SUMMARY REPORT
CHICAGO POLICE DEPARTMENT

LOG NO	TYPE	DATE OF REPORT
1086022	CR	15-NOV-2017

INSTRUCTIONS: **SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS**

TO: ■ CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY ☐ CHIEF, BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
O'BOYLE, MIRANDA	9181	75	[redacted]	113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS:	DATE / TIME: 23-JUL-2017 13:07	BEAT: 133
[redacted]		

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
FLANNAGAN, PHILLIP	9164	8257	[redacted]	001		M / BLK	[redacted]1962	06-FEB-1995	YES	YES
LAZZARO, MICHAEL	9171	2154	[redacted]	001		M / WHI	[redacted]1955	01-MAR-1982	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
[redacted]	[redacted]		[redacted]	M / BLK	[redacted]1975 / 42

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
[redacted]	[redacted]		[redacted]	M / BLK	[redacted]1975 / 42

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
MEEKS, PIERRE	RANK: 9161,STAR NO: 14737,EMP NO: [redacted]			M / BLK	[redacted]1989 / 28
PIZZO, MICHAEL	RANK: 9161,STAR NO: 13927,EMP NO: [redacted]			M / WHI	[redacted]1989 / 28

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

** SEE LAST PAGE FOR INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

See Summary Report

I. INTRODUCTION

On July 24, 2017, [redacted] ("[redacted] or "Complainant") called and filed a complaint with the Independent Police Review Authority ("IPRA")[1] regarding an incident that occurred at his home, located at [redacted] on July 23, 2017. [redacted] alleged that when Chicago Police Department ("CPD") officers responded to his call for assistance on July 23, 2017, the accused officer, now known as PO Phillip Flannagan, referred to him as a "nigger" and a "bitch." [redacted] further alleged that as PO Flannagan left his residence he said to [redacted] "fuck you."

II. ALLEGATIONS

It is alleged that on July 23, 2017, at approximately 1:15 PM, at 2964 S State Street, Apt. 404, Chicago, IL 60616, **accused** Officer **Phillip Flannagan #8257**, **employee #51754, unit 001,** while on duty:

1. Called [redacted] a "nigger."
2. Called [redacted] a "bitch."
3. Stated to [redacted] "fuck you."
4. Failed to activate his Body Worn Camera when responding to an incident.

It is alleged that on July 23, 2017, at approximately 1:39 PM, at [redacted], **accused** Sergeant **Michael Lazzaro #2154**, **employee [redacted], unit 001,** while on duty:

1. Failed to activate his Body Worn Camera when responding to an incident.

III. APPLICABLE RULES AND LAWS

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]

[1] The Civilian Office of Police Accountability (COPA) replaced the abolished Independent Police Review Authority (IPRA) on September 15, 2017.

[2] This Rule applies to both the professional and private conduct of all members. It prohibits all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.[3]

Rule 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.[4]

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.[5]

Rule 10: Inattention to duty.

Chicago Police Department Special Order S03-14: Body Worn Cameras provides in relevant part:[6]

III. Initiating, Concluding, and Justifying Recordings

A. Initiation of a Recording

1. The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated.

2. 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. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical. Law-enforcement-related activities include but are not limited to:

a. calls for service;
b. investigatory stops;
c. traffic stops;
d. traffic control;
e. foot and vehicle pursuits;

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[3] This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

[4] This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

[5] Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

[6] Relevant sections of this Special Order will be discussed as necessary in the analysis section of this Summary Report.

f. arrests;
g. use of force incidents;
h. seizure of evidence;
i. interrogations;
j. searches, including searches of people, items, vehicles, buildings, and places;
k. statements made by individuals in the course of an investigation;
l. requests for consent to search;
m. emergency driving situations;
n. emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene;
o. high-risk situations;
p. any encounter with the public that becomes adversarial after the initial contact;
q. arrestee transports;
r. any other instance when enforcing the law.

. . .

4. Justification for **Deactivating a Recording**

The Department member will verbally justify on the BWC when deactivating it prior to the conclusion of an incident. When a member fails to record an incident or circumstances warrant the verbal justification of a deactivation as being impractical or impossible, the member will document the reason by activating the BWC and stating the type of incident, even number, and the reason for deactivating the recording.

Special Order S03-14(III)(A)(1-2) (emphasis in original)

III. INVESTIGATION

COPA gathered relevant documentary evidence associated with this incident. In addition, COPA obtained statements from the complainant, witness officers, and the accused. Summaries of this evidence follow.

1. Statement of Complainant [redacted]

On August 8, 2017, IPRA Investigators Dennis Prieto and Kymberly Reynolds interviewed [redacted] at 1615 W. Chicago Ave., Chicago, IL 60622. [redacted] stated that on July 23, 2017, he called for a sergeant to respond to his residence at [redacted], because the initial officers that responded to his residence for a complaint he made were disrespectful.[7] [redacted] reported that he originally called CPD to get his ex-girlfriend [redacted] boyfriend, [redacted] out of his apartment.

[7] IPRA/COPA received multiple pieces of evidence from the Office of Emergency Management and Communications (OEMC). OEMC records confirmed that probationary police officers Pierre Meeks and Michael Pizzo, field training officer Philip

[redacted] stated that when officers responded to get [redacted] out of the apartment, an officer called him a "nigger," a "bitch", said "fuck you," and told [redacted] that he was sick of coming to his residence. [redacted] also stated that the officer said he was going to go to management (of the apartment building) because [redacted] had people in his residence, [redacted] and [redacted] that were not supposed to be there. [redacted] stated that there were other officers present. [redacted] said that the accused officer told him he had responded to [redacted] call before and he was sick and tired of responding to the apartment. [redacted] stated there were no other witnesses because [redacted] and [redacted] had left the apartment at the point at which the accused verbally assaulted him. (Attachment 5-7)

2. Body Worn Camera Request

A request for Body Worn Camera (BWC) and in-car camera footage was submitted to CPD. A response was received advising that they did not locate any BWC or in-car camera footage for the incident on July 23, 2017. (Attachment 8 & 9)

3. Telephone Interview with Witness [redacted]

On October 23, 2017, telephone contact was made with [redacted] He stated that he no longer communicated with [redacted] or [redacted] but that he recalled the incident which took place on July 23, 2017. He stated that he had [redacted] wallet, and that [redacted] had some of his belongings. There was a dispute about returning the items. [redacted] stated that [redacted] was yelling at the officers the entire time because [redacted] allowed the officers and [redacted] inside of the residence. [redacted] stated that officers then advised [redacted] that she had to leave the residence. [redacted] said that after he grabbed his belongings from the residence he left. [redacted] did not hear the officers be disrespectful, name call, or threaten [redacted] or [redacted] stated that an officer did say that he comes to [redacted] residence frequently for complaints and that [redacted] and [redacted] need to get it together. [redacted] stated that the officers and [redacted] exited the residence shortly after he left with his belongings. (Attachment 33)

4. Interview of Witness Probationary Police Officer (PPO) Pierre Meeks

On September 1, 2017, investigator Miranda O'Boyle and Supervising Investigator Mark Clark interviewed PPO Meeks about the incident that occurred on July 23, 2017, at approximately 1:15 PM. PPO Meeks stated that he was on-duty and assigned patrol on July 23, 2017, and he was accompanied by PPO Michael Pizzo and his Field Training Officer (FTO) Phillip Flannagan. PPO Meeks stated that prior to this date he had only been assigned to FTO Flannagan on approximately one other occasion.

Flannagan, and Sergeant Michael Lazarro responded to [redacted] residence on the day of this incident in response to [redacted] call for assistance. (Attachments 10-13 & 28)

[8] On October 4, 2017, a certified letter was sent to [redacted] at 2964 S State Street, Apt. 204, Chicago, IL 60616, where [redacted] advised she was living during his interview with COPA. There has been no response to date. On October 17, 2017, contact was made with [redacted] who advised that [redacted] no longer resides with him. He further stated that he has not spoken with her since July, and doesn't know how to reach her or where she is living. (Attachments 26 & 32)

PPO Meeks recalled that he received a radio call for a disturbance on July 23, 2017, at the location of 2964 S. State St. PPO Meeks stated that police probation officers do not have body worn cameras (BWC) and therefore he did not have a BWC to activate. He did state that FTO Flannagan was equipped with a BWC, but he was not sure if he had activated it.

PPO Meeks stated that upon their arrival, they were met by security[9] outside along with a white male, now known as [redacted] a black male, now known as [redacted] and a white female, now known as [redacted] standing outside of a car. The three civilians were yelling at each other. He stated that FTO Flannagan asked what the problem was, and [redacted] advised him that [redacted] had his wallet. At this point, [redacted] provided the wallet to FTO Flannagan to give to [redacted] advised that he needed his social security card from upstairs. PPO Meeks stated that they all went inside the apartment and [redacted] went into a room to retrieve his belongings. [redacted] then left, and [redacted] was advised she had to leave by security because there was a prior incident where she had been stabbed in the neck.

PPO Meeks denied that anyone called any of the civilian parties a "bitch" or a "nigger." He also denied that any of the officers present said, "fuck you" to any of the civilian parties. PPO Meeks stated that he was present during the entire incident, but he engaged in conversations of his own with the civilian parties and may not have heard everything that was being said by FTO Flannagan. (Attachment 15)

5. Interview of Witness PPO Michael Pizzo

On September 1, 2017, investigator Miranda O'Boyle and Supervising Investigator Mark Clark interviewed PPO Pizzo about the incident discussed above. PPO Pizzo's account largely mirrored PPO Meeks's account. PPO Meeks added that he had been assigned to work with FTO Flannagan on multiple occasions prior to this incident. PPO Pizzo described FTO Flannagan as a good trainer, professional with the public, and stern when he had to be. He also advised that he did not have BWC, but that FTO Flannagan did.

PPO Pizzo elaborated on why the officers returned to the residence later that day. PPO Pizzo stated that they cleared the residence and went to take lunch. As they were on their way to lunch, they received a call from the sergeant advising he was called to the residence, so they all returned to the residence. The sergeant spoke with [redacted] who was irate and stated that he didn't like how FTO Flannagan had talked to him. When asked for detail as to what [redacted] was alleging, PPO Pizzo stated that [redacted] alleged FTO Flannagan called him a "bitch.'

PPO Pizzo stated that none of the officers called any of the civilian parties a "bitch" or a "nigger." He also stated that none of the officers said "fuck you" to any of the parties. He further stated that he was present with FTO Flannagan during the entire incident and would have heard most of what FTO Flannagan would have said. (Attachment 16)

[9] Unsuccessful attempts were made to identify the security officer. (Attachment 34)

6. Interview of Accused Field Training Officer (FTO) Phillip Flannagan

On September 19, 2017, investigators Miranda O'Boyle and Matthew Haynam interviewed FTO Flannagan about the above referenced incident. FTO Flannagan stated that on July 23, 2017, he was on-duty and assigned to patrol as a FTO with two recruits. FTO Flannagan stated that he was in full uniform and had a BWC.

FTO Flannagan stated that he was dispatched to [redacted] for a disturbance. He stated that a guy was complaining because someone had his wallet. FTO Flannagan stated that he responded with the two recruits he was assigned, but that he had forgotten to activate his BWC. He further stated that the BWC was still "fairly new" to him, and that turning on his BWC was not committed to muscle memory yet. FTO Flannagan could not recall when his specific district had received the BWC's.[10]

FTO Flannagan's account largely mirrored the account of the probationary officers recounted above. FTO Flannagan stated that he spoke with [redacted] about the exchange of property. FTO Flannagan stated that [redacted] seemed as if "he wasn't all there," but that he remained calm during his interaction with him. FTO Flannagan stated that he had been at the residence before when [redacted] was stabbed in the neck by another girlfriend of [redacted] FTO Flannagan stated that he had not interacted with [redacted] before.

FTO Flannagan denied calling [redacted] a "nigger" or a "bitch," and denied saying "fuck you." FTO Flannagan stated that after [redacted] was escorted out, [redacted] came down and was talking with security because he was upset. FTO Flannagan stated that he let them continue to talk and he coded out and left the residence.

FTO Flannagan reported that approximately 10-15 minutes later there was a call for a sergeant. FTO Flannagan stated that he met with Sgt. Lazzaro and they all responded back to the residence. [redacted] complained that he didn't like the way FTO Flannagan spoke to him, but that the recruits were professional. FTO Flannagan reported that [redacted] stated he was going to get FTO Flannagan suspended. FTO Flannagan stated that he told [redacted] "if I did anything to offend you, I apologize."

FTO Flannagan was directed to CPD Special Order S03-14: Body Worn Cameras. FTO Flannagan stated that he had seen the policy before, but that he would have to read it again to refresh his memory. FTO Flannagan stated that he was provided the policy and trained on it prior to being issued the BWC. FTO Flannagan stated that he doesn't remember the process for not recording an event with BWC or if that is even covered in the policy. COPA investigators directed FTO Flannagan to section B-3 of the policy and FTO Flannagan read it into the record, but FTO Flannagan did not recall that section. FTO Flannagan stated that during training he was advised that failure to activate the BWC would be used as a training moment or event. He was then directed to section 2-A, which covers when the BWC should be activated and includes 'Calls for Service.'

[10] FTO Flannagan was assigned to District 001 at the time of this incident. District 001 launched BWCs on March 10, 2017. FTO Flannagan was assigned to District 002 before he was assigned to District 001. District 002 launched BWCs on June 29, 2016. Accordingly, FTO Flannagan had at least a year of BWC use before the date of this incident.

When asked further about the allegations, FTO Flannagan stated that he would never say those types of things to a citizen because it is not his character. FTO Flannagan stated that he may be firm, but he would not say those things. (Attachments 17-20 & 41)

7. Interview of Accused Sergeant (Sgt.) Michael Lazzaro

On October 4, 2017, investigators Miranda O'Boyle and Matthew Haynam interviewed Sgt. Lazzaro about the incident referenced above. Sgt. Lazzaro stated that on July 23, 2017, he was assigned to beat 120 in the 1st District and was on-duty by himself.

Sgt. Lazzaro stated that he was notified via radio that there was a request for a sergeant, and he responded to the location with the initial officers that were assigned. Sgt. Lazzaro stated that he met up with the officers prior to responding to see what the call was regarding and so they could respond together. Sgt. Lazzaro stated that upon meeting up, from what he could recall, the officer stated that there had been an incident there earlier (that day or days prior) in which a woman was stabbed.[11]

Sgt. Lazzaro stated that he then went to the location with the initially assigned officers. Sgt. Lazzaro advised that he thought he activated his BWC, but he must not have and did not realize he had not until he was served with his allegations. Sgt. Lazzaro stated that upon arriving at the location he spoke to [redacted] Sgt. Lazzaro stated that [redacted] advised that he thought the officer he spoke to was rude to him. Sgt. Lazzaro further stated that [redacted] said the officer was talking to him in a loud voice and being disrespectful. Sgt. Lazzaro stated that he continued talking to [redacted] and asked how the officer was being rude. Sgt. Lazzaro stated that FTO Flannagan apologized to [redacted] Sgt. Lazzaro stated that he asked [redacted] what he wanted to do, to which [redacted] replied that he was fine. Sgt. Lazzaro then stated that he and FTO Flannagan cleared the location.

Sgt. Lazzaro added at the end of his statement that he would be more diligent about making sure his body worn camera was turned on. (Attachments 22-25)

[redacted]
Miranda O'Boyle, Investigator

[redacted]
Mark Clark, Supervising Investigator

[11] When supervisors respond back to a location for a complaint with the officers initially assigned the job, it can be intimidating to the complainant. A response and/or investigation into a complaint should be independent and not involve the alleged accused party. Sgt. Lazzaro should have called for another sergeant or other officers to accompany him to take the complaint.

IV. ANALYSIS AND CONCLUSION

Although [redacted] alleged that FTO Flannagan called him a "bitch," a "nigger," and said, "fuck you," no witnesses corroborated these allegations. FTO Flannagan denied the allegations. PPOs Meeks and Pizzo did not recall ever hearing FTO Flannagan or anyone use those words towards any of the civilians. In addition, [redacted] stated he did not hear any of the officers be disrespectful, name call or threaten [redacted] or [redacted] There is no video or audio evidence of the incident. Therefore, COPA cannot determine by a preponderance of the evidence whether FTO Flannagan in fact called [redacted] a "bitch," "nigger," or stated, "fuck you;" and therefore, those allegations cannot be substantiated.

The investigation revealed that FTO Flannagan and Sgt. Lazzaro failed to activate their BWC when responding to a 'call for service.' FTO Flannagan admitted that he had forgotten to activate his BWC and even after realizing he failed to record the event he then failed to properly document the failure. Sgt. Lazzaro indicated he had no knowledge that he failed to activate his BWC until he received notification of his allegations.

FTO Flannagan's and Sgt. Lazzaro's acknowledgment that they inadvertently failed to activate their BWCs does not cure the issue of failing to properly use the device. As stated in CPD Special Order S03-14, I-A, "Audio and visual recordings from the body-worn camera (BWC) can improve the quality and reliability of investigations and increase transparency." FTO Flannagan's and Sgt. Lazzaro's failure to use their body-worn camera hindered COPA's investigation and ultimately made it impossible for COPA to make a definitive finding on whether FTO Flannagan called [redacted] a "bitch," a "nigger" or said, "fuck you."

The policy also provides that in section II-B, 3, "when a member fails to record an incident or circumstances warrant the verbal justification of a deactivation as being impractical or impossible, the member will document the reason by activating the BWC and stating the type of incident, event number, and the reason for deactivating the recording." FTO Flannagan and Sgt. Lazzaro did not comply with this directive. The recording of incidents as defined by S03-14 relies on the department member to record the incident or properly document the failure to record.

Therefore, Investigator O'Boyle recommends a finding of **Not Sustained** for **Allegations #1-3** against **FTO Flannagan**, which alleged that FTO Flannagan called [redacted] a "bitch", "nigger," and told him "fuck you." There is insufficient evidence to prove this allegation. Although [redacted] claims these things were said to him, [redacted] and PPOs Meeks and Pizzo stated they did not hear FTO Flannagan say those things. Due to the conflicting statements, COPA finds that these allegations will be not sustained.

Investigator O'Boyle recommends a finding of **Sustained** for **Allegation #4** against FTO Flannagan, which alleged in that FTO Flannagan failed to activate his BWC when responding to the incident, in violation of Rules 2, 3, 5, 6, and 10. According to the Rules and Regulations of the Chicago Police Department, section IV, C-3, sworn members will "know and conform to the Department's Policy, Rules, and Regulations, Orders, Procedures and Directives." FTO Flannagan failed to meet this standard on July 23, 2017 when he failed to activate his BWC.

Investigator O'Boyle recommends a finding of **Sustained** for **Allegation #1** against **Sgt. Lazzaro**, which alleged that Sgt. Lazzaro failed to activate his BWC when responding to the incident, in violation of Rules 2, 3, 5, 6, and 10. According to the Rules and Regulations of the Chicago Police Department, section IV, C-3, sworn members will "know and conform to the Department's Policy, Rules, and Regulations, Orders, Procedures and Directives." Sgt. Lazzaro failed to meet this standard on July 23, 2017 when he failed to activate his BWC when responding to a call.

V. FINDINGS

ACCUSED	Field Training **Officer Phillip Flannagan**, Star #8257, Employee #[redacted], Unit #001
Allegation 1	**Not Sustained**
Allegation 2	**Not Sustained**
Allegation 3	**Not Sustained**
Allegation 4	**Sustained**
Count 1	**Violation of Rule 2**, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.
Count 2	**Violation of Rule 3**, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.
Count 3	**Violation of Rule 5**, "Failure to perform any duty," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.
Count 4	**Violation of Rule 6**, "Disobedience of an order or directive, whether written or oral," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.
Count 5	**Violation of Rule 10**, "Inattention to duty," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.
ACCUSED	**Sergeant Michael Lazzaro**, Star #2154, Employee #[redacted], Unit #001
Allegation 1	**Sustained**

Count 1 **Violation of Rule 2**, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.

Count 2 **Violation of Rule 3**, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.

Count 3 **Violation of Rule 5**, "Failure to perform any duty," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.

Count 4 **Violation of Rule 6**, "Disobedience of an order or directive, whether written or oral," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.

Count 5 **Violation of Rule 10**, "Inattention to duty," in that on July 23, 2017, FTO Phillip Flannagan #8257, failed to activate his BWC when responding to the incident.

[redacted]

Andrea Kersten
Deputy Chief Administrator, COPA

[redacted]

Josh Hunt
Deputy Chief Administrator, COPA