

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 28, 2018
Time of Incident:	12:55 p.m.
Location of Incident:	33 W. 95 th Street
Date of COPA Notification:	September 28, 2018
Time of COPA Notification:	4:25 p.m.

Officers Miguel Anderson and Edgar Del Olmo were at the 5th District Station monitoring a Police Observation Device (POD) due to gang and narcotic activity near the Chicago Transit Authority (CTA) Red Line. The officers observed [REDACTED] on the POD camera and suspected him of having a gun due to a bulge in his pocket. The officers left the station and drove to Mr. [REDACTED] location to conduct an Investigatory Stop. Upon arrival, Officer Anderson immediately performed an Emergency Takedown of Mr. [REDACTED] and Mr. [REDACTED] was subsequently arrested. A sergeant with knowledge of the incident initiated this complaint number to document the incident. COPA finds that Officer Anderson and Officer Del Olmo violated Department policy during their contact with Mr. [REDACTED]

II. INVOLVED PARTIES

Involved Officer #1:	Miguel Anderson, star #6547, employee ID [REDACTED]; Date of Appointment: February 19, 2013; Police Officer; Unit of Assignment: 5 th District; DOB: [REDACTED] 1979; Male; Black
Involved Officer #2:	Edgar Del Olmo, star #9653, employee ID [REDACTED]; Date of Appointment: September 25, 2006; Police Officer; Unit of Assignment: 5 th District; DOB: [REDACTED] 1975; Male; Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1991; Male; Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Miguel Anderson	1. It is alleged that on or about September 28, 2018, at approximately 12:55 p.m., at or near 33 W. 95 th Street, Officer Anderson committed misconduct through the following acts or	Sustained

	<p>omissions, by forcefully taking ██████████ to the ground without justification.</p> <p>2. It is alleged that Officer Anderson arrested ██████████ without justification.</p> <p>3. It is alleged that Officer Anderson searched ██████████ without justification.</p> <p>4. It is alleged that Officer Anderson failed to complete an Investigatory Stop Report for his contact with ██████████</p> <p>5. It is alleged that Officer Anderson failed to timely activate his Body Worn Camera in violation of Special Order S03-14.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Edgar Del Olmo</p>	<p>1. It is alleged that on or about September 28, 2018, at approximately 12:55 p.m., at or near 33 W. 95th Street, Officer Del Olmo committed misconduct through the following acts or omissions, by arresting ██████████ without justification.</p> <p>2. It is alleged that Officer Del Olmo searched ██████████ without justification.</p> <p>3. It is alleged that Officer Del Olmo failed to complete an Investigatory Stop Report for his contact with ██████████</p> <p>4. It is alleged that Officer Del Olmo failed to timely activate his Body Worn Camera in violation of Special Order S03-14.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Sustained</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
 4. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
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General Orders

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1. General Order G03-02: Use of Force (effective October 16, 2017 to February 28, 2020)
 2. Human Rights and Human Resources: G02-01 (effective October 5, 2017 to present)
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Special Orders

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1. Special Order S04-13-09: Investigatory Stop System (effective July 10, 2017 to present)
 2. Special Order S03-14: Body Worn Cameras (effective April 30, 2018 to present)

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.

State Laws

1. Constitution of the State of Illinois, Article I, Section 6

V. INVESTIGATION¹**a. Interviews**

Attempts to interview² ██████████ were unsuccessful.

In a statement to COPA³ on March 18, 2021, **Officer Miguel Anderson** stated that he and Officer Brian Harris were in the 5th District Tactical Office, watching a live feed from a POD.⁴ Officer Anderson observed ██████████ approach vehicles, and conduct what appeared to be hand-to-hand transactions.⁵ ⁶ Officer Anderson explained that Mr. ██████████ would retrieve an unknown item from his person,⁷ reach into cars, and then put something into his pocket.⁸ Additionally, Officer Anderson noticed that the front center pocket of Mr. ██████████ green, hooded sweatshirt was weighted down with an object that appeared to be shaped like a handgun.⁹ ¹⁰ Mr. ██████████ adjusted and shielded the object in his pocket away from people walking and driving past so that it was not noticeable. Officer Anderson recognized Mr. ██████████ from past instances of him loitering and engaging in narcotics sales in the area.¹¹ Officer Anderson described the area as a high narcotic/crime area occupied with citizens going to and from the Red Line train station and bus terminal. Believing Mr. ██████████ was armed with a gun, Officers Anderson and Del Olmo relocated to the area to conduct an investigatory stop.¹²

The officers arrived on scene and observed Mr. ██████████ sitting on a concrete stump, facing away from the officers, with his hands in front of him. The officers hurriedly approached Mr. ██████████ from behind to prevent Mr. ██████████ from injuring them or other citizens. Officer

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

² Attachments 5, 54

³ Attachments 29, 30, 53

⁴ Officer Anderson did not remember whether his partner, Officer Del Olmo, was present when he viewed the POD.

⁵ Narcotics sales.

⁶ Officer Anderson observed Mr. ██████████ for approximately ten minutes.

⁷ Officer Anderson did not recall from where Mr. ██████████ retrieved the item.

⁸ Officer Anderson did not recall how many times he observed Mr. ██████████ do this and said it may have only been once. Attachment 53, page 27, lines 8-21

⁹ Officer Anderson never saw what the weighted object was on camera, or prior to his physical contact with Mr. ██████████

¹⁰ Officer Anderson never saw Mr. ██████████ remove or put anything in the sweatshirt pocket.

¹¹ Officer Anderson did not recall having prior interactions with Mr. ██████████

¹² Officer Anderson said it was a ten-minute drive from the station to the location of incident. He did not view the POD feed on his ride from the 5th District Police Station to 95th and Lafayette, the intersection where the incident occurred.

Anderson placed his hands on Mr. [REDACTED] and attempted to speak with him.¹⁴ Officer Anderson acknowledged Mr. [REDACTED] was not doing anything unusual, suspicious, or illegal when he grabbed him. According to Officer Anderson, Mr. [REDACTED] pulled away and stiffened, while still seated, when Officer Anderson touched him. Believing Mr. [REDACTED] was armed with a weapon, Officer Anderson conducted an Emergency Takedown by grabbing Mr. [REDACTED] arm and bringing him to the ground.¹⁵ According to Officer Anderson, he did not intend to perform a take down; Mr. [REDACTED] actions created that. Officer Anderson intended to disarm Mr. [REDACTED] to prevent him from reaching for the perceived weapon.

Once on the ground, Mr. [REDACTED] hid his hands underneath his torso and there was a brief struggle to handcuff him.¹⁶ Officer Del Olmo recovered a plastic baggie containing four Ecstasy pills, and a small box cutter from Mr. [REDACTED]. Mr. [REDACTED] did not have a gun. Officer Anderson said he was justified in taking Mr. [REDACTED] to the ground, searching, and arresting him based on his observations of Mr. [REDACTED] on the POD camera.

Officer Anderson acknowledged that there is no reference to Mr. [REDACTED] engaging in narcotics sales in the Arrest and Case Reports. He explained that Officer Del Olmo completed the reports, and he did not participate in their preparation. Officer Anderson said at the station, he viewed the POD on a distorted, traditional size computer monitor.¹⁷ It was not clear on the monitor he viewed it from in 2018, but at the time, it appeared that Mr. [REDACTED] made a small (narcotics) transaction.¹⁸ Upon viewing the video at COPA,¹⁹ Officer Anderson said he did not observe Mr. [REDACTED] make a hand-to-hand transaction, citing that COPA's monitor is larger, with better clarity. Additionally, Officer Anderson admitted that Mr. [REDACTED] may not have pulled away prior to him conducting an Emergency Takedown but could have just been startled by Officer Anderson's rapid approach.²⁰

Officer Anderson said he believed Officer Del Olmo completed an Investigatory Stop Report (ISR), but it is possible that neither officer completed an ISR, because at the time, ISR's were new to the Department. It was an unintentional omission, and he has since corrected his behavior. Officer Anderson added that Body Worn Cameras were also new to the Department at the time of incident, and he was inexperienced with activating the Body Worn Camera immediately. He said everything transpired quickly, and he was focused on his safety, and the safety of his partners and other citizens.

¹³ Officer Anderson did not recall which part of the body he grabbed Mr. [REDACTED]

¹⁴ Officer Anderson did not recall saying anything to Mr. [REDACTED] as he approached but may have said something as he grabbed Mr. [REDACTED]

¹⁵ Officer Anderson said he conducted the Emergency Takedown seconds after he initially grabbed/placed his hands on Mr. [REDACTED]. Officer Anderson did not recall whether he gave Mr. [REDACTED] verbal commands prior to conducting a Takedown.

¹⁶ Officer Anderson did not recall whether he or Officer Del Olmo handcuffed Mr. [REDACTED]

¹⁷ Attachment 53, page 56, lines 5-10

¹⁸ Attachment 53, page 56, lines 18-21

¹⁹ Officer Anderson viewed the POD video from 12:40 – 1:00 p.m.

²⁰ Attachment 53, page 58, lines 16-24

In a statement to COPA²¹ on April 6, 2021, **Officer Edgar Del Olmo** related he also viewed the POD video in the 5th District Tactical Office and believed Mr. ██████ was armed with a weapon. As he watched Mr. ██████ live from the POD, Mr. ██████ stepped in front of a CTA bus and exchanged words with a motorist while gripping the pouch/pocket on his hooded sweatshirt. Officers Del Olmo and Anderson relocated and approached Mr. ██████ to determine if he had a weapon.²² Mr. ██████ was facing away from the officers when Officer Anderson pulled Mr. ██████ to the ground.²³ Prior to Officer Anderson taking Mr. ██████ to the ground, he had not resisted.²⁴ Officer Del Olmo added that when Officer Anderson approached, Mr. ██████ possibly leaned or pulled back slightly; however, Officer Del Olmo was behind Officer Anderson and did not have the same vantage point as Officer Anderson.²⁵ During a subsequent search of Mr. ██████ Officer Del Olmo never recovered a heavy object consistent with the weight he perceived.²⁶

Officer Del Olmo did not recall whether he completed an ISR, but said he documented everything on the Arrest, Case and Tactical Response Reports.²⁷ Officer Del Olmo acknowledged that he should have activated his BWC when he exited the squad car, or sooner. He added that BWC's were relatively new to his unit when this incident occurred.

b. Digital Evidence

POD #7055,²⁸ located at 33 W. 95th Street, captures Mr. ██████ exiting a McDonalds restaurant.²⁹ Mr. ██████ walks down the street. At one point, Mr. ██████ enters the street and has a verbal exchange with the occupants of a black sedan, which is briefly stopped in traffic. Mr. ██████ converses with people on the sidewalk and later sits on a stoop. As Mr. ██████ is seated, examining what appears to be a speaker, or other device, Officers Anderson and Del Olmo approach Mr. ██████ from behind—Officer Del Olmo with his gun drawn but not pointed—and Officer Anderson forcefully takes Mr. ██████ to the ground.³⁰ Both officers restrain Mr. ██████ on the ground. Two additional officers arrive. The officers stand Mr. ██████ up and place him against a building. The officers surround and search Mr. ██████. Mr. ██████ goes to the ground again. As crowd begins to surround him, additional officers arrive on scene. The officers have Mr. ██████ stand up. Chicago Fire Department (CFD) personnel arrive on scene. Officers escort Mr. ██████ outside of the camera frame, likely toward an ambulance. A CFD ambulance and truck leave the scene, followed by CPD Officers, shortly thereafter.³¹

²¹ Attachments 39, 42

²² Attachment 39, page 24, lines 1-2

²³ Officer Anderson grabbed Mr. ██████ side, back or torso.

²⁴ Attachment 39, page 27, line 24 through page 28, line 15

²⁵ Attachment 39, page 29, line 8 through page 30, line 4

²⁶ Attachment 39, page 32, lines 16-19.

²⁷ Officer Del Olmo said he wrote the Case and Arrest Reports with Officer Anderson's input.

²⁸ Attachments 24-26

²⁹ 12:32:55 p.m.

³⁰ 12:54:57 p.m.

³¹ 1:10:35 p.m.

COPA obtained and reviewed **Body Worn Camera**³² from the accused and responding officers. The following summary reflects the most material evidence to the investigation. Body Worn Camera depicts Mr. ██████ laying on the ground, in handcuffs. Officer Del Olmo appears to remove a box cutter from Mr. ██████ pants pocket and places it on the ground. Officer Del Olmo places what appears to be a small plastic baggie next to the box cutter, and then removes what appears to be a cell phone charger and coin purse from Mr. ██████ sweater pocket. Meanwhile, Officer Anderson restrains Mr. ██████. Officers Anderson and Del Olmo then activate their Body Worn Cameras.³³ The officers stand Mr. ██████ up and place him against a building. He looks in Officer Anderson's direction and accuses Officer Anderson of slamming him "hard as hell."³⁴ Mr. ██████ slumps to the ground. He repeatedly requests an ambulance, saying Officer Anderson slammed his head on the ground, and he can't stand up straight. Officer Anderson requests an ambulance and announces that an ambulance is on the way, then tells a responding supervisor,³⁵ "We thought he had a pistol on him. (Inaudible). We took him down. He's got ecstasy on him."³⁶ Mr. ██████ lays on the ground, refusing to stand or sit up for several minutes. He acknowledges the four pills belong to him for personal use, but otherwise denies any wrongdoing.³⁷ An ambulance arrives and transports Mr. ██████ to the hospital.

The **Office of Emergency Management and Communications (OEMC) radio transmissions and 911 calls**³⁸ document the following relevant and material communications. At 12:58 p.m. on the date of incident, a citizen requested an ambulance at 95th and Lafayette, citing the police have someone in custody who needs help and is having a seizure.³⁹ An officer assigned to Beat 561C requested a transport vehicle at 95th and Lafayette.⁴⁰ An officer working Beat 578S acknowledged the request. Beat 563C (Officer Anderson) later requested an ambulance, citing an arrestee is complaining of a headache.⁴¹

c. Documentary Evidence

In an **Initiation Report**⁴² dated September 28, 2018, Sgt. Dawn Love, #1437, documented that Officer Anderson was monitoring POD #7055 due to recent gang and narcotic activity near the CTA Red Line. Officer Anderson observed ██████ loitering. He also observed Mr. ██████ gripping a large bulge that was weighing down the front pocket of his hooded sweatshirt. Believing Mr. ██████ was in possession of a firearm, Officer Anderson and his partner relocated to the location. The officers approached Mr. ██████ from behind and conducted a takedown, causing minor injuries.

³² Attachment 15

³³ At the time Officers Anderson and Del Olmo activated their Body Worn Cameras, the previous 30 seconds of video was stored without audio.

³⁴ Attachment 15 at 17:57:03

³⁵ Captain Eric Olson, #50. He was assigned to 3rd watch at the time of incident.

³⁶ Attachment 15 at 18:00:55

³⁷ Attachment 15 at 18:05:16

³⁸ Attachment 16

³⁹ Attachment 51

⁴⁰ 27 minutes, 35 seconds into the recording.

⁴¹ 29 minutes, 13 seconds into the recording.

⁴² Attachment 6

The **Arrest and Case Reports**⁴³ document that Mr. ██████ was arrested and charged with Possession of a Controlled Substance. The report contains essentially the same information as the Initiation Report. Additionally, the report documents that as Officers Anderson and Del Olmo monitored the POD, they observed Mr. ██████ walk in front of a CTA bus, impeding eastbound traffic, and yell at unknown occupants in a vehicle causing them to stop in the lane next to the bus. Mr. ██████ approached the vehicle and exchanged words with the occupants in the vehicle, while gripping the bulge in his sweatshirt. The officers were concerned for the safety of citizens, as the area was filled with CTA commuters. The officers arrived on scene and noted that Mr. ██████ kept moving his front side and shielding the heavy, large bulge from individuals as they passed him. The officers approached Mr. ██████ from behind. Unable to see his hands and fearing he might be gripping a weapon, the officers conducted an Emergency Takedown. While on the ground, Mr. ██████ placed his right hand underneath his torso and refused to obey the officers' verbal commands to relinquish his right hand/arm. Officer Del Olmo applied a wristlock on Mr. ██████ right arm to gain control. The officers handcuffed Mr. ██████ for officer safety. Officer Del Olmo observed a Ziploc baggie containing three green pills, and one knotted baggie with a blue pill, suspect Ecstasy, fall out of Mr. ██████ front right pants pocket. The officers placed Mr. ██████ into custody. He complained of head, arm and hand pain, and said he was having a seizure. Mr. ██████ was transported by ambulance to Roseland Hospital but refused medical treatment. Mr. ██████ was then transported to the 5th District station for processing.

Tactical Response Reports (TRR)⁴⁴ document that Mr. ██████ did not follow verbal direction, stiffened,⁴⁵ pulled away, and had an object perceived as a large, heavy firearm. Officers Anderson and Del Olmo responded with verbal direction/control techniques, tactical positioning, a wristlock, and emergency handcuffing. Officer Anderson also performed an Emergency Takedown. The narrative of the TRRs adds that, in fear that Mr. ██████ might have a firearm, Officer Anderson conducted an Emergency Takedown and wrist lock.

The **Ambulance Report**⁴⁶ documents that Mr. ██████ told CFD personnel he had a headache. He did not appear in distress, had no obvious signs of trauma, and denied having a seizure. CFD transported Mr. ██████ to Roseland Hospital in CPD custody.

Court records⁴⁷ document that the criminal charges against Mr. ██████ were dismissed.

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;

⁴³ Attachments 7, 8

⁴⁴ Attachments 9, 41

⁴⁵ Only Officer Anderson's Tactical Response Report notes that Mr. ██████ stiffened.

⁴⁶ Attachment 52

⁴⁷ Attachments 4, 27

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 complied with Department policy. *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). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds that **Allegation #1** against **Officer Miguel Anderson** is **Sustained**, that he forcefully took ██████████ to the ground without justification. Officer Anderson initially offered that he grabbed and attempted to speak with Mr. ██████████ but Mr. ██████████ while still seated, pulled away and stiffened prompting Officer Anderson to conduct an Emergency Takedown. Officer Anderson lacks credibility. His statements are inconsistent with the POD video. The video reflects that Officer Anderson never attempted to speak to Mr. ██████████ prior to taking him to the ground, but instead approached Mr. ██████████ from behind and immediately took him to the ground. Prior to being taken to the ground, Mr. ██████████ never offered any level of resistance, as he never saw the officers coming and never had an opportunity to comply. Additionally, the Arrest and Case Reports only document acts of resisting after Mr. ██████████ was taken to the ground. None of the reports, which were completed immediately following the incident, describe Mr. ██████████ pulling away or stiffening prior to Officer Anderson forcefully taking him to the ground. There is also no mention in the Department reports that Officer Anderson gave Mr. ██████████ verbal commands prior to taking him to the ground.

Officer Anderson's actions amounted to an ambush. Officer Anderson never announced his office or made his presence known to Mr. ██████████. Instead, without warning or provocation, Officer Anderson forcefully took Mr. ██████████ to the ground. Merely having a hunch that a subject is armed with a gun based on a suspected bulge, seen via computer monitor, with no other facts or prior information, is insufficient basis to perform an Emergency Takedown on a subject who has not offered any level of resistance. Additionally, Mr. ██████████ was not armed with a handgun. During a custodial search of Mr. ██████████ green sweater pocket, there was nothing in the form or shape of a handgun.

According to General Order G03-02, in effect at the time of the incident, titled, "Use of Force," Department members will only use the amount of force required under the circumstances to serve a lawful purpose, and will only use the force that is proportional to the threat, actions, and level of resistance offered by a subject. Based on the above, COPA finds that Officer Anderson's use of a Takedown was inappropriate, and in violation of Department policy.

COPA finds that **Allegations #2 and 3** against **Officer Miguel Anderson** are **Exonerated**, that he arrested and searched Mr. [REDACTED] without justification. While COPA finds that Officer Anderson's use of an Emergency Takedown was inappropriate and in violation of Department policy, following the takedown, Officers Anderson and Del Olmo discovered a baggie containing four Ecstasy pills that fell from Mr. [REDACTED] pocket. Mr. [REDACTED] acknowledged the pills belonged to him. Once it was determined that Mr. [REDACTED] was in possession of a controlled substance, he was subject to arrest. Once a person is arrested, a subsequent search incident to that arrest is justified to ensure the safety of the officers.

COPA finds that **Allegation #4** against **Officer Miguel Anderson** is **Sustained**, that he failed to complete an Investigatory Stop Report for his contact with [REDACTED]. According to Special Order S04-13-09 in effect at the time of the incident, titled, "Investigatory Stop System," the Chicago Police Department defines an Investigatory Stop as the temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.⁴⁸ The order dictates that Department members will submit ISR's for all Investigatory Stops and Protective Pat downs that lead to an arrest. If an arrest is made based on an Investigatory Stop, an ISR will be completed in addition to the Arrest Report. A search in CPD's database for an ISR related to this incident met with negative results. Officers Anderson and Del Olmo did not recall whether they completed the report. Officer Anderson added that ISR's were new to the Department at the time, and he and his partner's failure to complete an ISR was likely an unintentional omission. Based on the above, it is more likely than not that Officer Anderson failed to complete an ISR.

COPA finds that **Allegation #5** against **Officer Miguel Anderson** is **Sustained**, that he failed to timely activate his Body Worn Camera. According to Special Order S03-14 in effect at the time of the incident, titled, "Body Worn Cameras," Department members will initiate a recording at the beginning of an incident for all law-enforcement-related activities, including but not limited to Investigatory Stops, Use of Force Incidents, and Arrests. In the instant case, Officer Anderson activated his Body Worn Camera more than thirty seconds after he and Officer Del Olmo initiated contact with Mr. [REDACTED] thereby in violation of Department policy.

COPA finds that **Allegations #1 and 2** against **Officer Edgar Del Olmo** are **Exonerated**, that he arrested and searched Mr. [REDACTED] without justification, for the same basis cited for Allegations #2 and 3 against Officer Anderson.

COPA finds that **Allegations #3 and 4** against **Officer Edgar Del Olmo** are **Sustained**, that he failed to complete an Investigatory Stop Report for his contact with [REDACTED] and

⁴⁸ Attachment 48, page 2

failed to timely activate his Body Worn Camera, for the same basis cited for Allegations #4 and 5 against Officer Anderson.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Miguel Anderson

i. **Complimentary and Disciplinary History:** Officer Anderson's complimentary and disciplinary history has been received, reviewed and taken into consideration. During his tenure with CPD, Officer Anderson has received one Crime Reduction Award, two Attendance Recognition Awards, one Complimentary Letter, three Department Commendations, and seventy-one Honorable Mentions. He has no disciplinary history.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** 30-day Suspension
2. **Allegation No. 4:** 30-day Suspension
3. **Allegation No. 5:** 30-day Suspension

COPA has considered the facts of this case and Officer Anderson's complimentary and disciplinary history. Officer Anderson displayed utter disrespect for [REDACTED] when he performed an emergency takedown without just cause and without warning. Officer Anderson showed complete disregard for how [REDACTED] landed or his overall safety. Officer Anderson's actions represent the type of misconduct that affects public confidence and trust in the Department. Thus, COPA recommends that Officer Anderson receive a Suspension for 30 days.

b. Officer Edgar Del Olmo

i. **Complimentary and Disciplinary History:** Officer Del Olmo's complimentary and disciplinary history has been received, reviewed and taken into consideration. During his tenure with CPD, Officer Del Olmo has received two Crime Reduction Awards, one Attendance Recognition Award, three Complimentary Letters, one Department Commendation, sixty-nine Honorable Mentions, one Nato Summit Service Award, and one other award. He has no disciplinary history.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 3:** Written Reprimand
2. **Allegation No. 4:** Written Reprimand

COPA has considered the facts of this case and Officer Del Olmo's complimentary and disciplinary history. Officer Del Olmo acknowledging that he should have activate his Body Worn

Camera when he exited the squad car or sooner. COPA also notes that Officer Del Olmo documented the details of the stop in the Arrest and Case Reports. Thus, COPA recommends a Written Reprimand.

Approved:



Sharday Jackson

Deputy Chief Administrator – Chief Investigator

May 31, 2022

Date