

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 2, 2020
Time of Incident:	11:03 a.m.
Location of Incident:	1268 W. 73 rd Place
Date of COPA Notification:	August 4, 2020
Time of COPA Notification:	5:58 p.m.

Officers from the Community Safety Team, Unit 716, were on patrol when they purportedly observed [REDACTED] driving at a high rate of speed. Upon further observation, Mr. [REDACTED] reportedly failed to make a complete stop at a stop sign. The officers initiated a traffic stop, and subsequently asked Mr. [REDACTED] to exit the vehicle. Mr. [REDACTED] became uncooperative and a struggle ensued. Mr. [REDACTED] was placed into custody and charged with assault, battery and resisting arrest. Mr. [REDACTED] subsequently alleged that the officers stopped and detained him without justification and used excessive force against him.

II. INVOLVED PARTIES

Involved Officer #1:	Patrick Forbes, star# 2953, employee ID# [REDACTED]; Date of Appointment: August 26, 2013; Police Officer; Unit of Assignment: 189/193; DOB: [REDACTED], 1986; Male; White
Involved Officer #2:	Carlos Barona, star# 16054, employee ID# [REDACTED]; Date of Appointment: May 1, 2013; Police Officer; Unit of Assignment: 189/193; DOB: [REDACTED], 1985; Male; Hispanic
Involved Officer #3:	Nicholas Ardolino, star# 9874, employee ID# [REDACTED]; Date of Appointment: June 27, 2016; Police Officer; Unit of Assignment: 189/620; DOB: [REDACTED], 1991; Male; White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1997; Male; Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Patrick Forbes	1. It is alleged that Officer Forbes stopped and detained Mr. [REDACTED] without justification.	Not Sustained

	<p>2. It is alleged that Officer Forbes issued Mr. ██████ a false citation for failing to stop at a stop sign.</p> <p>3. It is alleged that Officer Forbes used excessive force by pulling Mr. ██████ out of his vehicle without lawful justification.</p> <p>4. It is alleged that Officer Forbes threw Mr. ██████ personal belongings to the ground.</p> <p>5. It is alleged that Officer Forbes used excessive force by slamming Mr. ██████ to the ground without justification.</p> <p>6. It is alleged that Officer Forbes used excessive force by placing his knee on Mr. ██████ neck.</p> <p>7. It is alleged that Officer Forbes used excessive force by stepping on Mr. ██████ chest.</p> <p>8. It is alleged that Officer Forbes searched Mr. ██████ vehicle without lawful justification.</p> <p>9. It is alleged that Officer Forbes damaged the interior of Mr. ██████ vehicle.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Carlos Barona</p>	<p>1. It is alleged that Officer Barona stopped and detained Mr. ██████ without justification.</p> <p>2. It is alleged that Officer Barona issued Mr. ██████ a false citation for failing to stop at a stop sign.</p> <p>3. It is alleged that Officer Barona used excessive force by pulling Mr. ██████ out of his vehicle without lawful justification.</p> <p>4. It is alleged that Officer Barona threw Mr. ██████ personal belongings to the ground.</p> <p>5. It is alleged that Officer Barona used excessive force by slamming Mr. ██████ to the ground without justification.</p> <p>6. It is alleged that Officer Barona used excessive force by placing his knee on Mr. ██████ neck.</p> <p>7. It is alleged that Officer Barona used excessive force by stepping on Mr. ██████ chest.</p> <p>8. It is alleged that Officer Barona searched Mr. ██████ vehicle without lawful justification.</p> <p>9. It is alleged that Officer Barona damaged the interior of Mr. ██████ vehicle.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

Officer Nicholas Ardolino	1. It is alleged that Officer Ardolino stopped and detained Mr. [REDACTED] without justification.	Not Sustained
	2. It is alleged that Officer Ardolino issued Mr. [REDACTED] a false citation for failing to stop at a stop sign.	Not Sustained
	3. It is alleged that Officer Ardolino used excessive force by pulling Mr. [REDACTED] out of his vehicle without lawful justification.	Not Sustained
	4. It is alleged that Officer Ardolino threw Mr. [REDACTED] personal belongings to the ground.	Not Sustained
	5. It is alleged that Officer Ardolino used excessive force by slamming Mr. [REDACTED] to the ground without justification.	Unfounded
	6. It is alleged that Officer Ardolino used excessive force by placing his knee on Mr. [REDACTED] neck.	Not Sustained
	7. It is alleged that Officer Ardolino used excessive force by stepping on Mr. [REDACTED] chest.	Not Sustained
	8. It is alleged that Officer Ardolino searched Mr. [REDACTED] vehicle without lawful justification.	Not Sustained
	9. It is alleged that Officer Ardolino damaged the interior of Mr. [REDACTED] vehicle.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 6: Disobedience of an order or directive, whether written or oral.

General Orders

1. Use of Force: G03-02
2. Human Rights and Human Resources: G02-01

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.

V. INVESTIGATION¹

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

a. Interviews

In a **statement to COPA²** on August 19, 2020, ██████████ stated officers pulled him over without justification, falsely alleging that he ran a stop sign. Mr. ██████████ asserted that he stopped at the stop sign; and then stopped in the middle of the intersection to yield to turning vehicles. Three uniformed officers³ exited a police SUV and approached his vehicle. The driver of the squad car approached Mr. ██████████ on the driver side of his vehicle and requested his license and insurance. Before Mr. ██████████ could retrieve his license from his wallet and pull up his insurance on his cell phone, a second officer reached through the front passenger window of Mr. ██████████ vehicle and removed his keys from the ignition. Mr. ██████████ initially said the officers asked him to exit the vehicle but recanted that the officers never asked him to exit the vehicle and instead pulled him out of the vehicle.

The officers snatched and threw Mr. ██████████ cell phone, wallet and identification card to the ground and attempted to handcuff him. The officers then slammed Mr. ██████████ to the ground. One of the officers had a knee on Mr. ██████████ neck, and another officer stepped on Mr. ██████████ chest. While the officers were on top of Mr. ██████████ he pushed himself off the ground and stood up to prevent the officers from hurting him. The officers requested backup. The officers lifted Mr. ██████████ up and placed him against his vehicle. The officers then carried Mr. ██████████ to a squad car, handcuffed him, and placed him in the squad car. Mr. ██████████ was transported to the station in a police wagon. The officers issued Mr. ██████████ a traffic citation for failure to stop at a stop sign. He does not know why he was arrested, but said he was charged with battery or assault, and resisting arrest. Officers later transported Mr. ██████████ to ██████████ because he was bleeding from his wrists and knees, had injuries on his face, and his knuckle on his pinky finger was swollen.

Mr. ██████████ said the officers searched his vehicle and drove his car from the scene. A family member later picked up Mr. ██████████ car keys from the station. Mr. ██████████ never saw the officers search his vehicle; however, his family informed him that the interior of his vehicle was damaged, and the door panel was torn.⁴ Mr. ██████████ agreed to provide photographs of his injuries and vehicle to COPA.

In a statement to COPA⁵ on June 9, 2021, **Officer Patrick Forbes** stated he and Officers Barona and Ardolino were on patrol when they observed Mr. ██████████ vehicle traveling above the speed limit of 30 miles per hour in a residential area.⁶ Mr. ██████████ vehicle was one block south, parallel to the officers' squad car.⁷ Officer Forbes, the driver of the squad car, turned to get on the same street as Mr. ██████████ to better gauge his speed. As Officer Forbes drove behind Mr. ██████████

² Attachment 23

³ There was one white male and two Hispanic male officers in the vehicle.

⁴ Mr. ██████████ did not provide any further details regarding the damage.

⁵ Attachments 64, 75

⁶ The officers did not have a radar gun and could not cite Mr. ██████████ exact speed.

⁷ The officers were in an unmarked squad car, which is not equipped with an In-Car Camera.

Mr. █████ failed to make a complete stop at a stop sign.⁸ Officer Forbes activated the squad car's emergency equipment and initiated a traffic stop.⁹

Mr. █████ stopped his vehicle in the middle of the street on 73rd Place.¹⁰ Officer Forbes approached Mr. █████ driver side door, requested his driver's license and insurance, and attempted to explain the reason for the stop. Mr. █████ was irate and said words to the effect of, "Why you all fucking with me?"¹¹ Mr. █████ gave Officer Forbes his driver's license and then abruptly snatched it. Mr. █████ then reached into his right pocket. The officers did not know what Mr. █████ was reaching for—and were concerned that he could reach for a weapon—so Officer Forbes ordered Mr. █████ to exit the vehicle for officer safety. Mr. █████ refused.

Officer Forbes pulled Mr. █████ by his arms, out of the vehicle, to stop Mr. █████ from reaching into his pocket. Officer Forbes believes that Officers Barona and Ardolino assisted with pulling Mr. █████ out of the vehicle. Mr. █████ stiffened his body and pulled away, then Mr. █████ swung at Officer Barona, but Officer Barona blocked his swing. Officer Forbes gave Mr. █████ multiple commands to stop resisting and tried to place Mr. █████ hands behind his back. Mr. █████ jumped/lifted his legs and Mr. █████ and all three officers fell to the ground. After a struggle, Officers Forbes and Barona placed Mr. █████ hands behind his back and handcuffed him. The officers sat Mr. █████ up near the rear of his vehicle. A large crowd formed, so the officers requested backup and additional officers eventually responded to the scene. Officer Forbes and Officer Matt Moore,¹² one of the responding officers, escorted Mr. █████ to the transport vehicle. Mr. █████ kicked the squad car door closed. The officers ultimately placed Mr. █████ into the squad car and an assist unit transported Mr. █████ to the station. From the station, the officers transported Mr. █████ to the hospital for unspecified injuries.¹³ One of the officers drove Mr. █████ vehicle to the station to secure it as personal property.¹⁴

Officer Forbes denied that he and his partners issued Mr. █████ a false citation, threw his personal belongings to the ground, slammed him to the ground, placed a knee on his neck, stepped on his neck, or damaged the interior of his vehicle. Officer Forbes denied searching Mr. █████ vehicle and did not recall whether his partners searched Mr. █████ vehicle.

In a statement to COPA¹⁵ on June 9, 2021, **Officer Nicholas Ardolino** provided an account consistent with Officer Forbes.¹⁶ Officer Ardolino added that when the officers approached Mr. █████ he stayed toward the rear, driver side of Mr. █████ vehicle. Officer Ardolino did not observe Mr. █████ reach into his pockets, but heard his partners tell Mr. █████ not to go into his pockets and to show his hands. Officer Ardolino said once Officers Forbes and Barona escorted

⁸ Officer Forbes did not remember whether Mr. █████ made a rolling stop or drove straight through the Stop Sign.

⁹ Officer Forbes made the traffic stop based on █████ failure to make a complete stop at the Stop Sign—not for speeding.

¹⁰ The street is a one-way going east.

¹¹ Transcribed statement of Officer Forbes. Attachment 75, page 21, lines 1-2

¹² Officer Matthew Moore, #10785. Attachment 78

¹³ Officer Forbes did not recall what the injuries were.

¹⁴ Officer Forbes did not recall which officer drove the vehicle. Body Worn Camera depicts Officer Ardolino enter the driver seat of Mr. █████ vehicle. Attachments 43-44

¹⁵ Attachments 63, 76

¹⁶ Officer Ardolino said he believed the speed limit in the area was 25 miles per hour.

Mr. ██████ by his hand out of the vehicle, the fight against them was on. Officer Ardolino added that when the officers attempted to handcuff Mr. ██████ he lifted his feet and threw himself onto a vehicle and fell to the ground. Mr. ██████ threw a punch at Officer Ardolino and said he would kill him. Approximately twenty to thirty bystanders gathered and tried to obstruct. Officer Ardolino requested additional units via his police radio. Officer Ardolino believes the officers performed an inventory search of Mr. ██████ vehicle for personal property in plain view such as keys, identification cards, credit cards, and other essentials. Officer Ardolino denied committing the allegations made against him. Additionally, he denied pulling Mr. ██████ from his vehicle, and said that he merely guided Mr. ██████ toward the side of the vehicle once Mr. ██████ exited. Officer Ardolino sustained a sore/swollen elbow during the incident.

In a statement to COPA¹⁷ on June 7, 2021, **Officer Carlos Barona** provided an account consistent with Officer Forbes. Additionally, he stated that once Mr. ██████ refused to exit the vehicle, he walked to the driver side and helped Officer Forbes pull Mr. ██████ from the vehicle. Officer Barona added that as the officers held Mr. ██████ hands, Mr. ██████ jumped on the hood of a parked car, and he and the officers slid off the hood and fell to the ground. Officer Barona said Mr. ██████ ripped open Officer Barona's protective vest and removed his radio. Officer Barona did not recall searching Mr. ██████ vehicle. Except for pulling Mr. ██████ from his vehicle, Officer Barona denied committing the allegations attributed to him. Officer Barona agreed to provide COPA a video of the incident he saw on social media.

b. Digital Evidence

On August 19, 2020, Mr. ██████ tendered to COPA **photographs**¹⁸ of his injuries. The photographs depict what appears to be abrasions to his left cheek, right forehead, both knees, right leg, ankle, arm and hand;¹⁹ and a photograph of a car door.

A **video**²⁰ submitted to COPA by Mr. ██████ depicts miscellaneous items strewn about the vehicle's front seat, and the overhead console lamp dangling.

A **video**²¹ submitted to COPA by Officer Barona²² depicts Mr. ██████ pushing and pulling away from officers as they try to restrain him. Mr. ██████ yells for the officers to get off and stop touching him. Mr. ██████ swings his legs onto the hood of a parked car. Mr. ██████ and the officers go to the ground. The view is partially obstructed due to a parked car. Officer Forbes kneels on Mr. ██████. All three officers are on the ground with Mr. ██████ and the struggle continues. An officer tells Mr. ██████ to stop resisting. Mr. ██████ reaches toward Officer Barona's vest area. Officer Barona tells Mr. ██████ to stop grabbing his face and to let go of his "shit." Multiple people are heard talking in the background, saying the officers pulled Mr. ██████ out of his car.²³ Officers Barona and Forbes attempt to restrain Mr. ██████ on the ground while Officer Ardolino makes a

¹⁷ Attachments 55, 74

¹⁸ Attachments 9-20

¹⁹ The abrasions appear to be several days old as scabs have formed on many of them.

²⁰ Attachment 21

²¹ This appears to be a cell phone video. It is 3 minutes and 19 seconds long. Attachment 65

²² COPA is unaware of who captured this video.

²³ In his interview, Mr. ██████ said he did not know the bystanders who witnessed his arrest. Attachment 23

radio transmission. Bystanders tell the officers not to choke Mr. ██████²⁴ Mr. ██████ continues to move around on the ground. Officers Barona and Forbes handcuff Mr. ██████ and walk him to the trunk area of his car. Several items including a cell phone and possibly a wallet and ID card are observed in the street. Other officers respond to the scene. An officer²⁵ looks inside Mr. ██████ vehicle.²⁶ Officer Forbes and an unknown officer escort Mr. ██████ to a squad car. Mr. ██████ swings his legs and moves to avoid physical control by the officers. Officer Forbes tells Mr. ██████ to stop resisting. Officer Forbes and others place Mr. ██████ into the rear seat of a marked police SUV.

COPA obtained and reviewed **Body Worn Camera**²⁷ from the responding officers.²⁸ The following summary reflects the most material evidence to the investigation: The video depicts Officers Forbes and Moore escorting Mr. ██████ to a squad car. Mr. ██████ yells, “Don’t touch me! I’m not going in there, bro... I’m not getting locked up, bro!” The officers tell Mr. ██████ to relax. Mr. ██████ kicks the squad car door closed. Officer Moore warns Mr. ██████ not to do that again. Officers Forbes and Moore lift/brace Mr. ██████ onto the trunk of a black Dodge sedan, carry him to the rear seat of the squad car, and close the door. Mr. ██████ tells an officer he does not know any of the bystanders—he lives down the street. Mr. ██████ tells the transport officer²⁹ he was stopped and waiting for a pedestrian to cross the street when the officers stopped him, grabbed him out of the car, slammed him, and choked him several times.³⁰

The Body Worn Camera further depicts Officers Ardolino and an unknown officer looking in the back seat of Mr. ██████ vehicle but does not depict a physical search.³¹

c. Physical Evidence

Medical records³² document that Mr. ██████ told hospital personnel that CPD knocked him to the ground, held him down, and choked him. Mr. ██████ complained of abrasions on his hands and knees from the pavement. Mr. ██████ was diagnosed with multiple abrasions.

d. Documentary Evidence

The **Arrest and Case Reports**³³ document that ██████ was arrested and charged with Simple Assault, Battery, and Resisting/Obstructing a Peace Officer.³⁴ He was also cited for failure to stop at a stop sign. It is reported that Officers Forbes, Barona, and Ardolino were on patrol when they observed Mr. ██████ vehicle traveling at a high rate of speed. He also

²⁴ The video does not appear to show Mr. ██████ being choked.

²⁵ Possibly Officer Ardolino. This portion of the video depicts the officer from behind.

²⁶ It is unclear what the officer does inside the vehicle.

²⁷ Attachments 39-54

²⁸ Officers Ardolino, Barona, and Forbes were not assigned Body Worn Cameras at the time of incident.

²⁹ Officer Gloria Nunez, #108414

³⁰ Attachments 39-42, 45-46

³¹ Attachments 47-48, 11:05:05 hours

³² Attachment 28

³³ Attachments 1-2

³⁴ As of May 13, 2021, the disposition for all counts is, “Judgment on Bond Forfeiture,” with a warrant outstanding. Attachment 77

disregarded a stop sign. The officers conducted a traffic stop of Mr. [REDACTED] vehicle. Mr. [REDACTED] became irate and shouted profanities at the officers. Mr. [REDACTED] provided Officer Forbes his driver's license, but then abruptly snatched it from Officer Forbes' hand. Mr. [REDACTED] purportedly placed both hands in his right, shorts pocket. Believing Mr. [REDACTED] was attempting to access a weapon, the officers ordered Mr. [REDACTED] to exit the vehicle. He refused. The officers attempted to gain control of Mr. [REDACTED] and Mr. [REDACTED] stiffened his body and pulled away. When the officers attempted to gain control of Mr. [REDACTED] arms, he swung his arms to avoid being handcuffed. Once Mr. [REDACTED] was out of the vehicle, he tried to punch Officer Barona on the face but missed. Mr. [REDACTED] also tried to head butt Officer Barona, while simultaneously grabbing Officer Barona's radio and ripping open his vest. The officers gave Mr. [REDACTED] several commands to stop resisting. Mr. [REDACTED] stated to Officer Ardolino, "I'll fuck you up. I'm going to kill you," and attempted to punch Officer Ardolino. The officers used escort holds and conducted a takedown and emergency handcuffing. Mr. [REDACTED] told Officer Barona, "I will kick your ass. I'm going to shoot you. I'm going to kill you." Officers subsequently attempted to place Mr. [REDACTED] into a transport vehicle. He kicked the door closed. Mr. [REDACTED] was ultimately transported to the 7th District Station for processing. From the station, Mr. [REDACTED] was transported to [REDACTED] for an injury to his right pinky finger and abrasions to his knees. Officer Barona sustained lower right back pain during Mr. [REDACTED] arrest; and Officer Ardolino sustained pain and a swollen left elbow. The Watch Commander's comment section of the Arrest Report notes that Mr. [REDACTED] father, registered co-owner of the vehicle, came to the station and retrieved the keys to Mr. [REDACTED] vehicle.

Tactical Response Reports³⁵ document that Mr. [REDACTED] failed to follow verbal direction, made verbal threats, stiffened, pulled away, posed an imminent threat of battery, physically attacked, used hand/arm/elbow strike(s), pushed/shoved/pulled, wrestled/grappled, and attempted to headbutt and punch officers. Officers Barona, Ardolino and Forbes responded with verbal direction/control techniques, tactical positioning, emergency handcuffing, and requested additional officers to the scene. Additionally, Officers Barona and Forbes used escort holds; Officers Barona and Ardolino used movement to avoid attack; and Officer Ardolino performed a take down.

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

³⁵ Attachments 4-6

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 recommends a finding of **Not Sustained** for **Allegations #1-4, and 6-9** against **Officers Forbes, Barona and Ardolino**, that they stopped and detained Mr. ██████ without justification, issued Mr. ██████ a false citation for failing to stop at a stop sign, pulled Mr. ██████ out of his vehicle without lawful justification, threw Mr. ██████ personal belongings to the ground, placed their knee on Mr. ██████ neck, stepped on Mr. ██████ chest, searched Mr. ██████ vehicle without lawful justification, and damaged the interior of Mr. ██████ vehicle. There is conflicting information regarding the circumstances that led to the officers' initial contact with Mr. ██████ and the events that occurred afterward. Mr. ██████ alleged that the officers stopped and detained him for no reason—stating that he not only stopped at the stop sign, but also stopped a second time in the intersection to yield to turning vehicles. It is unclear why Mr. ██████ stopped in the intersection if he properly stopped at the stop sign, which requires that a motorist come to a complete stop and yield the right-of-way to all vehicles and pedestrians before proceeding into the intersection.

Officers Forbes and Barona acknowledged that they pulled Mr. ██████ from his vehicle after he reached/attempted to reach into his right pants/shorts pocket. Mr. ██████ said he was merely attempting to show the officers his driver's license and insurance when they abruptly pulled him from the vehicle and threw his personal belongings to the ground. While the accused officers completed Tactical Response Reports acknowledging that they used force during Mr. ██████ arrest, the accused officers denied placing their knee on Mr. ██████ neck, stepping on his chest, searching his vehicle without lawful justification, or damaging the interior of Mr. ██████ vehicle. Mr. ██████ did not observe the officers search or damage the interior of his vehicle. Officer Ardolino said he/officers likely conducted an inventory search for items in plain view, but he denied otherwise searching or damaging Mr. ██████ vehicle. Body Worn Camera from responding officers depicts Officer Ardolino and an unknown officer briefly looking inside Mr. ██████ vehicle, but does not depict a physical search.

There is no video of the initial traffic stop or the moments leading up to it, as the officers' unmarked squad car was not equipped with an In-Car Camera. Additionally, the accused officers were not assigned Body Worn Cameras. The third-party video captures the latter part of the incident but does not show what led to officers pulling Mr. ██████ from his vehicle. The video depicts officers using force against Mr. ██████ as he pulls away and resists arrest; however, the video does not capture the force Mr. ██████ alleged. The view is partially obstructed due to the angle of the camera, and a parked car. There were no witnesses identified. Mr. ██████ said that he did not know anyone in the crowd of bystanders that protested his arrest and treatment by police officers. Without any additional, independent information, there is insufficient evidence to prove or disprove the allegations by a preponderance of the evidence.

COPA recommends a finding of **Unfounded** for **Allegation #5** against **Officers Forbes, Barona, and Ardolino**, that they used excessive force by slamming Mr. ██████ to the ground without justification. Third-party video depicts Mr. ██████ push and pull away from officers as they try to restrain him. During this process, Mr. ██████ swings his legs onto the hood of a parked vehicle. This movement puts Mr. ██████ off-balance, and he and the accused officers subsequently fall to the ground. The video does not depict officers slamming Mr. ██████ to the ground as he alleged.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer Patrick Forbes	1. It is alleged that Officer Forbes stopped and detained Mr. ██████ without justification.	Not Sustained
	2. It is alleged that Officer Forbes issued Mr. ██████ a false citation for failing to stop at a stop sign.	Not Sustained
	3. It is alleged that Officer Forbes used excessive force by pulling Mr. ██████ out of his vehicle without lawful justification.	Not Sustained
	4. It is alleged that Officer Forbes threw Mr. ██████ personal belongings to the ground.	Not Sustained
	5. It is alleged that Officer Forbes used excessive force by slamming Mr. ██████ to the ground without justification.	Unfounded
	6. It is alleged that Officer Forbes used excessive force by placing his knee on Mr. ██████ neck.	Not Sustained
	7. It is alleged that Officer Forbes used excessive force by stepping on Mr. ██████ chest.	Not Sustained
	8. It is alleged that Officer Forbes searched Mr. ██████ vehicle without lawful justification.	Not Sustained
	9. It is alleged that Officer Forbes damaged the interior of Mr. ██████ vehicle.	Not Sustained

<p>Officer Carlos Barona</p>	<ol style="list-style-type: none"> 1. It is alleged that Officer Barona stopped and detained Mr. [REDACTED] without justification. 2. It is alleged that Officer Barona issued Mr. [REDACTED] a false citation for failing to stop at a stop sign. 3. It is alleged that Officer Barona used excessive force by pulling Mr. [REDACTED] out of his vehicle without lawful justification. 4. It is alleged that Officer Barona threw Mr. [REDACTED] personal belongings to the ground. 5. It is alleged that Officer Barona used excessive force by slamming Mr. [REDACTED] to the ground without justification. 6. It is alleged that Officer Barona used excessive force by placing his knee on Mr. [REDACTED] neck. 7. It is alleged that Officer Barona used excessive force by stepping on Mr. [REDACTED] chest. 8. It is alleged that Officer Barona searched Mr. [REDACTED] vehicle without lawful justification. 9. It is alleged that Officer Barona damaged the interior of Mr. [REDACTED] vehicle. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Nicholas Ardolino</p>	<ol style="list-style-type: none"> 1. It is alleged that Officer Ardolino stopped and detained Mr. [REDACTED] without justification. 2. It is alleged that Officer Ardolino issued Mr. [REDACTED] a false citation for failing to stop at a stop sign. 3. It is alleged that Officer Ardolino used excessive force by pulling Mr. [REDACTED] out of his vehicle without lawful justification. 4. It is alleged that Officer Ardolino threw Mr. [REDACTED] personal belongings to the ground. 5. It is alleged that Officer Ardolino used excessive force by slamming Mr. [REDACTED] to the ground without justification. 6. It is alleged that Officer Ardolino used excessive force by placing his knee on Mr. [REDACTED] neck. 7. It is alleged that Officer Ardolino used excessive force by stepping on Mr. [REDACTED] chest. 8. It is alleged that Officer Ardolino searched Mr. [REDACTED] vehicle without lawful justification. 9. It is alleged that Officer Ardolino damaged the interior of Mr. [REDACTED] vehicle. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

INTENTIONALLY LEFT BLANK

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

2-28-2022

Date