 7, approximately 00:07:39 minutes/08:12:35 PM.

¹⁵¹ Att. 9, Channel 7, approximately 00:07:41 minutes/08:12:37 PM.

¹⁵² Att. 214

b. Sergeant Kasput

In recommending discipline for sustained allegations, COPA has considered Sergeant Kasput's disciplinary and complimentary histories.¹⁵³ Sergeant Kasput has no sustained disciplinary history in the past five years. He has received a total of 70 awards.

COPA has found that Sergeant Kasput violated Rules 2, 3, 5, 6, and 9 by using excessive force to detain [REDACTED] failing to document that force in a TRR, and failing to activate his BWC during this incident. Sergeant Kasput used his bike as an impact weapon to stop [REDACTED] from fleeing. This force was not reasonable, necessary, or proportional under the circumstances. Sergeant Kasput's inappropriate use of force is made worse by the fact that he failed to document his actions in a TRR and failed to record them on BWC. Such misconduct is particularly egregious when carried out by someone of the sergeant's rank, position, and authority. For these reasons, COPA recommends that Sergeant Kasput receive a **90-day suspension**.

c. Sergeant Finley

In recommending discipline for sustained allegations, COPA has considered Sergeant Finley's disciplinary and complimentary histories. Sergeant Finley has no sustained disciplinary history in the past five years. He has received a total of 102 awards.

COPA has found that Sergeant Finley violated Rules 2, 3, 5, 6, and 22 by failing to intervene in or report the misconduct of other Department members, and by failing to activate his BWC during the incident. Although Sergeant Finley denied that he observed any members use excessive force, the surveillance video shows him standing an arm's length away from Officer Foster, looking directly at Officer Foster, as the officer struck two unknown civilians with his baton. Sergeant Finley also watched as Officer Neita-Scott dragged and threw an unknown female civilian, and he stood by as officers used excessive force against [REDACTED] and [REDACTED]. Sergeant Finley's failure to intervene in or report this misconduct is inexcusable, particularly for someone of the sergeant's rank, position, and authority. For these reasons, COPA recommends that Sergeant Finley receive a **180-day suspension**.

d. Sergeant Rubald

In recommending discipline for sustained allegations, COPA has considered Sergeant Rubald's disciplinary and complimentary histories.¹⁵⁴ Sergeant Rubald has no sustained complaints and one SPAR, which he received in March 2021 for a preventable traffic accident. Sergeant Rubald was given a reprimand as a result of that incident. He has received a total of 92 awards.

COPA has found that Sergeant Rubald violated Rules 2, 3, 5, 6, and 22 by failing to intervene in or report the misconduct of other Department members, and by failing to activate his BWC during the incident. Although Sergeant Rubald denied that he observed any members use excessive force, the surveillance video confirms that Sergeant Rubald was standing on the

¹⁵³ Att. 224

¹⁵⁴ Att. 223

sidewalk, looking directly at [REDACTED] and [REDACTED] as members repeatedly struck them with batons. Sergeant Rubald's failure to immediately intervene in or report this misconduct is inexcusable, particularly for someone of the sergeant's rank, position, and authority. For these reasons, COPA recommends that Sergeant Rubald receive a **180-day suspension**.

e. Officer Simic

In recommending discipline for sustained allegations, COPA has considered Officer Simic's disciplinary and complimentary histories.¹⁵⁵ Officer Simic has no sustained disciplinary history in the past five years. He has received a total of 49 awards.

COPA has found that Officer Simic violated Rules 2, 3, 6, 9, and 38 by striking [REDACTED] and [REDACTED] with his baton without justification. When Officer Simic engaged with [REDACTED] he was unaware that [REDACTED] had another officer's baton, and he struck [REDACTED] despite believing [REDACTED] was merely an active resistor. Officer Simic's conduct with respect to [REDACTED] was even more egregious. As soon as Sergeant Rubald flung [REDACTED] to the ground, Officer Simic approached with a raised baton. The officer immediately struck [REDACTED] in the buttocks area, at least two times, before [REDACTED] was able to crawl away. This force was a flagrant violation of General Orders G03-02-01 and G03-02-07; for these reasons, COPA recommends that Officer Simic receive a **90-day suspension**.

f. Officer Neita-Scott

In recommending discipline for sustained allegations, COPA has considered Officer Neita-Scott's disciplinary and complimentary histories.¹⁵⁶ Officer Neita-Scott has no sustained disciplinary history in the past five years. He has received a total of 46 awards.

COPA has found that Officer Neita-Scott violated Rules 2, 3, 5, 6, and 9 by unnecessarily shoving or throwing three unknown civilians, and by failing to record the interactions on BWC. The surveillance video shows Officer Neita-Scott first pushed two civilians, then grabbed an unknown female, dragged her and her bike backwards, and forcefully threw her across the sidewalk. These uses of force were particularly unnecessary given that all three civilians were attempting to leave the scene when Officer Neita-Scott engaged with them. Officer Neita-Scott's actions violated General Orders G03-02 and G03-02-01; for these reasons, COPA recommends he receive a **30-day suspension**.

g. Officer Oviedo

In recommending discipline for sustained allegations, COPA has considered Officer Oviedo's disciplinary and complimentary histories.¹⁵⁷ Officer Oviedo has no sustained disciplinary history in the past five years. He has received a total of 49 awards.

COPA has found that Officer Oviedo violated Rules 2, 3, 6, 9, and 38 by striking [REDACTED] and [REDACTED] with his baton without justification. The video evidence shows Officer Oviedo struck

¹⁵⁵ Att. 216

¹⁵⁶ Att. 215

¹⁵⁷ Att. 217

■■■■ with his baton *before* ■■■■ took Officer Obradovic's baton, when ■■■■ was still an active resistor. Officer Oviedo then approached ■■■■ who was also an active resistor. As Sergeant Rubald flung ■■■■ towards the street, Officer Oviedo swung his baton at ■■■■ torso. Both baton strikes violated CPD policy, and neither strike was reasonable, proportional, or necessary. For these reasons, COPA recommends that Officer Oviedo receive a **90-day suspension**.

h. Officer Aviles

In recommending discipline for sustained allegations, COPA has considered Officer Aviles' disciplinary and complimentary histories.¹⁵⁸ Officer Aviles has no sustained disciplinary history in the past five years. He has received a total of 16 awards.

COPA has found that Officer Aviles violated Rules 2, 3, 5, 6, and 8 by throwing ■■■■ personal items on the ground and failing to timely activate his BWC. Officer Aviles' handling of ■■■■ property, including his cell phone, was unprofessional and showed a lack of respect for ■■■■. Additionally, he failed to activate his BWC for more than 15 minutes after he detained ■■■■. Officer Aviles acknowledged both errors and expressed genuine contrition during his COPA statement. Therefore, COPA recommends he receive a **7-day suspension**.

i. Officer Sandoval

In recommending discipline for sustained allegations, COPA has considered Officer Sandoval's disciplinary and complimentary histories.¹⁵⁹ Officer Sandoval has no sustained disciplinary history in the past five years. He has received a total of 90 awards.

COPA has found that Officer Sandoval violated Rules 2, 3, 6, 9, and 38 by using his baton to strike an unknown civilian and ■■■■ without justification. At the time of the baton strikes, both ■■■■ and the unknown civilian were resisters, not assailants. Additionally, Officer Sandoval swung his baton at ■■■■ left hip as soon as ■■■■ fell to the ground, before ■■■■ had any opportunity to comply with the officer's commands. Officer Sandoval's uses of force violated General Orders G03-02-01 and G03-02-07; therefore, COPA recommends that Officer Sandoval receive a **90-day suspension**.

j. Officer Foster

In recommending discipline for sustained allegations, COPA has considered Officer Foster's disciplinary and complimentary histories.¹⁶⁰ Officer Foster has no sustained disciplinary history in the past five years. He has received a total of 58 awards.

COPA has found that Officer Foster violated Rules 2, 3, 6, 9, and 38 by striking ■■■■ and two unknown civilians with his baton without justification. Officer Foster struck ■■■■ with his baton at least ten times, including approximately five strikes *after* ■■■■ was no longer an assailant. Additionally, upon watching the surveillance video, Officer Foster admitted that he also used his baton to strike the individual in the white bike helmet and the female in the black bike helmet.

¹⁵⁸ Att. 218

¹⁵⁹ Att. 220

¹⁶⁰ Att. 225

Both civilians were cooperating subjects who were attempting to leave the scene, and Officer Foster acknowledged he struck them as “crowd control to move them along.” Officer Foster is a 29-year veteran of CPD who should know that baton strikes are never an acceptable method of crowd control. His baton strikes constituted flagrant uses of excessive force against [REDACTED] and the unknown civilians. Given Officer Foster’s years of experience, COPA recommends he receive a **180-day suspension up to Separation.**

k. Officer Bankus

In recommending discipline for sustained allegations, COPA has considered Officer Bankus’ disciplinary and complimentary histories.¹⁶¹ Officer Bankus has no sustained disciplinary history in the past five years. He has received a total of 61 awards.

COPA has found that Officer Bankus violated Rules 2, 3, 6, 9, and 38 by striking [REDACTED] and two unknown civilians with his baton without justification. The surveillance video shows that Officer Bankus struck [REDACTED] with his baton when [REDACTED] was on the ground, attempting to crawl away from CPD members. This baton strike was an egregious and potentially deadly use of force against a cooperative subject. The video evidence also reveals that Officer Bankus used his baton to strike the unknown civilian in the white bike helmet and the unknown civilian in the cuffed jeans. As with [REDACTED] both unknown civilians were cooperative subjects, and Officer Bankus was not justified in using *any* force against them, least of all baton strikes with the potential to cause severe injury. Officer Bankus refused to acknowledge he was the officer captured in the videos, and he refused to take any responsibility for his actions. His lack of remorse and self-reflection regarding this incident are aggravating factors in imposing discipline, as is the fact that he is a 16-year veteran of CPD. For all of these reasons, COPA recommends Officer Bankus receive a **180-day suspension up to Separation.**

l. Officer Wojtan

In recommending discipline for sustained allegations, COPA has considered Officer Wojtan’s disciplinary and complimentary histories.¹⁶² Officer Wojtan has no sustained disciplinary history in the past five years. He has received a total of 20 awards.

COPA has found that Officer Wojtan violated Rules 3, 5, and 6 by failing to activate his BWC during this incident. Officer Wojtan admitted his error and expressed contrition during his COPA statement. Given Officer Wojtan’s lack of a disciplinary history and relative inexperience as a police officer, COPA recommends he receive a **1-day suspension.**

¹⁶¹ Att. 217

¹⁶² Att. 222

Approved:



11/30/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date



11/30/2021

Andrea Kersten
Interim Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Zero
Investigator:	Kelsey Fitzpatrick, #61
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam