

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 18, 2019
Time of Incident:	2:33 a.m.
Location of Incident:	2255 East 103rd Street, District 004 Male Lockup
Date of COPA Notification:	May 18, 2019
Time of COPA Notification:	9:17 p.m.

The Civilian Office of Police Accountability (COPA) was notified by the Chicago Police Department (CPD) of a physical altercation between an arrestee, [REDACTED], and officers, Officer Enrique Delgado Fernandez (Officer Delgado Fernandez) and Officer Jerald Williams (Officer Williams), on May 18, 2019. COPA conducted a thorough investigation, and a detailed analysis of COPA's findings are discussed below.

II. INVOLVED PARTIES

Involved Lieutenant #1:	Tiffany Gorman, star #455, employee ID#[REDACTED], Date of Appointment: June 5, 1995, Lieutenant, Unit 009, DOB: [REDACTED], 1972, Female, White
Involved Sergeant #1:	James Grissett Jr., star #1072, employee ID#[REDACTED], Date of Appointment: June 8, 1998, Sergeant, Unit 004, DOB: [REDACTED], 1972, Male, Black
Involved Sergeant #2:	Corey Walker, star #, employee ID#[REDACTED], Date of Appointment: September 5, 1995, Sergeant, Unit 008/376, DOB: [REDACTED], 1969, Male, Black
Involved Officer #1:	Enrique Delgado Fernandez, star #6261, employee ID#[REDACTED], Date of Appointment: October 31, 2012, PO, Unit 312, DOB: [REDACTED], 1984, Male, White Hispanic
Involved Officer #2:	Jerald Williams, star #, employee ID#[REDACTED], Date of Appointment: August 26, 2013, PO, Unit 002/376, DOB: [REDACTED], 1987, Male, Black
Involved Officer #3:	Lawrence Kerr, star #4871, employee ID#[REDACTED], Date of Appointment: March 25, 2002, PO, Unit 312, DOB: [REDACTED], 1978, Male, White
Involved Detention Aide #1:	Harold Clay III, employee ID#[REDACTED], Date of Appointment: April 1, 2016, DA, Unit 004, DOB: [REDACTED], 1974, Male, Black
Involved Detention Aide #2:	Jeremy Brady, employee ID#[REDACTED], Date of Appointment: April 2, 2012, DA, Unit 004, DOB: [REDACTED], 1985, Male, Black
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1991, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Lt. Tiffany Gorman	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Lieutenant Tiffany Gorman, star #455 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. failing to timely document or ensure the proper documentation was completed for the incident in lockup per Special Order S06-01-07; 2. failing to complete or ensure an initiation report was completed that Officer Delgado Fernandez used excessive force; 3. failing to make or ensure proper notifications were made; and 4. failing to provide or ensure [REDACTED] was provided medical assistance. 	<p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p>
Sgt. James Grissett Jr.	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Sergeant James Grissett Jr, star #1072, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. failing to provide medical assistance to [REDACTED]; 2. failing to properly document an incident in lockup; and 3. failing to report that Officer Delgado Fernandez used excessive force. 	<p>Sustained / 3-day Suspension</p> <p>Sustained / 3-day Suspension</p> <p>Sustained / 3-day Suspension</p>
Sgt. Corey Walker	<p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass that on or about May 18, 2019 at approximately 2:33 a.m. thereafter at or near 2255 East 103rd Street, District 004 Lockup, Sergeant Corey Walker committed misconduct through the following acts or omissions, by:</p>	

	<ol style="list-style-type: none"> 1. failing to report that Officer Delgado Fernandez used excessive force; 2. failing to ensure proper notifications were made that a reportable use of force incident occurred in District 004 lockup; and 3. failing to complete or ensure Tactical Response Reports were completed by officers before the end of tour. 	<p>Not Sustained</p> <p>Unfounded</p> <p>Sustained / 5-day Suspension</p>
<p>Officer Enrique Delgado Fernandez</p>	<p>It is alleged that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, Officer Enrique Delgado Fernandez, star #6261 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. initiating physical contact with [REDACTED] without justification; 2. placing your right hand on or around [REDACTED]'s neck while your left arm is wrapped around [REDACTED]'s neck area without justification; and 3. using force as punishment or retaliation. <p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass, that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, Officer Enrique Delgado Fernandez, star #6261 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. entering [REDACTED]'s cell in lockup without permission; 2. failing to accurately complete a Tactical Response Report after a use of force incident; 3. failing to comply with Special Order S04-08 III.; and 4. failing to comply with chemical testing procedures. 	<p>Sustained / 15-day Suspension</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained / 15-day Suspension</p> <p>Sustained / 15-day Suspension</p> <p>Sustained / 15-day Suspension</p> <p>Sustained / 15-day Suspension</p>
<p>Officer Jerald Williams</p>	<p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass, that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, Officer Jerald Williams committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. entering [REDACTED]'s cell in lockup without permission; 2. failing to comply with Special Order S04-08 III.; 	<p>Sustained / 15-day Suspension</p> <p>Sustained / 15-day Suspension</p>

	<p>3. failing to comply with chemical testing procedures; and 4. failing to report Officer Enrique Delgado Fernandez used excessive force.</p>	<p>Sustained / 15-day Suspension Not Sustained</p>
Officer Lawrence Kerr	<p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass, that on or about May 18, 2019 at approximately 3:58 a.m. at or near 2255 East 103rd Street, Officer Lawrence Kerr, star #4871 committed misconduct through the following acts or omissions, by: 1. failing to comply with Special Order S04-08 III.; 2. failing to comply with chemical testing procedures.</p>	<p>Sustained¹ / 5-day Suspension Sustained / 5-day Suspension</p>
DA Harold Clay III	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Detention Aide Harold Clay, employee # [REDACTED], committed misconduct through the following acts or omissions, by: 1. allowing officers access to [REDACTED] without authorization from the station supervisor; and 2. failing to provide medical assistance to [REDACTED].</p>	<p>Sustained / Reprimand Exonerated</p>
DA Jeremy Brady	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Detention Aide Jeremy Brady, employee # [REDACTED], committed misconduct through the following acts or omissions, by: 1. allowing officers access to [REDACTED] without authorization from the station supervisor; and 2. failing to provide medical assistance to [REDACTED].</p>	<p>Sustained / Reprimand Exonerated</p>

¹ Officer Kerr was served the notice of allegations indicating Special Order S04-08 and it was mistakenly amended to G04-08 in the interview.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
 2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person.
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General Orders

1. G03-02 Use of Force
 2. G03-02-01 Force Options
 3. G03-02-02 Incidents Requiring the Completion of a Tactical Response Report
 4. G04-08 Driving While under the Influence (DUI) and Zero Tolerance
 5. G06-01-04 Arrestee and In-Custody Communications
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Special Orders

1. S03-03-03 Watch Operations Lieutenant
 2. S03-03-05 District Station Supervisor
 3. S04-08 Driving While under the Influence (DUI) and Zero Tolerance
 4. S04-08-01 DUI Investigations – Chemical Testing Procedures
 5. S06-01 Processing Persons under Department Control
 6. S06-01-07 Required Lockup Standards and Reporting
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Bureau of Patrol

1. BOPSO: 15-05 Detention Aides

V. INVESTIGATION²

a. Documentary Evidence

In his **Initiation Report**, **Sergeant Steven Haltek (Sgt. Haltek)**, star #1019, documented Detention Aide (DA) Brady and DA Clay informed him ██████████ (██████) was complaining of soreness to his right arm. Sgt. Haltek spoke to ██████████ and offered him medical attention. ██████████ refused, but Sgt. Haltek ordered Bt. 432 to take ██████████ to Trinity Hospital for treatment, where ██████████ signed a Patient Release From refusing treatment. At this time, DA Phillips and DA Walker informed Sgt. Haltek that two officers entered lockup and requested the

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

video from an earlier incident involving [REDACTED]. DA Phillips and DA Walker told Sgt. Haltek he should review the video. After observing, on the video, a physical altercation between Officer Delgado Fernandez and Officer Williams and [REDACTED], Sgt. Haltek obtained a Complaint Log Number for further investigation. Sgt. Haltek, also, spoke with Sgt. Walker, who related the officers were completing additional reports under RD #JC268172. Sgt. Haltek made the appropriate notifications, including the evidence technician, who took photographs. Sgt. Haltek completed the Illinois Department of Corrections Report of Extraordinary or Unusual Circumstances.³

According to **Department Reports**, officers conducted a traffic stop on a vehicle driven by [REDACTED]. When Officer Williams told [REDACTED] to exit the vehicle for sobriety field tests, he refused. At this time, Officer Delgado Fernandez observed the butt of a handgun sticking out of [REDACTED]'s waistband and opened the front passenger door. [REDACTED] reached for his firearm and slightly raised it toward Officer Delgado Fernandez. Officer Delgado Fernandez grabbed [REDACTED]'s firearm and yanked it while yelling "gun." Officer Kerr and Officer Williams opened the driver's side door and attempted to place [REDACTED] into custody. A physical struggle ensued between [REDACTED] and all three officers, resulting minor injuries to Officer Delgado Fernandez and Officer Williams. Eventually, Officer Carillo and Officer Kresal arrived on scene to transport [REDACTED], recovered a magazine from [REDACTED], and [REDACTED] spit on Officer Carillo when he was being placed into the transport vehicle. Officers recovered a firearm containing one (1) live round in the chamber, and an extended magazine with an unknown number of live rounds.

[REDACTED], due to his combative nature, was taken directly to District 004 lockup. Officer Delgado Fernandez and Officer Williams, after gathering information about [REDACTED], went to lockup to read [REDACTED] the Warning to Motorist and conduct the 20-minute observation period. When the officers attempted to search [REDACTED], he was uncooperative, verbally abusive, and hostile, but he eventually allowed the search. "In an attempt to be discreet, Officer Delgado Fernandez #6261, felt for the presence of illegal narcotics, imbedded in offender's hair, by feeling his head."⁴ [REDACTED] became upset and approached Officer Delgado Fernandez in an aggressive manner indicating he was prepared for a physical altercation. Officer Delgado Fernandez pushed [REDACTED] back. [REDACTED] attempted to strike Officer Delgado Fernandez with his right hand, and Officer Delgado Fernandez responded by reaching across [REDACTED]'s upper body, in an attempt to gain control. A struggle ensued. At some point the officers were able to gain control of [REDACTED] until back up officers arrived and allowed the officers to exit the cell. Officer Delgado Fernandez had bruising and swelling to both sides of his face. [REDACTED] did not show any visible signs of injury and refused medical attention. Later, Officer Kerr went into lockup for the DUI observation period and read the warning to motorists at 3:58 am. [REDACTED] was cocky and insulting. [REDACTED] refused the Breath test at 4:27 am.^{5,6}

According to Officer Delgado Fernandez's Tactical Response Report (TRR), [REDACTED] did not follow verbal direction, made verbal threats, was an imminent threat of battery, physically attacked using a hand/arm/elbow strike, and grabbed/held/restrained Officer Delgado Fernandez. In order to defend self, other Department members, and overcome resistance or aggression, Officer

³ Attachments 1, 15.

⁴ Attachment 11, page 3.

⁵ Attachment 2.

⁶ Attachments 2-5, 10-12.

Delgado Fernandez used member presence, verbal direction/control techniques, including holding ██████'s arms, performed a take down, and used closed hand strike/punch.

Officer Delgado Fernandez documented he went into lockup to conduct DUI testing and a more thorough search. When Officer Delgado Fernandez entered ██████'s cell, ██████ became combative, stating "fuck you want bitches" and balling his fist, flailed his arms and stiffened up. Officer Delgado Fernandez calmed ██████ down enough to remove the metal chain from his shoe. Then Officer Delgado Fernandez briefly checked ██████'s hair, in passing, for contraband. ██████ became aggressive and grabbed Officer Delgado Fernandez. Officer Delgado Fernandez, fearing another battery like on the street, performed a closed hand fist strike upon ██████. A physical struggle ensued, and ██████ was restrained on the ground. ██████ was instructed to calm down. ██████ calmed down and officers left the cell.⁷

According to Officer Williams' TRR, ██████ did not follow verbal direction, made verbal threats, stiffened, and pulled away. In order to defend self, other Department members and overcome resistance or aggression, Officer Williams used member presence, verbal direction/control techniques, including escort holds and wristlocks, and performed a take down.

Officer Williams went to lockup to conduct a 20-minute observation period, Alcohol Influence Report, read Warning to Motorist, and inform ██████ he was charged with his third armed habitual charge. Additionally, Officer Williams wanted to conduct a more thorough search because the officers were unable to do a proper search on scene due to ██████'s combative behavior and the transporting officer recovered a magazine for a pistol. On arrival, Officer Williams observed ██████ had a dog chain bracelet on his shoe and he was wearing more than two layers of clothing that needed to be removed and inventoried.⁸ During the search, ██████ became confrontational, by flailing his arms, stating "don't fucking touch me!" stiffening and balling his fists towards officers. A physical struggle ensued. Shortly thereafter, Officer Williams assisted in a take down, as well as utilized wristlock and escort holds to restrain ██████ from assaulting and battering the officers. Sgt. Walker approved the TRR at 7:38 pm followed by Lieutenant Martin Loughney at 9:29 pm, on May 18.⁹

b. Interviews¹⁰

In an **interview with COPA**, on June 24, 2020, **Officer Enrique Delgado Fernandez, star #6261, (Officer Delgado Fernandez)** stated, on May 18, 2019, while on patrol with Officer Williams and Officer Kerr, the officers stopped ██████ after observing a traffic violation. During the stop, ██████ refused to comply with officer commands, had a firearm that he pointed toward Officer Delgado Fernandez, and there was a physical struggle where Officer Delgado Fernandez' hand was injured. Officer Delgado Fernandez searched ██████'s vehicle, but did not search ██████. A transport vehicle arrived, and while he did not observe it, he assumed the transporting officers searched ██████ before taking him to District 004. Officer Delgado Fernandez, added, ██████ allegedly spit on the transporting officers and they found a magazine on his person.

⁷ Attachment 13.

⁸ In his interview, Officer Williams stated he did not remove any layers from ██████. See Attachment 94, page 44.

⁹ Attachment 14.

¹⁰ ██████, through his attorney, declined to provide COPA with a statement related to this incident.

At the station, Officer Delgado Fernandez discovered [REDACTED] was taken directly to lockup instead of being placed in a room in the processing area.¹¹ Officer Delgado Fernandez and Officer Williams went to lockup to search [REDACTED]¹² because they were unable to conduct a proper search on the street, which is what he related to the detention aides. The detention aides walked the officers back to [REDACTED].¹³ Officer Delgado Fernandez told [REDACTED] he was going to be searched, [REDACTED] responded with obscenities and said he did not want to be searched. Once inside the cell, [REDACTED] was abrasive¹⁴ and, for some unknown reason, combative toward Officer Williams. Officer Delgado Fernandez was able to calm [REDACTED], de-escalate the situation, by explaining this was procedure and to just let them do their job. He conducted a search, removing the metal item from [REDACTED]'s boot and other unknown items from [REDACTED]'s pockets. Officer Delgado Fernandez continued to talk to [REDACTED], in an attempt to de-escalate the situation, because [REDACTED] remained volatile, where he was calm the next sentence yelling obscenities. At the end of the search, Officer Delgado Fernandez placed his hand on [REDACTED]'s head to do a cursory check¹⁵ for anything that may have been missed, while saying something to the effect, "It will be alright, dude. We're done."¹⁶ Officer Delgado Fernandez stated he could not see the top of [REDACTED]'s head,¹⁷ and [REDACTED] could have concealed contraband, such as narcotics or another "piece of metal shavings" because [REDACTED] had a piece of metal on his boot and a magazine was found during a search on the street.¹⁸ However, Officer Delgado Fernandez did not see anything in [REDACTED]'s hair prior to searching.



Figure 1, Arrest Photograph of [REDACTED] from this incident.

¹¹ Officer Delgado Fernandez was not a part of the decision to take [REDACTED] directly to lockup and did not know why the decision was made. This was the first time his arrestee had been taken to lockup before he was able to search him, and Officer Delgado Fernandez explained it is the arresting officer's responsibility if anything was found on [REDACTED] in lockup.

¹² Officer Delgado Fernandez stated his intention was to search [REDACTED] not conduct DUI testing, stating he did not have the DUI paperwork or 20-minute observation sheet with him. He, added, the observation period could have been done from outside the cell. Attachment 95, page 55 line 1- page 56 line 4.

¹³ Officer Delgado Fernandez admitted neither he nor the detention aides asked for permission for him to go back into lockup or to search [REDACTED].

¹⁴ Officer Delgado Fernandez did not remember what [REDACTED] was doing, he was just describing [REDACTED]'s demeanor and body stance from what he observed, a week prior to this interview, on the video. He stated this did not stick in his memory, it was not the first time he had been battered or had a gun pointed at him.

¹⁵ Officer Delgado Fernandez stated items can be hidden in certain types of hair, and he always searches hair of that length or longer. Here, because [REDACTED] was volatile and adamant about not being searched, Officer Delgado Fernandez, as a form of de-escalation, conducted a discreet search of [REDACTED]'s hair. Attachment 95, page 75 line 10 - page 77 line 12.

¹⁶ Attachment 95, page 36 lines 17-21.

¹⁷ Attachment 95, page 76 lines 2-5.

¹⁸ Attachment 95, page 38 line 13 – page 39 line 1.

Officer Delgado Fernandez was satisfied with the search and turned to pick up the metal piece from ██████'s boot off the floor. ██████ approached him with fists clenched towards his pelvic area, chest out, and breathing heavily. Officer Delgado Fernandez believed ██████ was going to fight at this point, and he attempted to close the distance, as he is trained, to avoid being struck. Officer Delgado Fernandez described, according to the video, he placed his left hand around ██████'s upper body as ██████'s left hand goes toward Officer Delgado Fernandez's throat, but ██████ never choked Officer Delgado Fernandez. Officer Delgado Fernandez placed his right hand on ██████'s chest and pushes ██████ toward the bench to sit him down. But ██████ was strong and managed to push back, where, at one point, Officer Delgado Fernandez lost his balance. Officer Delgado Fernandez delivered closed hand strikes while ██████ continued to push back, striking Officer Delgado Fernandez in the face with a closed hand, at one point. Officer Williams, from the video, unsuccessfully attempted to pull ██████'s left hand away from Officer Delgado Fernandez's neck area. The physical struggle continued moving from a standing position to on top of the bench, and Officer Delgado Fernandez believed he was providing ██████ verbal commands to stop but could not recall specifics. At some point, Officer Williams was able to take control of ██████'s left hand, removing the threat to Officer Delgado Fernandez's life, and the physical confrontation ends, and additional officers arrived.¹⁹

Officer Delgado Fernandez left and did not have any further interaction with ██████ as a form of de-escalation because he did not want to "trigger" ██████ and cause him to become violent.²⁰ Other Department members offered ██████ medical aid, which he declined. After the incident, Officer Delgado Fernandez completed the related paperwork, including TRRs. He acknowledged the paperwork took time, but stated paperwork takes longer than people think, "it's not something out of the ordinary,"²¹ and he remained at the station until it was approved. Officer Delgado Fernandez denied all allegations against him. Specifically, Officer Delgado Fernandez denied using force as punishment or retaliation for the struggle on the street, indicating it is part of the job and this is not the first time a gun has been pulled on him.²²

In an **interview with COPA**, on June 18, 2020, **Officer Jerald Williams (Officer Williams)** provided a consistent statement with Officer Delgado Fernandez with the following additions. When Officer Williams arrived at the police station, he went back to lockup to Mirandize ██████, conduct a more thorough search,²³ check whether ██████ had extra layers of clothing, and conduct an investigation into driving under the influence (DUI).²⁴ The DUI investigation is something he normally completes in the processing room and neither officer removed any layers.²⁵ Officer Williams did not ask for permission from a sergeant to go into lockup, and, because it is a

¹⁹ Attachment 95, page 46 lines 5-11.

²⁰ Attachment 95, page 52 lines 1-14 and page 64 lines 11-13.

²¹ Attachment 95, page 51 lines 13-18.

²² Attachments 88, 95.

²³ Officer Williams did not know whether the transporting officers or the detention aides searched ██████. Regardless, he, as the arresting officer, was responsible if ██████ had anything on his person and he could not pass that responsibility off to anyone else.

²⁴ Officer Williams stated he did not intend to have a physical altercation with ██████ and that disrupted processing. Officer Williams was not sure who completed the DUI paperwork but acknowledged he did not. Additionally, Officer Williams stated he was not a certified breath analysis operator.

²⁵ Officer Williams indicated he could not recall his specifics because these were standard steps to follow before the State's Attorney will approve the charges against ██████. Officer Williams noted these steps are generally done in the processing room, but it happened in lockup because someone else decided to take ██████ directly to lockup.

rare circumstance to take someone directly to lockup, he is not aware of any policy requiring he does, but he indicated he has to be allowed in by the detention aides.

Officer Williams, after watching a portion of the lockup video, acknowledged [REDACTED] appeared more cooperative with DA Clay as he briefly searched [REDACTED] on the bench. However, Officer Williams opined that [REDACTED] may not have liked Officer Williams moving him or searching him more thoroughly, such as in the waist area. Officer Williams, added, Officer Delgado Fernandez appeared to build a rapport with [REDACTED] and was able to conduct a preliminary search.²⁶ Officer Delgado Fernandez touched [REDACTED]'s head, and while Officer Williams did not know the reason for the touch, he stated officers will search longer hair²⁷ Immediately after the touch, [REDACTED] became visibly upset and grabbed Officer Delgado Fernandez around the neck area using both his hands, appearing to choke him. Officer Delgado Fernandez' left arm is wrapped behind [REDACTED]'s neck while his right hand is near [REDACTED]'s upper chest region pushing [REDACTED] back. At this same time, Officer Williams unsuccessfully attempted to gain control of [REDACTED]'s left arm. The struggle continued, eventually ending when Sgt. Grissett came back. Officer Williams denied all allegations.²⁸

In an **interview with COPA**, on February 19, 2020, **Officer Lawrence Kerr, star #4871, (Officer Kerr)** provided a consistent statement as Officer Delgado Fernandez and Officer Williams with the following additions. When asked why Officer Delgado Fernandez and Officer Williams were inside [REDACTED]'s cell, Officer Kerr stated he believed the officers went inside to conduct a search because it was difficult to conduct a proper search on scene.²⁹ Officer Kerr stated he has conducted a similar search in lockup before and, while he is not aware of a policy requiring an officer to notify anyone to conduct such a search, he probably notified the desk sergeant or detention aides.

Officer Kerr stated he and an unknown District 004 male officer³⁰ went into lockup to conduct the DUI testing, which included a twenty (20) minute observation period, reading [REDACTED] the Statutory Summary of Suspension, and a breath test, which [REDACTED] refused. Officer Kerr stated the paperwork, the Statutory Summary Suspension and the Alcohol Drug Influence Report, were completed either by himself or the unknown officer which would have been given to the Desk Sergeant as part of the Arrest packet. Officer Kerr did not physically provide the paperwork to the Desk Sergeant and did not know who did. He denied all allegations.³¹

In an **interview with COPA**, on October 15, 2019, **Detention Aide Harold Clay III, employee # [REDACTED], (DA Clay)** stated [REDACTED] was brought into lockup through the back because

²⁶ Officer Williams did not believe Officer Delgado Fernandez completed a thorough search. Officer Williams, later acknowledges, after the physical altercation he did not think any supervisor would have let him go back into [REDACTED]'s cell, but maybe someone else conducted a search. Attachment 94, page 121 lines 9-19.

²⁷ Attachment 94, page 67 line 16 – 68 line 9.

²⁸ Attachments 81-83, 94.

²⁹ Officer Kerr stated he did not search [REDACTED] on the street, but believed either Officer Delgado Fernandez or Officer Williams did.

³⁰ Officer Kerr did not recall the officers name and described him as young, white and approximately 6 feet tall. Officer Kerr state the officer was certified as a breath analysis operator, and Officer Kerr was not certified. The officer's presence was not mentioned and he was not named in any reports.

³¹ Attachments 74, 76.

he was combative.³² DA Clay described [REDACTED] as breathing hard, “pissed off,” and cursing, but he was not physical toward the detention aides.³³ DA Clay successfully calmed him down by telling him to relax, he didn’t know what happened out on the street, but he is here with the detention aides now and they will leave him alone after they search him. DA Clay completed a thorough search in the presence of Sgt. Grissett, DA Brady and the transporting officers. DA Clay stated [REDACTED] calmed down and he had no issue searching [REDACTED], however, [REDACTED] did not want to answer any questions, including providing his name.

Approximately fifteen minutes later, officers³⁴ came back to lockup to search [REDACTED] and obtain information. DA Clay admitted he did not call the District Station Supervisor, Sgt. Grissett, for permission to allow Officer Delgado Fernandez and Officer Williams to have access to [REDACTED], and, even after reading the directives, DA Clay was not sure whether he needed to request permission. DA Clay explained only authorized personnel comes into lockups, so he believed Officer Delgado Fernandez and Officer Williams had received permission from Sgt. Grissett. Additionally, DA Clay stated, on his shift, there is an understanding that officers may come back to lockup to search an individual or obtain information for their paperwork, and Sgt. Grissett was aware the officers may need access to [REDACTED] because he was present when [REDACTED] arrived in lockup.³⁵

DA Clay and DA Brady escorted the officers to [REDACTED]’s cell, and DA Clay opened the cell door to search [REDACTED]. Officer Delgado Fernandez was “persistent about searching him” pointing out [REDACTED] had a Timberland tag.³⁶ DA Clay did not believe there was any harm allowing the officers to search [REDACTED] even though, admittedly, the DAs had already searched [REDACTED] and [REDACTED] had already been combative. DA Clay believed [REDACTED] could blow a fuse at any moment.³⁷ Initially, [REDACTED] was defensive asking why he had to be searched again but calmed down after they told him to relax and it would be over quickly. Officer Delgado Fernandez completed the search. At the end, said, “See, it wasn’t that bad,” and patted [REDACTED] on the head.³⁸ [REDACTED] got angry stating words to the effect of, “What you putting your hands on me for?”³⁹ or “Don’t touch me.”,⁴⁰ then, [REDACTED] swelled up and leaned at Officer Delgado Fernandez.⁴¹ Officer Delgado Fernandez, in turn, lunged at [REDACTED] and a fight ensued. Officer Delgado Fernandez must have thought [REDACTED] was going to do something because Officer Delgado Fernandez appeared to grab [REDACTED] around the front of [REDACTED]’s neck or shirt. [REDACTED] fell back and tried to swing.

³² According to DA Clay, the officers did not describe how [REDACTED] was combative, only to be careful because there was a fight on the street and commotion in the car. Attachment 51, page 56 line 20 – page 57 line 2.

³³ DA Clay did not know whether [REDACTED] was intoxicated or under the influence of drugs. He did not smell [REDACTED]’s breath and [REDACTED] did not appear to stagger or fall while walking.

³⁴ Now known as Officer Delgado Fernandez and Officer Williams.

³⁵ Attachment 51, page 47 line 17 – page 48 line 13. DA Clay explained since [REDACTED] went straight to lockup, Sgt. Grissett knew the officers would have to come back to get information from [REDACTED] to complete their paperwork.

³⁶ Attachment 51, page 82 lines 6-14. DA Clay acknowledged he removes the tags sometimes, but it was not something [REDACTED] could use to harm himself. *Id.* at page 11 lines 3-4.

³⁷ Attachment 51, page 11 lines 5-8.

³⁸ DA Clay assumed Officer Delgado Fernandez was searching [REDACTED]’s hair at this time, but admitted they, typically, search dreads or longer hair than [REDACTED]’s. DA Clay stated he did not know why Officer Delgado Fernandez patted [REDACTED] on the head, indicating again [REDACTED] had short hair. Attachment 51, page 87 line 3 - 88 line 9.

³⁹ Attachment 51, page 24 lines 6-7.

⁴⁰ Attachment 51, page 85 lines 18-21.

⁴¹ Attachment 51, page 24 lines 6-7.

██████ may have made contact with Officer Delgado Fernandez, and Officer Delgado Fernandez swung back. A fight ensued, moving from a standing position to the bench. DA Clay gave verbal commands for Officer Delgado Fernandez to stop and get out of the cell, and Officer Williams attempted to grab ██████ and pull him back. Officer Delgado Fernandez and ██████ continued to exchange words and fight, punching each other.

DA Brady went to get Sgt. Grissett, who came in and told the officers to get out of the cell, explain what happened and complete paperwork. DA Clay, DA Brady and Sgt. Grissett asked ██████ if he wanted medical attention, but he declined. DA Clay told ██████ he just had to tell them if he wanted to go to the hospital, but he never did. DA Clay admitted he has sent an individual to the hospital over their objection, but here ██████ did not have any visible injuries and did not seem injured. DA Clay and DA Brady showed Sgt. Grissett the lockup video of the incident, and Sgt. Grissett told them to document the incident in the logbook.⁴²

In an **interview with COPA**, on October 15, 2019, **Detention Aide Jeremy Brady, employee #██████, (DA Brady)** stated on May 18, 2019, Sgt. Grissett or the desk secretary told DA Brady and DA Clay officers were bringing in a gentleman⁴³ from the street, who was combative, a fighter. The detention aides met the officers⁴⁴ out back, and the officers escorted ██████ inside. ██████ was upset or mad that he was being arrested, but DA Brady did not recall what he was saying. The detention aides tried to calm ██████ down by explaining they are different people and had nothing to do with what happened on the street. ██████ continued to talk, but he let DA Clay complete a search.⁴⁵ Then, the detention aides left.

A short time later, two officers came in and said they wanted to search ██████. We took the key, went to ██████'s cell, told him the officers were going to search him. ██████ was, initially, hesitant,⁴⁶ but the detention aides said it would be quick to confirm he did not have anything,⁴⁷ and he let them search.⁴⁸ DA Brady was not sure whether Officer Delgado Fernandez recovered anything beyond ██████'s shoe tag.⁴⁹ As they were leaving the cell, Officer Delgado Fernandez gave ██████ a head rub. DA Brady stated he did not know why Officer Delgado Fernandez rubbed ██████'s head, he had not observed an officer rub an individual's head before, and he could not provide any reason for the contact. DA Brady stated ██████ seemed insulted by the action, saying words to the effect, "Don't touch me."⁵⁰ Then, ██████ walked forward, the two

⁴² DA Clay stated the detention aides could not document any information related to the arrest report because the officers had not yet submitted the report, and they did not fingerprint or photograph ██████ to give him time to calm down. Attachments 40, 51.

⁴³ Now known as ██████.

⁴⁴ DA Brady didn't know who the officers were or how many, but stated there were more than two.

⁴⁵ DA Brady denied ██████'s behavior toward the detention aides was different than any other individual who enters lockup.

⁴⁶ DA Brady stated ██████ was lying down at the time and asked why, indicating he did not want to be searched again.

⁴⁷ DA Brady stated sometimes items may be overlooked when an individual comes in directly from the street because the detention aides are focused on removing items that could be used to harm himself. DA Brady stated it is not unusual to search an individual again who came from the street.

⁴⁸ DA Brady stated, although DA Clay was willing to conduct the search, Officer Delgado Fernandez wanted to search ██████.

⁴⁹ DA Brady stated, recently, prison transport has complained they want the detention aides to remove the shoe tags and place in the property bag.

⁵⁰ Attachment 52, page 68 lines 8 – line 17.

got into each other's faces and a fight ensued. DA Brady could not recall specific actions, except Officer Delgado Fernandez punched ██████ in the upper body and face and ██████ punched back but DA Brady did not know whether he made contact with Officer Delgado Fernandez. Officer Williams attempted to intervene by attempting to get in the middle and pull the two apart. DA Clay was yelling for them to stop and break it up, but the fight continued. DA Brady, eventually, went to get Sgt. Grissett, who separated them by using verbal commands. The officers left, the cell door was closed, and Sgt. Grissett, DA Clay and DA Brady talked to ██████. All three asked ██████ if he wanted medical assistance, but he declined. DA Brady did not observe injuries and ██████ did not complain of injuries or pain.

DA Brady stated he did not call Sgt. Grissett to ask for permission to give the officers access to ██████. DA Brady believed the officers had authorization because Sgt. Grissett was aware ██████ came to lockup directly from the street and DA Brady assumed Sgt. Grissett knew the officers may have to go back to obtain information from ██████.⁵¹

In an **interview with COPA**, on November 6, 2019, **Sergeant Grissett, star #1072, (Sgt. Grissett)** stated on May 18, 2019, he was working as the District Station Supervisor or Desk Sergeant when he received a call from dispatch that units were bringing in a hostile, combative subject straight to lockup. Sgt. Grissett notified lockup of the situation, and he went to lockup to meet the officers in the sally port area. When ██████ arrived, he was combative, agitated, yelling, screaming, cursing, and did not respond to verbal direction. At this point, Sgt. Grissett had the detention aides take over to de-escalate the situation.⁵² ██████ continued to act the same leading Sgt. Grissett to believe he was under the influence drugs or intoxicated. Sgt. Grissett was present when ██████ was searched, DA Brady and DA Clay were inside the cell, and the accompanying officers stayed back. According to Sgt. Grissett the search was properly completed. It is at this time, when the cell doors are closed, that officers could obtain information from ██████, or they could come back later but, in this case, Sgt. Grissett would have wanted to be present. The Department Members⁵³ left the holding area, and ██████ laid down on the bench, where Sgt. Grissett believed he was going to calm down and sleep.

Approximately ten to fifteen minutes later, DA Brady yelled, from the lockup door, for Sgt. Grissett to come back. As Sgt. Grissett ran to lockup, he overheard an officer say they recovered a loaded magazine from the car. Sgt. Grissett did not know who the officers were or if the magazine was related to ██████, but he started to panic for the safety of everyone in lockup against a weapon. Sgt. Grissett ran back to lockup and observed two officers⁵⁴ on top of ██████, who was face down on the ground, and yelling⁵⁵ at ██████. Sgt. Grissett gave verbal directions for the officers to get off ██████ and exit the cell, which they did. Sgt. Grissett asked ██████, multiple times, if he wanted medical attention. ██████ said his arm hurt but he did not want to go

⁵¹ Attachments 45, 52.

⁵² Sgt. Grissett stated the same as DA Clay and DA Brady that they explained whatever happened on the street is over, and to relax this is lockup now. *See* Attachment 53, page 13 lines 13-16.

⁵³ Sgt. Grissett, DA Clay, DA Brady and the officers.

⁵⁴ Now known as Officer Delgado Fernandez and Officer Williams.

⁵⁵ Sgt. Grissett could not recall what the officers were saying, but believed it was verbal commands.

to the hospital.⁵⁶ He wanted to go back to sleep. Additionally, ██████ declined medical attention when DA Brady and DA Clay asked.

Sgt. Grissett left the cell block and asked the officers what they were doing inside the cell. The officers explained they believed ██████ may have contraband or a weapon, and, without going into detail, said a physical altercation occurred. The officers did not explain how or who initiated the physical altercation,⁵⁷ only that it became violent during a search. Sgt. Grissett told the officers to complete tactical response reports and notify their sergeant. Sgt. Grissett notified the Watch Commander, Lt. Gorman, told her to watch the video, and that he was going to obtain a log number and an Extraordinary Occurrence (EO) number.⁵⁸ Lt. Gorman told him not to do the paperwork because she knew the sergeant⁵⁹ and the officers. Sgt. Grissett took that as a direct order, and while he admitted he did not obtain the numbers, he believed it would be done. Sgt. Grissett documented the incident in the Watch Commander's Log and had it documented in the detention aides' logbook.⁶⁰

When asked whether arresting officers return to lockup, Sgt. Grissett stated it does happen, but in this case he would have wanted to be present. When asked about procedure, Sgt. Grissett stated he is always notified when an officer goes back to lockup, usually by a detention aide but sometimes officers will notify him as they walk back to lockup. Sgt. Grissett, added, in this case, he believed the officers had reason to believe ██████ may have a weapon, and, under this type of exigent circumstance, he would expect the officers to conduct the search and that he would be notified as soon as the situation is safe.⁶¹ However, after watching the lockup video, Sgt. Grissett's understanding that exigent circumstances existed in this case changed because, "based on my experience as a police officer, if an officer had knowledge that a weapon was in lockup, then circumstances -- they would have entered the cell in a more timely fashion and in a more tactical fashion than they did."⁶² Sgt. Grissett, also, noted it is subjective deciding who should conduct the search at that point, but it should not be someone ██████ reacted negatively to or was combative toward. Sgt. Grissett did not know what instigated the physical altercation or why Officer Delgado Fernandez touched ██████'s head, but admitted he did not believe ██████ could have hidden anything inside his short hair style.⁶³ Additionally, Sgt. Grissett stated he did not believe Officer Delgado Fernandez used a chokehold against ██████, but believed Officer Delgado Fernandez was performing a collarbone hold, which he described a technique in Martial Arts or wrestling to grab ahold of someone and take them to the ground.^{64,65}

⁵⁶ Sgt. Grissett stated ██████'s arm did not appear to be broken and decided to let him sleep because ██████ would be asked again during processing whether he wanted to medical attention.

⁵⁷ After reviewing the lockup video with COPA investigators, Sgt. Grissett stated ██████ approached Officer Delgado Fernandez in a threatening manner, bumped his chest, and Officer Delgado Fernandez responded with a restrain hold, not a chokehold.

⁵⁸ Extraordinary Occurrence number is required to be generated whenever an incident occurs in lockup, such as a physical altercation that occurred here. Attachment 53, page 25 lines 9-14.

⁵⁹ Now known as Sgt. Walker

⁶⁰ Attachment 53, page 38 line 23 – page 41 line 13.

⁶¹ Attachment 53, page 37 lines 7-21. Sgt. Grissett explained he was not familiar with the training detention aides undergo, but officers are trained to take a weapon from an individual.

⁶² Attachment 53, page 65 lines 1-5.

⁶³ Attachment 53, page 54 lines 13-19.

⁶⁴ Attachment 53, page 55 lines 17-22.

⁶⁵ Attachments 48, 53.

In an **interview with COPA**, on February 11, 2020 and February 26, 2020,⁶⁶ **Sergeant Walker (Sgt. Walker)** stated he was called to District 004 due to an incident that occurred on the street and upon his arrival at the station officers told him an incident occurred in lockup. Sgt. Walker went to lockup and reviewed the video, where he observed officers⁶⁷ go into the cell, attempt to search ██████, ██████ became combative and there was a physical altercation.⁶⁸ Sgt. Walker, then, spoke with the Watch Commander, Lt. Gorman, who was already aware of the incident, and completed TRRs. While the paperwork took approximately 16 hours to complete, Sgt. Walker explained he remained at the station on overtime until it was done. Sgt. Walker considered it to be completed within his tour of duty.⁶⁹

Sgt. Walker did not know why the officers had gone back to lockup and did not want to speculate. Sgt. Walker stated officers will go back to lockup to obtain information or, if they have information that an individual may have something on them, they will conduct a search. Sgt. Walker was not aware of any Department policy requiring officers to notify the Desk Sergeant in these circumstances and Sgt. Walker would not have directed his officers to do so. Additionally, after watching the video in the interview, Sgt. Walker acknowledged Officer Delgado Fernandez touched ██████'s head, but did not know why and did not want to speculate,⁷⁰ but Sgt. Walker stated officers are trained to search individual's hair for contraband. Although Sgt. Walker did not know what may be hidden in ██████'s hair, maybe cocaine.⁷¹

After reviewing the video, Sgt. Walker stated Officer Delgado Fernandez's use of force was within policy because ██████ was an assailant, and Officer Delgado Fernandez could use any force necessary to subdue ██████. Additionally, Sgt. Walker stated a TRR should include any action an officer took, and, after walking through the narrative section of Officer Delgado Fernandez's TRR, Sgt. Walker admitted all of Officer Delgado Fernandez's actions were not included in the narrative. Sgt. Walker denied all allegations.⁷²

In an **interview with COPA**, on January 14, 2020, **Lieutenant Tiffany Gorman, star #455, (Lt. Gorman)** stated on May 18, 2019, while she was normally assigned to District 007, she was filling in as Watch Operations Lieutenant in District 004. Lt. Gorman stated she had no knowledge of this incident in lockup until she received the interview paperwork from COPA and denied all allegations accordingly. In response to why Sgt. Grissett stated he had informed her of the incident and recorded the same in the Watch Incident Log, Lt. Gorman stated it may have been a simple error in referencing the wrong incident. Lt. Gorman stated Sgt. Walker notified her, in person, of the incident during the arrest that required tactical response reports, but neither Sgt.

⁶⁶ Due to time issues, Sgt. Walker was interviewed in two parts on two separate days, and the following a summary of both interviews.

⁶⁷ Identified as Officer Delgado Fernandez and Officer Williams. Sgt. Walker stated he was not the officers regular supervisor, and could not recall why they were on his team that evening.

⁶⁸ Sgt. Walker did not recall asking the officers what instigated the altercation.

⁶⁹ Sgt. Walker believed the paperwork took a reasonable amount of time due to the nature of the arrest and the incident in lockup. Attachments 64,92. Additionally, Sgt. Walker confirmed his Overtime Report showed he worked from May 17, 2019 at 6:00 pm to May 19, 2019 at 5:00 am. See Attachment 69.

⁷⁰ When asked if it appeared Officer Delgado Fernandez searched ██████'s hair, Sgt. Walker said he could not speculate. Officer Delgado Fernandez rubbed ██████'s hair, which could have been a search. Sgt. Walker stated he did not ask Officer Delgado Fernandez about the search and he did not know whether it was a thorough search.

⁷¹ Attachment (part 1)

⁷² Attachments 64, 75, 92, 93.

Walker nor Sgt. Grissett notified her of the incident in lockup. Additionally, she did not receive any paperwork or review any video related to this incident.

After reviewing the paperwork, Lt. Gorman stated, considering the time of the arrest and what occurred, she was not surprised it was not completed before her shift ended at 6:00 am. However, Lt. Gorman admitted the paperwork took an abnormal amount of time to complete, pointing out it was almost two tours of duty, but she did not know why and did not want to speculate. In response to questions related to arresting officers searching an individual in lockup, Lt. Gorman stated she was not aware of any protocol related to this situation, and, in her opinion, an officer cannot search an individual too many times. Lt. Gorman, also, indicated it was abnormal for the DSS to be present during a search in lockup.⁷³

In an **interview with COPA**, on October 2, 2019, **Detention Aide Alvin Phillips, employee # [REDACTED], (DA Phillips)** stated on May 18, 2019, a plain clothes officer⁷⁴ and a plain clothes Sergeant⁷⁵ came to lockup asking to review video from an incident that occurred earlier in a cell. DA Phillips and DA Walker pulled up the video for their review. After reviewing the video, DA Phillips believed [REDACTED]⁷⁶ should have received medical attention because he sustained multiple hits and alerted the Desk Sergeant, Sgt. Haltek. DA Phillips described what he saw on the video, where the officer, now known as Officer Delgado Fernandez, came in and spoke with [REDACTED], the officer slapped [REDACTED] on the back of the head, [REDACTED] turned around, upset, and the officer started punching him.⁷⁷ DA Phillips stated he has never had a situation similar to this happen in his experience, because once in lockup the individual is his responsibility and under his control. DA Phillips would never have opened the cell door and let the officers inside unless a Sergeant or Lieutenant told him to do so.⁷⁸

In an **interview with COPA**, on October 3, 2019, **Detention Aide Craig Walker, employee # [REDACTED], (DA Walker)** provided a consistent statement as DA Phillips, adding he has never had officers come to lockup to conduct a secondary search and he would not open the cell door for any officer because there is no need. When an individual enters lockup, even if the individual skipped in-station processing with arresting officers, DA Walker searches them and they do not need to be searched again. DA Walker stated [REDACTED] refused to go to the hospital, but they sent him anyway after seeing the incident because it was in the detention aides' best interest.⁷⁹ DA Walker fingerprinted [REDACTED] after he went to the hospital, and he described [REDACTED] as calm.⁸⁰

c. Digital Evidence

Officer Delgado Fernandez, Officer Williams and Officer Kerr (the arresting officers) were not assigned **body worn camera (BWC)** so there is no video footage of [REDACTED]'s arrest. When the transporting officers arrived, Officer Williams is standing over [REDACTED], who is on the ground.

⁷³ Attachments 57, 91.

⁷⁴ Now known as Officer Delgado Fernandez. DA Phillips described the officer as a white, male, and tall, approximately 5'10" or 5'11," and according to DA Walker's To From Report. *See* Attachments 16, 49.

⁷⁵ Now known as Sgt. Walker. DA Phillips described him as a short, 5'6" or 5'7", heavy set, male, black.

⁷⁶ DA Phillips stated they did not have any problem with [REDACTED], and [REDACTED] did not have an attitude.

⁷⁷ Attachment 50, page 14 line 21.

⁷⁸ Attachment 33, 50.

⁷⁹ DA Walker stated [REDACTED] received multiple hits to the head from Officer Delgado Fernandez's hand strikes.

⁸⁰ Attachments 35, 49.

Officer Carillo and Officer Williams stand [REDACTED] up, and Officer Delgado Fernandez searches inside [REDACTED]'s front pants pockets. Officer Carillo escorts [REDACTED] to the transport vehicle and conducts a search, recovering a magazine from [REDACTED]'s rear pants pocket. Officer Carillo and Officer Kresal (transporting officers) tell the arresting officers, and Officer Kerr relates they already found the pistol. Officer Carillo pushes [REDACTED] into the backseat and relates [REDACTED] spit on his face. Officer Williams warns that [REDACTED] may have a second wind, and Officer Kresal states they can take him right to lockup. Officers search [REDACTED]'s vehicle. The transporting officers transport [REDACTED] to the station without incident. DA Clay met the transporting officers at their vehicle and escorted [REDACTED] into lockup.⁸¹

In-car camera (ICC) from Beat 421R shows [REDACTED] being pushed into the backseat of the transport vehicle and sitting calmly, where he is not yelling or moving around, until he exits the vehicle without incident.⁸²

District 004 Lockup video shows [REDACTED] being escorted to his cell, and DA Clay conduct a full custodial search in the presence of DA Brady and Sgt. Grissett. [REDACTED] appeared to comply and remain calm. When the Department Members leave, [REDACTED] lays down on the bench and appears to sleep.

Approximately twenty minutes later, Officer Delgado Fernandez and Officer Williams enter lockup and speak to [REDACTED], who remains laying down on the cot. DA Brady opens the cell door, DA Clay enters the cell and appears to speak with [REDACTED] and start to search him. DA Clay exits the cell when Officer Delgado Fernandez and Officer Williams take over searching [REDACTED]. Officer Delgado Fernandez bends down, removes the [REDACTED]'s shoe tag and tosses it behind him. [REDACTED] moves his arms around and away from Officer Williams. But, eventually, [REDACTED] stands and Officer Delgado Fernandez searches [REDACTED], removing an unknown item from him. Then, Officer Delgado Fernandez rubs the back of [REDACTED]'s head and walks away to pick up the shoe tag. [REDACTED] walks over to Officer Delgado Fernandez, stands with his chest out, words are exchanged, and [REDACTED]'s right arm appears to move slightly upward. Officer Delgado Fernandez appears to move to keep [REDACTED]'s arm down, then places his right hand on or around [REDACTED]'s neck while wrapping his left arm around the back of [REDACTED]'s neck. A struggle ensues where Officer Delgado Fernandez performs multiple close hand strikes to [REDACTED]'s head area, and [REDACTED] appears to attempt to punch back, maybe hitting Officer Delgado Fernandez in the head area at one point. The struggle moves around in the cell and Officer Williams assists by attempting to gain control of [REDACTED]'s left arm. [REDACTED] ends up on the floor with Officer Delgado Fernandez and Officer Williams on top of him. DA Brady exits the cell area, and approximately a minute later Sgt. Grissett and two unknown uniform officers come back with DA Brady. Sgt. Grissett enters the cell, talks, and Officer Delgado Fernandez and Officer Williams get up. [REDACTED] stands up, walks up to Officer Delgado Fernandez, in a similar manner as he did at the start of the physical altercation, and words are exchanged. This time, DA Brady and Sgt. Grissett intervene, and Officer Delgado Fernandez exits the cell. The officers leave lockup while Sgt. Grissett, DA Clay and DA Brady talk to [REDACTED], who is holding his right arm and at times bends over, appearing to be in pain.⁸³

⁸¹ Attachments 96,97.

⁸² Attachment 98.

⁸³ Attachments 20-22.

VI. LEGAL STANDARD

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

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

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

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

- a. DA Clay and DA Brady allowed officers access to [REDACTED] without authorization from the station supervisor.**

Detention Aides will allow officers access to arrestees **only** with the express permission of the station supervisor.⁸⁴ DA Clay and DA Brady admitted they did not obtain permission from Sgt. Grissett prior to letting Officer Delgado Fernandez and Officer Williams into [REDACTED]'s cell. There were no exigent circumstances preventing DA Clay or DA Brady to ask for permission prior to the officers entering lockup. Additionally, while the Detention Aides stated there is an understanding on their shift that officers would go back into lockup to obtain information, Sgt. Grissett stated he would have wanted to be notified prior to letting the officers in to search [REDACTED]. Therefore, this allegation is **Sustained**.

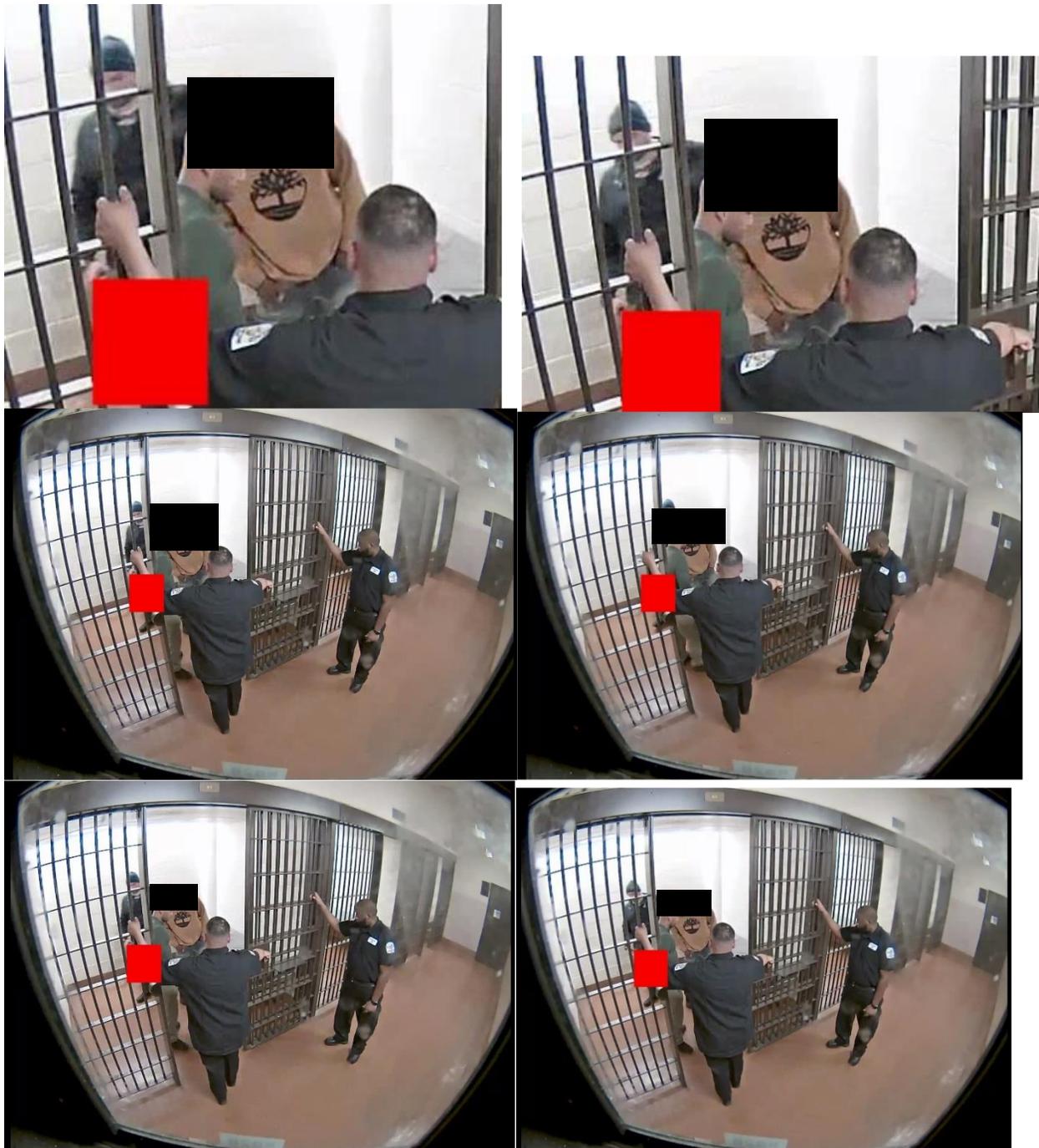
- b. Officer Delgado Fernandez and Officer Williams entered [REDACTED]'s cell in lockup without permission.**

As indicated above, officers must have permission from the station supervisor to access an arrestee. Officer Delgado Fernandez and Officer Williams admitted they did not ask for permission to search [REDACTED] in lockup. Therefore, this allegation is **Sustained**.

- c. Officer Delgado Fernandez initiated physical contact with [REDACTED] without justification.**



⁸⁴ General Order G06-01-04 II.B. *See, also*, BOPSOL 15-05 IV. H.



It is clear the physical altercation between Officer Delgado Fernandez and [REDACTED] was the direct result of Officer Delgado Fernandez touching [REDACTED]'s head. The question is whether it was reasonable for Officer Delgado Fernandez to touch [REDACTED]'s head. After conducting a complete search of [REDACTED], Officer Delgado Fernandez asserted he touched [REDACTED]'s head to search because he could not see the top of [REDACTED]'s head and [REDACTED] could be concealing contraband. Additionally, Officer Delgado Fernandez stated, in an effort to de-escalate, he told [REDACTED] it wasn't so bad and it's over. The other Department Members interviewed did not know why Officer Delgado Fernandez touched [REDACTED]'s head. DA Philips believed Officer Delgado

Fernandez slapped ██████ on the head. And while the Department Members acknowledged they sometimes search individuals' hair, usually the search is conducted on longer hair or dreadlocks. None of the Department Members could describe what ██████ may be concealing in his hair. The lockup video shows Officer Delgado Fernandez had ample opportunity to see the top of ██████'s head while he was seated on the bench, and ██████'s hair is short in length and dark black, where it would be difficult to impossible to conceal any contraband. Officer Delgado Fernandez pats ██████'s head as he turns and starts to walk away and does not appear to look at ██████ for potential contraband. At this time, Officer Williams is not looking at ██████ or checking to see if contraband falls, but instead appears to be turning toward the cell door to exit.

Based on the evidence, Officer Delgado Fernandez did not conduct a search of ██████'s hair, and had no reason to pat ██████ on the back of the head while using condescending language that clearly upset ██████ and instigated an unnecessary physical altercation. Therefore, a preponderance of the evidence establishes Officer Delgado Fernandez initiated physical contact with ██████ without justification, and this allegation is **Sustained**.

d. Officer Delgado Fernandez placed his right hand on or around ██████'s neck while his left arm wrapped around ██████'s neck are without justification.

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁸⁵ According to Officer Delgado Fernandez, ██████ was, an assailant,⁸⁶ ready to fight when he approached Officer Delgado Fernandez with clenched fists and chest out. To control ██████, Officer Delgado Fernandez stated he wrapped his left arm around the back of ██████'s neck and pushed ██████ back using his right hand on ██████'s upper chest area. Officer Delgado Fernandez and Officer Williams denied Officer Delgado Fernandez put his hand on ██████'s neck or choked ██████. COPA was unable to speak with ██████ and the lockup video is inconclusive whether Officer Delgado Fernandez's hand was around ██████'s neck. Therefore, there is insufficient evidence to determine whether Officer Delgado Fernandez placed his right hand on or around ██████'s neck, and this allegation is **Not Sustained**.

e. Officer Delgado Fernandez used force as punishment or retaliation.

An officer is prohibited from using force as punishment or retaliation.⁸⁷ Officer Delgado Fernandez denied using force to punish or retaliate against ██████ for pointing a firearm at him or the struggle on the street. COPA was unable to speak with ██████, Officer Delgado Fernandez and the other Department Members present at the time of this incident could not relate what Officer Delgado Fernandez said to ██████ or what ██████ said to Officer Delgado Fernandez during this incident, and the lockup video does not record sound. Therefore, there is insufficient evidence to determine, by a preponderance of the evidence, that Officer Delgado Fernandez used force as punishment or retaliation, and there is insufficient evidence to determine, by clear and convincing

⁸⁵ General Order G03-02 III.B.1.

⁸⁶ An Assailant is defined as a person "who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury." G03-02-01 IV.C.

⁸⁷ G03-02 III.B.5.c.

evidence, that Officer Delgado Fernandez did not use force as punishment or retaliation. Thus, this allegation is **Not Sustained**.

f. Officer Delgado Fernandez failed to accurately complete a Tactical Response Report after a use of force incident

An officer is responsible for, truthfully and accurately, reporting a use of force incident and describing the specific facts and circumstances of the incident that explain the officer's decision to use a particular use of force and the reasonableness, necessity, and proportionality of the force used.⁸⁸ In the "Narrative" section of the TRR, the officer will describe with specificity, "the subject's action or other circumstances necessitating the force used, and the involved member's response, including force mitigation efforts and specific types and amount of force used."⁸⁹ As discussed above, there is insufficient evidence to determine whether Officer Delgado Fernandez grabbed [REDACTED] on or around the neck and, therefore, there is insufficient evidence to determine Officer Delgado Fernandez failed to include the action in his TRR. However, the evidence is clear that Officer Delgado Fernandez only noted striking [REDACTED] with a closed hand fist one time and then stating there was a physical struggle without including the specific actions he took or [REDACTED] took. When the lockup video shows, and Officer Delgado Fernandez admitted to using more force in his COPA interview and in the "Member's Response" section of his TRR than what is listed in the narrative. Therefore, by a preponderance of the evidence, Officer Delgado Fernandez failed to accurately complete a Tactical Response Report after a use of force incident, and this allegation is **Sustained**.

g. Officer Williams failed to report Officer Enrique Delgado Fernandez used excessive force.

When an officer observes misconduct, they will immediately notify a supervisor and prepare a written report.⁹⁰ Officer Williams denied observing Officer Delgado Fernandez use excessive force, and denied watching the lockup video until after receiving COPA's request for interview and notice of allegations. As discussed above, there is insufficient evidence to determine whether Officer Delgado Fernandez used excessive force. Therefore, there is insufficient evidence to determine whether Officer Williams was required to report Officer Delgado Fernandez used excessive force. Thus, this allegation is **Not Sustained**.

h. Officer Delgado Fernandez, Officer Williams and Officer Kerr failed to comply with Special Order S04-08 III and chemical testing procedures.

An arresting officer will prepare reports, such as the Alcohol/Drug Influence Report and Law Enforcement Sworn Report, and submit all completed reports to the station supervisor in the district of arrest.⁹¹ As well as, request DUI arrestees submit to a breath test and request a certified breath analysis operator to administer the breath test.⁹² It is undisputed that Officer Delgado Fernandez and Officer Williams did not administer the DUI tests to [REDACTED], complete the paperwork or request a certified breath analysis operator for the breath test. Officer Kerr admitted

⁸⁸ General Order G03-02-02 II.A. and B.

⁸⁹ G03-02-02 IV.B.1.c.(1).

⁹⁰ G08-01-02 II.B.1.

⁹¹ Special Order S04-08 III.

⁹² S04-08-01 II.A.

he completed the DUI testing and indicated he requested a District 004 officer, who was a certified breath analysis operator to administer the breath test, which ██████ refused. However, none of the officers provided the completed paperwork and the DUI packet sent to court related to prosecuting ██████'s DUI charge did not include the required reports. Moreover, the reports only listed Officer Kerr as the officer administering the breath analysis, to which he is not certified to complete. Additionally, ██████'s refusal was not documented on the Chicago Police Department Breath Analysis Log.

Based on the evidence, by a preponderance of the evidence, the officers failed to comply with the requirements set forth in Special Order S04-08 III and the chemical testing procedures. Therefore, these allegations are **Sustained**.

i. DA Clay and DA Brady notified Sgt. Grissett about ██████'s condition.

According to the Guidelines for Arrestee Screening and Monitoring, when an individual shows signs of trauma or serious bodily injury, the Detention Aides must notify the District Station Supervisor, and send the arrestee to the nearest, approved hospital.⁹³ Immediately after the incident, DA Clay, DA Brady and Sgt. Grissett stated they asked ██████ if he needed medical assistance, and he refused. DA Clay, then, showed Sgt. Grissett the lockup video of the incident. Additionally, according to Sgt. Haltek, in his Initiation Report, DA Clay and DA Brady informed him ██████ complained his arm was sore, and Sgt. Haltek sent ██████ to the hospital. Therefore, while DA Clay and DA Brady did not send ██████ to the hospital, it is clear they notified the Desk Sergeant that ██████ may need medical assistance. Thus, this allegation is **Exonerated**.

j. Sgt. Grissett failed to provide medical assistance to ██████.

As discussed above, Sgt. Grissett, as Desk Sergeant, should send an arrestee to the hospital who shows signs of trauma or serious bodily injury. Sgt. Grissett admitted he was aware of the incident in lockup, viewed the video, and asked ██████ if he wanted medical attention. According to Sgt. Grissett, he did not send ██████ to the hospital because he did not view any visible injuries, and although ██████ complained his arm hurt, he wanted to sleep instead of going to the hospital. While Sgt. Grissett stated it was subjective whether to send an individual to the hospital, the second watch Desk Sergeant, based on the same facts present when Sgt. Grissett was on duty, ordered ██████ to be transported to the hospital over his objections. Therefore, based on the totality of the circumstances known by the member at the time and from the perspective of a reasonable Department member, Sgt. Grissett should have sent ██████ to the hospital, and this allegation is **Sustained**.

k. Sgt. Grissett failed to properly document an incident in lockup and failed to report that Officer Delgado Fernandez used excessive force.

When there is a battery on a staff member by a detainee or a battery on a detainee by a staff member, the station supervisor will ensure notifications are made, the Illinois Department of Corrections Report of Extraordinary or Unusual Occurrence (IDOC-REUO) is completed and

⁹³ CPD-11.523.

submit a copy to the Commanding Officer and the Records Inquiry Section.⁹⁴ Sgt. Grissett admitted he was required to complete the IDOC-REUO and obtain a log number related to Officer Delgado Fernandez's use of force related to the lockup incident, and that he did not do so. Sgt. Grissett asserted he did not complete the required paperwork because of a direct order from Lt. Gorman to stand down. Sgt. Grissett did document the incident in the Watch Incident Log, as required, indicating Lt. Gorman was notified and TRR reports were completed, but there is no reference to completing his required paperwork. Based on the evidence, it is more likely than not, that Sgt. Grissett believed Lt. Gorman was handling the required paperwork, however, that does not excuse Sgt. Grissett from completing the required reports, or, at minimum, documenting that Lt. Gorman ordered him to stand down. Therefore, this allegation is **Sustained**.

l. Sgt. Walker failed to report that Officer Delgado Fernandez used excessive force.

When a supervisor observes misconduct, they will initiate an investigation.⁹⁵ Additionally, when an allegation of misconduct, such as an allegation of excessive force, occurs, the supervisor will notify COPA and prepare a written report.⁹⁶ Sgt. Walker admitted he reviewed the lockup video on the day of the incident and determined Officer Delgado Fernandez' action were within policy. However, Sgt. Walker admitted he did not ask Officer Delgado Fernandez what initiated the physical altercation nor did he ask Officer Delgado Fernandez to explain his actions at the beginning of the altercation. As discussed above, there is insufficient evidence to determine whether Officer Delgado Fernandez used excessive force when he grabbed [REDACTED] around the neck area, but clearly Sgt. Walker should have, as Officer Delgado Fernandez's direct supervisor, asked these questions before writing Officer Delgado Fernandez's use of force was within policy, on the TRR. Based on the evidence, while it is clear Sgt. Walker should have made inquiries into Officer Delgado Fernandez's actions, there is insufficient evidence to establish Sgt. Walker observed Officer Delgado Fernandez use excessive force and failed to report. Therefore, this allegation is **Not Sustained**.

m. Sgt. Walker failed to ensure proper notifications were made that a reportable use of force incident occurred in District 004 lockup.

A supervisor who has been notified of a reportable use of force incident, will ensure immediate notifications, including to the watch operations Lieutenant are completed.⁹⁷ While Lt. Gorman stated she was never notified of the incident in lockup, Sgt. Walker stated he notified her and she was aware of the situation when he did. Sgt Grissett also stated he notified Lt. Gorman of the incident which would have been before Sgt. Walker. Based on the evidence, it is clear Lt. Gorman, as watch operation lieutenant, was notified of the lockup incident, and this allegation is **Unfounded**.

n. Sgt. Walker failed to complete or ensure Tactical Response Reports were completed by officers before the end of tour.

⁹⁴ Special Order S06-01-07 III.B.1.

⁹⁵ G08-01-02 II.B.2.

⁹⁶ G03-02-02 II.A. and B.

⁹⁷ General Order G03-02-02 V.A.1.

An officer, who is involved in a reportable use of force incident, will submit a completed TRR to his immediate supervisor for review and approval before the end of his tour of duty.⁹⁸ The reviewing supervisor will review the TRR as completed by the officer, or complete the TRR for an officer who is unable to complete the report.⁹⁹ Sgt. Walker denied this allegation, indicating he and the officers were at the station until the TRRs were completed, and, due to the nature of the charges and the incident in lockup, the paperwork took time. However, Lt. Gorman, after reviewing the paperwork, noted the timeframe was abnormal. While she believed there could be reasons for such a delay, she did not have an explanation for this instance. Sgt. Walker did not provide any explanation. According to the reports, the TRRs were not submitted or approved within the officers' scheduled tour of duty. The reports were approved approximately sixteen to seventeen hours after the lockup incident that occurred toward the end of the officers' tour of duty. While, overtime reports corroborate Sgt. Walker's assertion he was on duty for the entire time the paperwork was processed and this was an involved situation and arrest, there is no reason for the paperwork to take as long as it did. Additionally, it is unreasonable to extend one tour of duty to include three watches. Therefore, Sgt. Walker failed to complete or ensure Tactical Response Reports were completed by officers before the end of tour, and this allegation is **Sustained**.

- o. Lt. Gorman failed to timely document or ensure the proper documentation was completed for the incident in lockup per Special Order S06-01-07; failed to complete or ensure an initiation report was completed that Officer Delgado Fernandez used excessive force; failed to make or ensure proper notifications were made; and failed to provide or ensure [REDACTED] was provided medical assistance.**

The Commanding Officer will review and approve the completed IDOC-REUO and all accompanying reports, forward on to the responsible area deputy chief, Bureau of Patrol, as appropriate, and ensure notification was made to COPA.¹⁰⁰ The Watch Operations Lieutenant will ensure the duties and responsibilities outlined in the Department directive entitled "District Station Supervisor" are completed by the district station supervisor.¹⁰¹ Lt. Gorman denied the allegations, claiming she was never notified of the lockup incident, she did not receive any related paperwork and she did not review any related video. Contrarily, Sgt. Walker and Sgt. Grissett stated they, individually, notified her of the incident, and Sgt. Grissett documented in his Watch Incident Log the same. Additionally, it is unreasonable to believe, Lt. Gorman was not aware of the incident in lockup whether she was expressly notified because she is responsible for what occurs in the District Station. A preponderance of the evidence establishes Lt. Gorman was notified of the lockup incident and she did not comply with Special Order S06-01-07, did not complete or ensure an initiation report was completed that Officer Delgado Fernandez used excessive force; did not make or ensure proper notifications were made; and did not provide or ensure [REDACTED] was provided medical assistance. Therefore, these allegations are **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

⁹⁸ General Order G03-02-02 IV.B.3.

⁹⁹ G03-02-02 V.A.

¹⁰⁰ S06-01-07 III.B.

¹⁰¹ Special Order S03-03-03 IV.C.

a. Lieutenant Tiffany Gorman

COPA sustained Four allegations against Lt. Gorman. In determining what form of discipline to recommend, COPA considered Lt. Gorman's training, disciplinary history, and complimentary history. Lt. Gorman has been a sworn member since 1995. Lt. Gorman does not have a history of discipline.

COPA notes Lt. Gorman was, at best, unaware of a major incident occurring in the District Station where she acted as Watch Commander or, at worse, untruthful regarding her knowledge and actions to avoid accountability. Lt. Gorman's response to the situation caused less experienced subordinates to act inappropriately and not in accordance with CPD policy. Additionally, Lt. Gorman noted she's worked for approximately 13 years as a Sergeant in the 005th District, which she described as a training district.

Taking this all into account, COPA recommends Lt. Gorman receive a 5-Day Suspension and be retrained in CPD procedures for Extraordinary Occurrences, Use of Force Incidents, and management duties, including the District Station Supervisor and Watch Operations Lieutenant special orders.

b. Sergeant James Grissett Jr.

COPA sustained Three allegations against Sgt. Grissett. In determining what form of discipline to recommend, COPA considered Sgt. Grissett's training, disciplinary history, and complimentary history. Sgt. Grissett has been a sworn member since 1998. Sgt. Grissett does not have a history of discipline.

COPA notes, at the time of this incident, Sgt. Grissett had been appointed to Sergeant less than a year before this incident and he was not exclusively assigned as Desk Sergeant during that time. Additionally, evidence shows he did notify his superior, Lt. Gorman, of the situation and more than likely received bad advice on how to proceed. However, Sgt. Grissett's decision not to send ██████ to hospital, compromised CPD and the Detention Aides, if anything would have happened to ██████ as a result of the multiple strikes to his head or body.

Taking this all into account, COPA recommends Sgt. Grissett receive a 3-day Suspension and be retrained in CPD procedures for District Station Supervisor, Extraordinary Occurrences, Use of Force Incidents, Lockup procedures, and medical assistance.

c. Sergeant Corey Walker

COPA sustained One allegation against Sgt. Walker. In determining what form of discipline to recommend, COPA considered Sgt. Walker's training, disciplinary history, and complimentary history. Sgt. Walker has been a sworn member since 1995. His disciplinary history shows one prior instance of misconduct, 13 February 2019, Supervisory Responsibilities Properly Direct Subordinate, 4-day suspension.

COPA notes Sgt. Walker stated it was a reasonable for the paperwork related to the arrest of one individual, involving three officers, to take more than 16 hours to complete, which included 22 hours or more of overtime for at least two officers and a Sergeant. COPA finds this explanation

to be inefficient and unreasonable. Taking this all into account, COPA recommends Sgt. Grissett receive a 5-day Suspension and be retrained in CPD procedures for Use of Force Incidents and DUI procedures.

d. Officer Enrique Delgado Fernandez

COPA sustained Five allegations against Officer Delgado Fernandez. In determining what form of discipline to recommend, COPA considered Officer Delgado Fernandez's training, disciplinary history, and complimentary history. Officer Delgado Fernandez has been a sworn member since 2012. His disciplinary history shows three prior instances of misconduct: a reprimand for an Absence without Permission and two reprimands for Court Appearance Violations.

Here, Officer Delgado Fernandez's actions in this matter were unprofessional and emotional. He initiate contact with [REDACTED] in a disrespectful manner causing the incident in lock up. Officer Delgado Fernandez used poor judgment and violated several policies and procedures.

Taking all of this into account, COPA recommends Officer Delgado Fernandez be trained in De-Escalation, Professional Conduct, 4th Amendment Search & Seizure. COPA also recommends a 15-day Suspension.

e. Officer Jerald Williams

COPA sustained Three allegations against Officer Williams. In determining what form of discipline to recommend, COPA considered Officer Williams' training, disciplinary history, and complimentary history. Officer Williams has been a sworn member since 2013. His disciplinary history shows two prior instances of misconduct:

01 May 2020, Excessive Force, Arrestee – During Arrest, 15-day suspension
08 January 2019, Preventable Accident, reprimand

Here, Officer Williams engaged in acts that escalated into an unnecessary altercation. He also failed to properly complete the necessary paperwork. Therefore, COPA recommends Officer Williams receive a 15-day Suspension in this matter.

f. Officer Lawrence Kerr

COPA sustained Two allegations against Officer Kerr. In determining what form of discipline to recommend, COPA considered Officer Kerr's training, disciplinary history, and complimentary history. Officer Kerr has been a sworn member since 2002. His disciplinary history shows one prior instance of misconduct: 24 February 2020, Absence without Permission, reprimand.

Here, Officer Kerr knowingly conducted a DUI testing procedures without the appropriate personnel and credentials. At the very least, his paperwork was so inadequate that it omitted the only individual that could have conducted the testing within policy. This negligence or extreme lack of details ails poorly on the Department. Therefore, COPA recommends Officer Kerr receive 5-day Suspension.

g. Detention Aide Harold Clay III

COPA sustained One allegation against DA Clay. In determining what form of discipline to recommend, COPA considered DA Clay’s training, disciplinary history, and complimentary history. DA Clay has been a Department member since 2016. DA Clay does not have a history of discipline. COPA recommends DA Clay receive a Reprimand for the sustained allegation in this matter.

h. Detention Aide Jeremy Brady

COPA sustained One allegation against DA Brady. In determining what form of discipline to recommend, COPA considered DA Brady’s training, disciplinary history, and complimentary history. DA Brady has been a sworn member since 2012. DA Brady does not have a history of discipline. COPA recommends DA Brady receive a Reprimand for the sustained allegation in this matter.

IX. CONCLUSION¹⁰²

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

Officer	Allegation	Finding / Recommendation
Lt. Tiffany Gorman	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Lieutenant Tiffany Gorman, star #455 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. failing to timely document or ensure the proper documentation was completed for the incident in lockup per Special Order S06-01-07; 2. failing to complete or ensure an initiation report was completed that Officer Delgado Fernandez used excessive force; 3. failing to make or ensure proper notifications were made; and 4. failing to provide or ensure [REDACTED] was provided medical assistance. 	<p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p>

<p>Sgt. James Grissett Jr.</p>	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Sergeant James Grissett Jr, star #1072, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. failing to provide medical assistance to ██████████; 2. failing to properly document an incident in lockup; and 3. failing to report that Officer Delgado Fernandez used excessive force. 	<p>Sustained / 3-day Suspension Sustained / 3-day Suspension Sustained / 3-day Suspension</p>
<p>Sgt. Corey Walker</p>	<p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass that on or about May 18, 2019 at approximately 2:33 a.m. thereafter at or near 2255 East 103rd Street, District 004 Lockup, Sergeant Corey Walker committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. failing to report that Officer Delgado Fernandez used excessive force; 2. failing to ensure proper notifications were made that a reportable use of force incident occurred in District 004 lockup; and 3. failing to complete or ensure Tactical Response Reports were completed by officers before the end of tour. 	<p>Not Sustained Unfounded Sustained / 5-day Suspension</p>
<p>Officer Enrique Delgado Fernandez</p>	<p>It is alleged that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, Officer Enrique Delgado Fernandez, star #6261 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. initiating physical contact with ██████████ without justification; 2. placing your right hand on or around ██████████'s neck while your left arm is wrapped around ██████████'s neck area without justification; and 3. using force as punishment or retaliation. <p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass, that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, Officer Enrique Delgado Fernandez, star #6261 committed</p>	<p>Sustained / 15-day Suspension Not Sustained Not Sustained</p>

	<p>misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. entering [REDACTED]'s cell in lockup without permission; 2. failing to accurately complete a Tactical Response Report after a use of force incident; 3. failing to comply with Special Order S04-08 III.; and 4. failing to comply with chemical testing procedures. 	<p>Sustained/ 15-day Suspension Sustained / 15-day Suspension Sustained / 15-day Suspension Sustained / 15-day Suspension</p>
<p>Officer Jerald Williams</p>	<p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass, that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, Officer Jerald Williams committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. entering [REDACTED]'s cell in lockup without permission; 2. failing to comply with Special Order S04-08 III.; 3. failing to comply with chemical testing procedures; and 4. failing to report Officer Enrique Delgado Fernandez used excessive force. 	<p>Sustained / 15-day Suspension Sustained / 15-day Suspension Sustained / 15-day Suspension Not Sustained</p>
<p>Officer Lawrence Kerr</p>	<p>It is alleged by COPA by and through Deputy Chief Angela Hearts-Glass, that on or about May 18, 2019 at approximately 3:58 a.m. at or near 2255 East 103rd Street, Officer Lawrence Kerr, star #4871 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. failing to comply with Special Order S04-08 III.; 2. failing to comply with chemical testing procedures. 	<p>Sustained / 5-day Suspension Sustained / 5-day Suspension</p>
<p>DA Harold Clay III</p>	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Detention Aide Harold Clay, employee #106769, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. allowing officers access to [REDACTED] without authorization from the station supervisor; and 	<p>Sustained / Reprimand</p>

	2. failing to provide medical assistance to [REDACTED].	Exonerated
DA Jeremy Brady	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about May 18, 2019 at approximately 2:33 a.m. at or near 2255 East 103rd Street, District 004 Lockup, Detention Aide Jeremy Brady, employee #110635, committed misconduct through the following acts or omissions, by:</p> <p>1. allowing officers access to [REDACTED] without authorization from the station supervisor; and</p> <p>2. failing to provide medical assistance to [REDACTED].</p>	<p>Sustained / Reprimand</p> <p>Exonerated</p>

Ap [REDACTED]

10/26/20

James Murphy-Aguilu
 Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	James Murphy-Aguilu