

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 11, 2021 / 2:00 p.m. / 11900 S. Parnell Avenue, Chicago IL 60628
Date/Time of COPA Notification:	May 11, 2021 / 2:51 p.m.
Involved Officer #1:	Officer Scott Carter / Star# 7429 / Employee ID# [REDACTED] / DOA: August 29, 2005 / Unit: 005 / DOB: [REDACTED], 1975 / Male / Black.
Involved Officer #2:	Officer Matthew Keaty / Star#15233 / Employee ID# [REDACTED] / DOA: February 18, 2014 / Unit: 005 / DOB: [REDACTED], 2988/ Male / White.
Involved Officer #3:	Officer Michael Mancha / Star# 19383 / Employee ID# [REDACTED] / DOA: June 16, 2017 / Unit: 005 / DOB: [REDACTED], 1985/ Male / White Hispanic.
Involved Sergeant#1:	Sergeant Enyinnaya Nwagwu / Star# 1345 / Employee ID# [REDACTED] / DOA: May 1, 2006 / Unit: 005 / DOB: [REDACTED], 1977 / Male / Black.
Involved Individual #1:	[REDACTED] / DOB: [REDACTED], 1991 / Female / Black.
Case Type:	Verbal Abuse (Gender); Profanity

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Scott Carter	It is alleged by [REDACTED] that on or about May 11, 2021, at approximately 2:00 p.m., at or near 11900 S. Parnell Street, Chicago, Illinois 60628, Police Officer Scott Carter, Star #7429, committed misconduct through the following acts or omissions, by:	
	1. Stating to [REDACTED] words to the effect of, "Your mother's a bitch."	Sustained
	2. Escalating the interaction by continuing a verbal altercation with [REDACTED] with no intent to further a valid police purpose.	Sustained
	3. Refusing to provide his badge number upon request.	Unfounded

	<p>It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about May 11, 2021, at approximately 2:00 p.m., at or near 11900 S. Parnell Street, Chicago, Illinois 60628, Officer Scott Carter, Star #7429, committed misconduct through the following acts or omissions, by:</p>	
<p>Officer Matthew Keaty</p>	<p>4. Failing to comply with S04-13, by deactivating his body worn camera prematurely while engaged in a law-enforcement activity.</p> <p>It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about May 11, 2021, at approximately 2:00 p.m., at or near 11900 S. Parnell Street, Chicago, Illinois 60628, Officer Matthew Keaty, Star #15233, committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to comply with S04-13, by deactivating his body worn camera prematurely while engaged in a law-enforcement activity.</p> <p>2. Failing to report Officer Carter’s verbal abuse against [REDACTED]</p>	<p>Unfounded</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Michael Mancha</p>	<p>It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about May 11, 2021, at approximately 2:00 p.m., at or near 11900 S. Parnell Street, Chicago, Illinois 60628, Officer Michael Mancha, Star #19383, committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to comply with S04-13, by deactivating his body worn camera prematurely while engaged in a law-enforcement activity.</p> <p>2. Failing to report Officer Carter’s verbal abuse against [REDACTED]</p>	<p>Sustained</p> <p>Sustained</p>
<p>Sergeant Enyinnaya Nwagwu</p>	<p>It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about May 11, 2021, at approximately 2:00 p.m., at or near 11900 S. Parnell Street, Chicago, Illinois 60628, Sergeant Enyinnaya Nwagwu, Star #1345, committed misconduct through the following acts or omissions, by:</p>	

1. Failing to comply with S04-13, by failing to timely activate his body worn camera while engaged in a law-enforcement activity.	Sustained
2. Failing to report Officer Carter's verbal abuse against ██████████	Sustained

II. SUMMARY OF EVIDENCE¹

On May 11, 2021, at approximately 2:00 p.m., Officer Scott Carter (“Officer Carter”), Officer Matthew Keaty (“Officer Keaty”), and Officer Michael Mancha (“Officer Mancha”) of the Chicago Police Department (“Department”) were on patrol near the intersection of West 119th Street and South Parnell Avenue. While traveling westbound on 119th Street, the officers heard ██████████ (“Ms. ██████████”) yell at them words to the effect of, “Y’all better get him!” The officers then stopped and exited their vehicle to investigate. During their investigation, a verbal altercation occurred between Officer Carter and Ms. ██████████. The incident was captured on Body Worn Camera (“BWC”) audio and video recordings.²

In her statement to COPA, Ms. ██████████ alleged that Officer Carter told her, “Your mother is a bitch,” escalated the interaction by continuing a verbal altercation with no intent to further valid police purpose, and refused to provide his badge number upon request. In addition to Ms. ██████████ allegations, COPA alleged that Officer Carter deactivated his BWC prematurely while engaged in a law-enforcement activity. COPA also alleged that Officers Keaty and Mancha deactivated their BWCs prematurely while engaged in a law-enforcement activity and alleged that Sergeant Enyinnaya Nwagwu (“Sergeant Nwagwu”) failed to timely activate his body worn camera while engaged in a law-enforcement activity. COPA also alleged that Officer Keaty, Officer Mancha, and Sergeant Nwagwu all failed to report Officer Carter’s verbal abuse against Ms. ██████████.

III. 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;

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

² Att. 4, BWC Officer Carter No. 1; Att. 5, BWC Officer Carter No. 2; Att. 6, BWC Officer Mancha; Att. 7, BWC Officer Keaty; Att. 8, BWC Sergeant Nwagwu.

3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed did not comply with CPD policy.³ If the evidence gathered in an investigation establishes that it is more likely that the conduct violated CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.⁴ 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."⁵

IV. ANALYSIS AND CONCLUSION

a. Allegations Against Officer Scott Carter.

Officer Carter's BWC recording shows that Officer Carter stated to ██████████ "Your mother's a bitch."⁶ Additionally, the video evidence sufficiently establishes that Officer Carter escalated the interaction by making this statement and continuing a verbal altercation with Ms. ██████████ with no intent to further a valid police purpose.⁷ General Order G02-01 makes it clear that a police officer must be respectful in their contact with the public:

Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. 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.⁸

In his statement to COPA, Officer Carter stated that while he, Officer Mancha and Officer Keaty were driving, they heard Ms. ██████████ state words to the effect of "Come get them, come get him."⁹ He stated that the three of them "stopped the car in the middle of the street and talked to her."¹⁰ Upon learning that Ms. ██████████ "didn't want anything," Officer Carter stated that he, Officer Mancha and Officer Keaty began to leave the scene.¹¹ However, they immediately decided to remain at the scene, because Officer Carter believed

³ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.").

⁴ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

⁵ *Id.* ¶ 28.

⁶ Att. 5, BWC Officer Carter No.2 at 2:17-2:22.

⁷ *Id.* at 1:32-1:36 and 2:17-2:22

⁸ General Order G02-01, Human Rights and Human Resources, § III.B (effective October 5, 2017). Att. 38.

⁹ Att. 18 STATEMENT TRANSCRIPT, Officer Scott Carter, pg. 15, lines 12-14.

¹⁰ *Id.* at pg. 15, lines 17-18.

¹¹ *Id.* at pg. 17, lines 4-10.

that Ms. ██████ “might be a problem.”¹² Officer Carter added that Ms. ██████ was still “in front of the store in the public way,”¹³ and he felt that she needed to move because “she was upset”¹⁴ and “was already kind of irate.”¹⁵

Officer Carter added that Ms. ██████ “wasn’t leaving the area,”¹⁶ and the ██████ stated to him that she was “not supposed to be there.”¹⁷ It was during this point of their encounter that Officer Carter stated Ms. ██████ “cursed back and forth,”¹⁸ called him “a bitch,”¹⁹ and he replied “Hey, your mother’s a bitch.”²⁰

In his statement to COPA, Officer Carter further asserted that he reacted to Ms. ██████ calling him a “bitch” when he told her, “Your mother’s a bitch.”²¹ Officer Carter further explained that in his opinion, his behavior did not escalate the situation. However, he did admit that calling Ms. ██████ mother a “bitch” was inappropriate.²² During his statement with COPA, Officer Carter also admitted to continuing to engage in a verbal altercation with Ms. ██████²³ He added that “arguing” with Ms. ██████ was not a valid police purpose, and further stated, “Everything I said verbally, it was wrong.”²⁴

After considering Officer Carter’s behavior during the altercation, the context of the statement made, and Officer Carter’s explanation, COPA finds Officer Carter violated Department rules. COPA finds that there is no justification for using such profane, derogatory, and biased insensitive language. Additionally, profane statements directed toward a Department member do not justify a retaliatory response. Moreover, a reasonable officer would not speak to a citizen in this manner and would not continue to engage in a verbal altercation that does not serve a valid police purpose. Officer Carter’s behavior was unwarranted and impeded the Department’s goals to promote respect between law enforcement and the community, in violation of Rule 2 (bringing discredit upon the Department), Rule 6 (disobeying General Order G02-01), Rule 8 (engaging in disrespect and maltreatment of Ms. ██████) and Rule 9 (engaging in an unjustified verbal altercation with Ms. ██████). Therefore, **Allegations Nos. 1 and 2** against Officer Carter are **Sustained**.

COPA finds that **Allegation No. 3** against Officer Carter is **Unfounded**. Rule 37 requires that officers provide their “name, rank, and star number when so requested, whether on or off duty, to any member of the Department or private citizen.” In her statement to COPA, Ms. ██████ alleged that Officer Carter refused to provide her with his star number. The BWC footage in this case captures the entire incident. COPA’s review of the footage found no evidence that Officer Carter’s star number was requested or that he refused to provide it. Additionally, in their statements to COPA, all accused officers stated that they did not recall hearing Ms. ██████ request the badge

¹² *Id.* at pg. 17, lines 11-12.

¹³ *Id.* at pg. 17, lines 12-13.

¹⁴ *Id.* at pg. 17, line 18.

¹⁵ *Id.* at pg. 17, line 22-23.

¹⁶ *Id.* at pg. 19, lines 14-15.

¹⁷ *Id.* at pg. 19 lines 18-21.

¹⁸ *Id.* at pg. 17, lines 23-24.

¹⁹ *Id.* at pg. 18, lines 4-5.

²⁰ *Id.*

²¹ *Id.* at pg. 18, lines 2-13.

²² *Id.* at pg. 18, lines 11-22.

²³ *Id.* at pg. 30, lines 3-6.

²⁴ *Id.* at pg. 30, lines 7-13.

number of Officer Carter. Therefore, it is highly probable that Ms. ██████ did not request Officer Carter's star number, and COPA recommends a finding of **Unfounded** for this allegation.

COPA finds that **Allegation No. 4** against Officer Carter is **Unfounded**. The issue is whether Officer Carter failed to follow Special Order S03-14 by deactivating his BWC from event mode prior to the conclusion of an incident. Special Order S03-14 provides, "The Department member will not deactivate event mode unless the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity."²⁵ Officer Carter explained to COPA investigators that he initially deactivated his BWC when he decided to leave the scene. However, upon deciding to stay at the scene, Officer Carter immediately reactivated his BWC. COPA finds that Officer Carter's BWC recordings corroborate this, as there is only a 1-second gap between the two videos. COPA finds that Officer Carter acted in accordance with Special Order S03-14, and therefore recommends a finding of **Unfounded** for this allegation.

b. Allegations against Officers Matthew Keaty and Michael Mancha

COPA recommends a finding of **Sustained** for **Allegation No. 1** against Officer Keaty and **Allegation No. 1** against Officer Mancha. The issue is whether the officers failed to follow Special Order S03-14 by deactivating their body worn camera from event mode prior to the conclusion of an incident. Special Order S03-14 provides, "The Department member will not deactivate event mode unless the entire incident has been recorded and the member is no longer engaged in a law-enforcement-related activity."²⁶ The Department defines the "conclusion of law-enforcement-related activity" as instances in which "the member has cleared the assignment;" or "leaves the scene of the incident."²⁷

In their statements to COPA, Officer Mancha and Officer Keaty indicated that their BWCs were deactivated because they believed they were no longer involved in a law-enforcement related activity.²⁸ However, Officer Carter was still engaged in a verbal altercation with Ms. ██████ while all three officers waited for a sergeant to arrive at the location. It is clear that the officers were still on scene and actively engaged in a law-enforcement related activity when they both deactivated their BWC because the encounter continued for approximately 20 minutes after the cameras were turned off.²⁹ Also, even if the officers initially believed the encounter was ending, they had ample opportunity to re-activate their BWCs to event mode after they realized that the encounter was continuing – but they failed to do so. By prematurely deactivating their BWCs, Officer Mancha and Officer Keaty each violated Rule 2 (impeded the Department's efforts to achieve its policy goals), Rule 5 (failure to perform any duty), Rule 6 (disobeying Special Order S03-14), and Rule 10 (exhibiting inattention to duty).

With respect to **Allegation No. 2** against Officer Keaty and **Allegation No. 2** against Officer Mancha, COPA recommends a finding of **Sustained**. Rule 22 requires that officers report improper conduct which is contrary to the policy, orders, or directives of the Department. COPA finds that both officers had sufficient knowledge of Officer Carter's verbal abuse of Ms. ██████ to conclude that it was improper. Both officers were in close proximity to Officer Carter while he was engaged in the verbal altercation with Ms. ██████. Additionally, Officer Carter's voice was

²⁵ Special Order S03-14, Body Worn Cameras, § III (B)(1)(a). Att. 37.

²⁶ *Id.*

²⁷ *Id.*, § III (B)(1)(a)(1) and (2).

²⁸ Att. 16 STATEMENT TRANSCRIPT, Officer Michael Mancha, pg. 16, lines 1-3; pg. 24, lines 19-24; pg. 25, line 1. Att. 17 STATEMENT TRANSCRIPT, Officer Matthew Keaty, pg. 26, lines 11-15.

²⁹ This approximation was made by comparing the durations of BWC footage of the 3 officers.

elevated and projected nearly one-half block to where Ms. ██████ was standing when he stated, “Your mother’s a bitch.” Ms. ██████ was farther away from Officer Carter than Officers Mancha and Keaty, and Ms. ██████ was able to hear the statement.

Officer Mancha told COPA investigators that he could not hear the words being said between Officer Carter and Ms. ██████ but he believed that things “were escalating” and that the two were “bickering.”³⁰ Officer Keaty told COPA investigators that he did not hear the words being exchanged between Officer Carter and Ms. ██████ but he also said that he recalled hearing Officer Carter state to Ms. ██████ “Your mother’s a bitch.”³¹ Officer Keaty added that he believed the statement “should not have been said because it was unnecessary.”³²

Both officers were on scene and witnessed the altercation that took place between Officer Carter and Ms. ██████ however, neither of them made a report of it. In his statement to COPA, Officer Mancha explained that he did not make a report of the behavior because Officer Carter and Ms. ██████ were “bickering”³³ and “going back and forth.”³⁴ Officer Mancha added that he was “tuned out and not paying attention to what was said.”³⁵ In his statement to COPA, Officer Keaty explained that he did not make a report of the behavior because though he heard Officer Carter state to Ms. ██████ “Your mother’s a bitch,” his “sergeant was on the scene and she was speaking with him,”³⁶ and he believed that “she was reporting it at that time.”³⁷ Officer Keaty added that “in hindsight” he believes that he should have made a report of the behavior.³⁸

There is no exception that excuses an officer from reporting misconduct. Both officers had the necessary information needed to determine that Ms. ██████ was being verbally abused by Officer Carter. Therefore, they had a duty to report that abuse. Accordingly, COPA finds that both officers were in violation of Rule 22 and recommends a finding of **Sustained** for these allegations. Both officers also violated Rule 2 (impeded the Department’s efforts to achieve its policy goals), Rule 5 (failure to perform any duty), and Rule 6 (disobeying General Order G08-01-02).³⁹

c. Allegations against Sergeant Enyinnaya Nwagwu

COPA recommends a finding of **Sustained** for **Allegation No. 1** against **Sergeant Nwagwu**. The issue is whether Sergeant Nwagwu failed to follow Special Order S03-14 by not activating his BWC to event mode at the beginning of an incident. Special Order S03-14 provides, “The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.”⁴⁰

³⁰ Att. 16 STATEMENT TRANSCRIPT, Officer Michael Mancha, pg. 16, lines 16-19; pg. 34, lines 17-22.

³¹ Att. 17 STATEMENT TRANSCRIPT, Officer Matthew Keaty, pg. 17, lines 7-14; pg. 24, lines 3-7.

³² *Id.*, pg. 24, lines 8-15.

³³ Att. 16 STATEMENT TRANSCRIPT, Officer Michael Mancha, pg. 24, lines 8-9; pg. 33, lines 4-5; pg. 34, lines 20-21.

³⁴ *Id.*, pg. 30, line 4; pg. 30, line 4,

³⁵ *Id.*, pg. 29, lines 17-24 through pg. 31, line 4.

³⁶ *Id.*, pg. 24, lines 22-23.

³⁷ Att. 17 STATEMENT TRANSCRIPT, Officer Matthew Keaty, pg. 25, lines 1-2.

³⁸ *Id.*, pg. 29, lines 3-8.

³⁹ See General Order G08-01-02, § II.B.1 (effective date: May 4, 2018) (“When misconduct is observed . . . by a non-supervisory member, the member will immediately notify a supervisory member and prepare a written report to his or her unit commanding officer before reporting off duty on the day the member becomes aware of the misconduct containing the . . . observations made, and any action taken.”). Att. 36.

⁴⁰ Special Order S03-14, § III.A.2.

In the instant case, Sergeant Nwagwu was on scene and interacting with Ms. ██████ and the accused officers for approximately 10 minutes before activating his BWC.⁴¹ In his statement to COPA, Sergeant Nwagwu explained that he initially believed his BWC was on when he arrived at the scene. Sergeant Nwagwu added that he later activated his BWC when he noticed it was not on, as “the lens [was] blinking.”⁴² Here, it is undisputed Sergeant Nwagwu was issued and equipped with a BWC, and he failed to activate the BWC timely as he responded to the call for service involving Ms. ██████ COPA finds that Sergeant Nwagwu was in violation of Special Order S03-14, and therefore recommends a finding of **Sustained** for this allegation. By failing to timely activate his BWC, Sergeant Nwagwu violated Rule 2 (impeded the Department’s efforts to achieve its policy goals), Rule 5 (failure to perform any duty), Rule 6 (disobeying Special Order S03-14), and Rule 10 (exhibiting inattention to duty).

With respect to **Allegation No. 2 against Sergeant Nwagwu**, COPA recommends a finding of **Sustained**. COPA finds that Sergeant Nwagwu had sufficient knowledge of Officer Carter’s actions to conclude that they were improper. On the date of incident, the Office of Emergency Management and Communication (OEMC) dispatched a request for a police supervisor at 11900 South Parnell Avenue with remarks that included but were not limited to: A female caller complaining of three officers “mistreating people,” “officer called her out of her name,” and “officer called her mother a name.”⁴³ Sergeant Nwagwu reported to the scene in response, where Ms. ██████ could be heard detailing her encounter with Officers Carter, Mancha, and Keaty. During her conversation with Sergeant Nwagwu, Ms. ██████ told him that she and her mother were called a “bitch” by one of the officers.⁴⁴ Despite receiving this complaint, Sergeant Nwagwu failed to make a report of the verbal abuse.

Sergeant Nwagwu told COPA investigators that he arrived at the scene after being dispatched for a request for a sergeant. Sergeant Nwagwu explained that when he arrived, he encountered Ms. ██████ and “she was being loud,” “ignoring him,” and “didn’t want to talk.”⁴⁵ Sergeant Nwagwu also stated that Ms. ██████ was “upset that the officers were talking to her.”⁴⁶ He added that he did not hear Ms. ██████ tell him that she and her mother were called a “bitch.”⁴⁷ However, Sergeant Nwagwu did explain that during their conversation, he and Ms. ██████ stood “about two feet apart” and that he “was able to hear her clearly.”⁴⁸

Sergeant Nwagwu explained that he did not further investigate the matter while at the scene because he did not hear Ms. ██████ state that she and her mother were called a “bitch.” Sergeant Nwagwu said that he did not make a report of Officer Carter’s behavior because Ms. ██████ “didn’t want to talk to [him]” and told him “multiple times to leave her alone.”⁴⁹ He also stated that Ms. ██████ told him she wanted to make a report, but stated that “she wanted to go call COPA

⁴¹ Att. 5, BWC Officer Scott Carter No. 2, shows that Sergeant Nwagwu arrived at 2:20 p.m., while Att. 8, BWC Sergeant Nwagwu, shows an activation time of 2:31 p.m.

⁴² Att. 19, STATEMENT TRANSCRIPT, Sergeant Enyinnaya Nwagwu, pg. 22, lines 18-23.

⁴³ Att. 2, OEMC Event Query Report No. 2113108281.

⁴⁴ Att. 5, BWC Officer Scott Carter No. 2, at 13:50-14:17.

⁴⁵ Att. 19, STATEMENT TRANSCRIPT Sergeant Enyinnaya Nwagwu, pg. 13 lines 13, 19-20.

⁴⁶ *Id.*, pg. 14, lines 2-4.

⁴⁷ *Id.*, pg. 23, lines 23-24 through pg. 24, line 1.

⁴⁸ *Id.*, pg. 30, lines 2-13.

⁴⁹ *Id.*, pg. 19, lines 13-19.

herself.”⁵⁰ Sergeant Nwagwu further stated that he did not make a report of the behavior after leaving the scene because he thought that he had de-escalated the situation.⁵¹

Finally, Sergeant Nwagwu stated that he did not view Officer Carter’s BWC footage of the incident prior to the date of his COPA interview. However, upon viewing the footage on the date of his interview, Sergeant Nwagwu confirmed that the footage shows Officer Carter stating to Ms. ██████████ “Your mother’s a bitch.” Sergeant Nwagwu added that the statement was not appropriate and that Officer Carter verbally abused Ms. ██████████ when he made the statement. Sergeant Nwagwu also stated that Officer Carter escalated the situation when he engaged in the unjustified altercation with Ms. ██████████. He further stated that Officer Carter failed to de-escalate the situation.⁵² Given Sergeant Nwagwu’s assertions, there is no question that he would have reported Officer Carter’s behavior had he investigated the matter further while on scene and/or had he viewed Officer Carter’s BWC shortly after leaving the scene.

There is no exception that excuses a Department supervisor from reporting misconduct. Sergeant Nwagwu had the necessary information needed to determine that Ms. ██████████ had been verbally abused by Officer Carter. Therefore, he had a duty to report that abuse. Accordingly, COPA finds that Sergeant Nwagwu was in violation of Rule 22 and recommends a finding of **Sustained** for this allegation. Sergeant Nwagwu also violated Rule 3 (failed to promote the Department’s efforts to implement its policy or accomplish its goals), Rule 5 (failure to perform any duty), and Rule 6 (disobeying General Order G08-01-02).⁵³

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Scott Carter

i. Complimentary and Disciplinary History

Officer Carter has received two Department Commendations, one Problem Solving Award, one Honorable Mention Ribbon Award, seventy-seven Honorable Mentions, one complimentary letter, and ten other awards. Officer Carter has no sustained complaints of misconduct within the time period contemplated by the applicable collective bargaining agreement.

ii. Recommended Penalty

COPA has reviewed and considered Officer Carter’s disciplinary and complimentary history. Officer Carter was unnecessarily confrontational with Ms. ██████████ during this encounter. All CPD members, and especially members with Officer Carter’s years of experience, are expected to avoid unnecessary verbal altercations and to react with appropriate restraint, even if they believe they have been treated with disrespect by a citizen. Officer Carter’s inappropriate comment created

⁵⁰ *Id.*, pg. 14, lines 8-15.

⁵¹ *Id.*, pg. 20, lines 1-7.

⁵² *Id.*, pg. 20, lines 14-24 through pg. 21, line 5.

⁵³ See General Order G08-01-02, § II.B.2-3 (“When misconduct is observed or an allegation of misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation . . . without looking to higher authority for such action;” “When incidents regarding allegations of misconduct subject to the Log Number process are received, the supervisor or commanding officer who first receives information of the alleged misconduct with: a. report the information to COPA . . . [and] record all information available at the time the allegation was received in a written report . . .”).

a negative impression of himself and the Department, both on Ms. [REDACTED] and the bystanders at the scene. Because Officer Carter unnecessarily escalated his encounter with Ms. [REDACTED] and because Officer Carter verbally abused Ms. [REDACTED], COPA recommends a 15-day suspension.

b. Officer Matthew Keaty

i. Complimentary and Disciplinary History

Officer Keaty has received one Special Commendation, two Department Commendations, one Problem Solving Award, twenty-three Honorable Mentions, and six other awards. Officer Keaty has no sustained complaints of misconduct within the time period contemplated by the applicable collective bargaining agreement.

ii. Recommended Penalty

COPA has reviewed and considered Officer Keaty's disciplinary and complimentary history. CPD members cannot be held accountable for misconduct that is hidden, and all members are responsible for reporting misconduct that they witness. Here, Officer Keaty witnessed Officer Carter verbally abuse Ms. [REDACTED] but Officer Keaty failed to report the misconduct. Officer Keaty also violated Department directives by failing to record an entire law-enforcement related encounter using his body-worn camera. Body-worn cameras are a critical tool because they allow the true circumstances of police-citizen encounters to be known and for CPD members to be held accountable if they commit misconduct. Because Officer Keaty failed to report Officer Carter's verbal abuse of Ms. [REDACTED] and because he prematurely deactivated his body-worn camera during the incident under investigation, COPA recommends a 3-day suspension.

c. Officer Michael Mancha

i. Complimentary and Disciplinary History

Officer Mancha has received one Life Saving Award, four Department Commendations, one Problem Solving Award, sixty-five Honorable Mentions, one complimentary letter, and four other awards. Officer Mancha has no sustained complaints of misconduct within the time period contemplated by the applicable collective bargaining agreement. Officer Mancha has received two reprimands through the summary punishment process for being absent without permission and for improper inventory procedure.

ii. Recommended Penalty

COPA has reviewed and considered Officer Mancha's disciplinary and complimentary history. CPD members cannot be held accountable for misconduct that is hidden, and all members are responsible for reporting misconduct that they witness. Here, Officer Mancha witnessed Officer Carter verbally abuse Ms. [REDACTED] but Officer Mancha failed to report the misconduct. Officer Mancha also violated Department directives by failing to record an entire law-enforcement related encounter using his body-worn camera. Body-worn cameras are a critical tool because they allow the true circumstances of police-citizen encounters to be known and for CPD members to be held accountable if they commit misconduct. Because Officer Mancha failed to report Officer

Carter's verbal abuse of Ms. [REDACTED] and because he prematurely deactivated his body-worn camera during the incident under investigation, COPA recommends a 5-day suspension.

d. Sergeant Enyinnaya Nwagwu

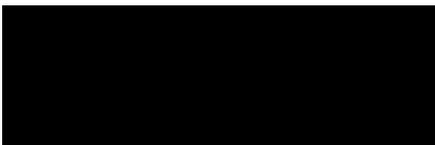
i. Complimentary and Disciplinary History

Sergeant Nwagwu has received the Superintendent's Award of Valor, seven Department Commendations, one Problem Solving Award, one Honorable Mention Ribbon Award, sixty-six Honorable Mentions, two complimentary letters, and eight other awards. Sergeant Nwagwu has no sustained complaints of misconduct within the time period contemplated by the applicable collective bargaining agreement. Sergeant Nwagwu has been reprimanded once through the summary punishment process for inattention to duty.

ii. Recommended Penalty

COPA has reviewed and considered Sergeant Nwagwu's disciplinary and complimentary history. CPD members cannot be held accountable for misconduct that is hidden, and all members are responsible for reporting misconduct when they become aware of it. Here, Sergeant Nwagwu was told that an officer had used the term "bitch" in referring to a citizen, but Sergeant Nwagwu failed to further investigate or to report the misconduct. Sergeant Nwagwu also violated Department directives by failing to record an entire law-enforcement related encounter using his body-worn camera. Body-worn cameras are a critical tool because they allow the true circumstances of police-citizen encounters to be known and for CPD members to be held accountable if they commit misconduct. Sergeant Nwagwu's failure to report Officer Carter's misconduct is particularly troublesome because of the sergeant's heightened responsibility as a police supervisor. Because Sergeant Nwagwu failed to report Officer Carter's verbal abuse of Ms. [REDACTED] and because he failed to activate his body-worn camera at the beginning of the incident under investigation, COPA recommends a 5-day suspension.

Approved:



4/12/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date