

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 11, 2018
Time of Incident:	12:18 am
Location of Incident:	4830 W. Potomac Avenue, Chicago, IL 60651
Date of COPA Notification:	June 7, 2018
Time of COPA Notification:	7:03 pm

Mr. ██████████¹ committed a retail theft from Walgreens (4748 W. North Ave.) When Sergeant Charlotte Gonzalez attempted to arrest ██████████ he resisted her efforts which caused both to fall to the ground. Once on the ground ██████████ continued to resist Sgt. Gonzalez and attempted to gain control of her duty belt and firearm. Sgt. Gonzalez was able to defeat ██████████ efforts; however, ██████████ fled on foot.

Officers Michael Barton and Jason Connelly, (collectively “the Officers”) located ██████████ hiding under the rear porch of 4830 W. Potomac. The Officers ordered ██████████ to exit from under the porch, ██████████ complied. The Officers used a holding technique and takedown to arrest ██████████. Once ██████████ was in custody he was escorted to the front of 4830, during which he and several officers slipped on the icy snow-covered walkway and fell to the ground. ██████████ and the officers returned to their feet and continued to the CPD vehicle. Officer Cesar Valdez forcefully placed ██████████ in the rear seat of the CPD vehicle, causing ██████████ to slide across the rear seat.

Once ██████████ was in the rear of the CPD vehicle, Sgt. Gonzalez identified him as the subject who resisted and fled from her. Additionally, Walgreens Security Officer ██████████ identified ██████████ as the person who stole items from the store and signed a complaint for retail theft. ██████████ was transported, by CFD, to West Suburban Hospital where his was diagnosed with a laceration to his eyelid and a chest contusion. ██████████ was taken to 025th District Lockup and processed for several offenses.

During this investigation, COPA requested a statement from ██████████ however, he denied the request. Based on the severity of ██████████ allegations, COPA sought and obtained an Affidavit Override for the allegations detailed below.

¹ During his arrest ██████████ provided the name of ██████████. Since ██████████ provided a false name several records are listed under the name ██████████. For clarity of this report, all instances where ██████████ is used will be referred to as ██████████. Additionally, once ██████████ was properly identified, it was learned that he had active arrest warrants for escape.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Jason Connelly / Star #15463 / Employee ID # [REDACTED] / DOA: October 27, 2014 / Unit: 025 / DOB: [REDACTED], 1986 / Male / White.
Involved Officer #2:	Officer Michael Barton / Star # 8214 / Employee ID # [REDACTED] / DOA: July 17, 2017 / Unit: 025 / DOB: [REDACTED] 1983 / Male / White. ²
Involved Officer #3:	Officer Cesar Valdez Star #17353 / Employee ID # [REDACTED] / DOA: June 27, 2016 / Unit: 025 / DOB: [REDACTED] 1985 / Male / Hispanic.
Involved Individual #1:	[REDACTED] a.k.a. [REDACTED] / DOB: [REDACTED] 1974 / Male / Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jason Connelly	1. Kicked Mr. [REDACTED] (a.k.a. [REDACTED]) in the left eye, in violation of Rule 9.	Unfounded.
	2. Broke Mr. [REDACTED] (a.k.a. [REDACTED]) left wrist, in violation of Rule 9.	Unfounded.
Officer Michael Barton	1. Kicked Mr. [REDACTED] (a.k.a. [REDACTED]) in the left eye, in violation of Rule 9.	Unfounded.
	2. Broke Mr. [REDACTED] (a.k.a. [REDACTED]) left wrist, in violation of Rule 9.	Unfounded.
	3. "Threw" Mr. [REDACTED] (a.k.a. [REDACTED]) in to the rear seat of a CPD vehicle, in violation of Rule 8.	Unfounded.
Officer Cesar Valdez	1. "Threw" Mr. [REDACTED] (a.k.a. [REDACTED]) in to the rear seat of a CPD vehicle, in violation of Rule 8.	Not Sustained.
	2. Failed to capture the interaction with Mr. [REDACTED] (a.k.a. [REDACTED]) on Body Worn Camera, in violation of Rule 6.	Sustained / 2 days.

² At the time of this incident Officer Barton was a Probationary Police Officer.

IV. APPLICABLE RULES AND LAWS

Rules

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

1. General Order: G03-02-01 - Force Options – effective October 16, 2017.
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Special Orders

1. Special Order: S03-14 – Body Worn Cameras – effective October 17, 2017.³

V. INVESTIGATION⁴

a. Interviews⁵

In a **statement to COPA**⁶ on December 18, 2018, **Accused Officer Michael Barton** stated he responded to the request for assistance from Sgt. Gonzalez. Upon arrival, he began to search for ██████. As he was searching he observed that snow was disturbed on top of a fence at the rear of 4830 W. Potomac and inside the fence were footprints in freshly fallen snow. Believing the ██████ may have created the footprints, Officer Barton entered the backyard and followed the footprints. As he was following the footprints, Officer Barton observed ██████ laying under a porch. Concerned that ██████ was possibly armed, Officer Barton drew his weapon and ordered ██████ to exit from under the porch. ██████ complied and was taken to the ground and handcuffed by Officer Connelly. Once ██████ was handcuffed, Officer Barton assisted in escorting him to the front of the residence. Officer Barton recalled that the gangway was slippery, and ice covered. Once at the front of the gangway, ██████ Officer Barton and several other officers slipped on the ice and fell to the ground. Officer Barton assisted ██████ to his feet and continued to escort him to the CPD vehicle. Once at the CPD vehicle, Officer Barton assisted in searching ██████. Officer Barton recalled that ██████ was resisting, by tensing and pulling way and not following verbal direction. After completing the search, Officer Barton assisted in placing ██████ in to the rear of the CPD vehicle.

Officer Barton was clear that at no time did he use any force that would have required a Tactical Response Report (TRR) to be completed. Additionally, Officer Barton was clear that at no time did he kick ██████ or use any force that would have resulted in ██████ arm breaking. Further, Officer Barton was clear that while standing outside of the CPD vehicle, ██████ was

³ Att. 61.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ ██████ denied COPA's request for a statement. Att. 23.

⁶ Att. 50 and 52.

resisting efforts to control and search him. Finally, Officer Barton was clear that this incident occurred during his first cycle of field training.

In a **statement to COPA**⁷ on November 27, 2018, **Accused Officer Jason Connelly** stated essentially the same information as Officer Barton. Additionally, Officer Connelly explained that he initially drew his firearm when addressing ██████ because he was concerned the he was armed. Officer Connelly tentatively identified Officer Valdez as the officer that placed ██████ into the CPD vehicle. Officer Connelly, was clear that the force he used to handcuff ██████ was minimal and did not require a TRR. Officer Connelly recalled that ██████ had a laceration to his face when he was discovered hiding under the porch. Officer Connelly was clear that at no point did he engage in any of the alleged conduct.

In a **statement to COPA**⁸ on January 8, 2019, **Accused Officer Cesar Valdez** stated he responded to a request for assistance from Sgt. Gonzalez. Upon arrival, Officer Valdez attempted to locate Sgt. Gonzalez; however, another officer located her first. Once Sgt. Gonzalez was located, Officer Valdez began to search for ██████. While searching for ██████ he parked his CPD vehicle near 4830 W. Potomac and heard a radio transmission that ██████ was located the rear of 4830. Officer Valdez entered that backyard and observed ██████ being carried towards the front of the residence by several officers. As ██████ and the officers approached the front of the residence they slipped on ice and fell to the ground. ██████ was assisted to his feet and escorted towards Officer Valdez' vehicle. Officer Valdez observed that, both prior to and after falling, ██████ was not standing on his own and was essentially being carried to the vehicle. Once at the vehicle, Officer Valdez observed ██████ stand on his feet and appear to be resisting. Officer Valdez approached the vehicle, stood behind ██████ and assisted in placing him into the vehicle. Once ██████ was secured in the vehicle, Officer Valdez confirmed ██████ requested medical treatment and requested CFD to respond.

Officer Valdez was clear that he believes ██████ was resisting when he was standing at the open door to the vehicle. Officer Valdez explained this belief based on the presence of several officers and ██████ change from refusing to walk to standing on his own. Additionally, Officer Valdez explained that normally arrestees will enter the vehicle on their own; however occasionally someone will refuse, and force will be required to place them into the vehicle. Officer Valdez could not recall if ██████ was refusing and what, if anything, he was saying immediately prior to being placed in the vehicle. Officer Valdez admitted that he failed to activate his Body Worn Camera (BWC) to capture his interaction with ██████⁹ Officer Valdez explained his failure was in part because of the high stress situation related to the request for officer assistance, and the desire to assist in addressing ██████ perceived resistance without delay. Officer Valdez explained that once ██████ was secured in the vehicle, he did active his BWC.

⁷ Att. 42.

⁸ Att. 60.

⁹ *Id.* at 10:43.

b. Digital Evidence

In-Car Camera¹⁰ (ICC) footage depicts Sgt. Gonzalez attempting to stop [REDACTED] him fleeing on foot, and Sgt. Gonzalez pursuing him on foot.¹¹ Additional, ICC footage captures audio of Officer Sperindeo cautioning others that the gangway was is slippery and to use caution while walking. Additional audio is consistent with people falling followed by Officer Sperindeo asking if everyone is okay. The audio also captures Officers Sperindeo and Valdez discussing falling to the ground with such force that one of their backs was sore.¹² Further, ICC footage depicts Officer Valedz standing directly behind [REDACTED] as he is searched by Officer Barton, who is standing next to [REDACTED]. During the search [REDACTED] is seen attempting to step into the rear of the vehicle and being instructed to stop. Once the search is completed Officer Valdez is depicted forcefully placing [REDACTED] into the rear seat of a CPD vehicle causing [REDACTED] to fall on his back and slide across the seat.¹³ Once [REDACTED] was in the vehicle, Officer Valdez is seen in the door frame, bending down and picking up his flashlight.¹⁴

BWC footage¹⁵ depicts Sgt. Gonzalez pursuing [REDACTED] on foot, locating him, and attempting to place him in custody in a narrow gangway lined with a brick wall and chain link fence. The footage also shows [REDACTED] resisting Sgt. Gonzalez which results in both falling to the ground. Once on the ground a physical struggle is heard until [REDACTED] escapes and flees on foot.¹⁶ Additional, BWC footage depicts Officers Barton¹⁷ and Connelly locating [REDACTED] under the rear porch of 4830 W. Potomac. [REDACTED] is seen laying on the freshly fallen snow wearing only a white button-down long sleeve shirt and dark snow-covered pants.¹⁸ Officer Barton orders [REDACTED] to exit from under the porch. As [REDACTED] complies, Officer Barton takes control of [REDACTED] arm and uses a takedown to place [REDACTED] on the freshly fallen snow.¹⁹ Once on the ground [REDACTED] is handcuffed. Once [REDACTED] is handcuffed he is immediately lifted off ground. At no time is [REDACTED] struck or kicked. Additionally, an unidentified officer²⁰ is captured pointing to [REDACTED] and commenting about blood.²¹ As [REDACTED] is brought to his feet there are no signs of blood on his white shirt or the freshly fallen snow. Further, BWC footage depicts [REDACTED] being escorted from the rear of 4830 between the houses down a gangway lined with ice covered walls. While [REDACTED] is being escorted, Officer Sperindeo is heard telling everyone to be careful because the walkway is slippery. Once at the front of the gangway, [REDACTED] and several officers slip and all fall to the ground.²² Officer Sperindeo is heard asking if everyone is okay. The footage shows [REDACTED] and officers standing-up

¹⁰ Att. 21.

¹¹ *Id.*, 2510R – PC0X732_20180211000909 from 00:00 to 02:00.

¹² *Id.*, 2535R – 2 – PC0BE35_20180211001958 from 02:35 to 03:00, 07:16 to 07:22, and 08:48 to 08:55.

¹³ *Id.*, 2535R – 2 – PC0BE35_20180211001958 from 03:23 to 03:47.

¹⁴ *Id.*, 2535R – 2 – PC0BE35_20180211001958 from 03:40 to 03:45.

¹⁵ Att. 21.

¹⁶ *Id.*, Gonzalez – 2 – AXON_Body_2_Video_2018-02-11_0008 from 03:00 to 06:20.

¹⁷ At the time of this incident Probationary Police Officers were not equipped with BWC.

¹⁸ Att. 21, Connelly _ AXON_Body_2_Video_2018-02-11_0004 at 15:20.

¹⁹ *Id.*, Connelly – AXON_Body_2_Video_2018-02-11_0004 at 15:40.

²⁰ COPA had no success identifying the officer. Given the nature of the incident, it is possible that the officer was not assigned to the 025th District.

²¹ Att. 21, Connelly – AXON_Body_2_Video_2018-02-11_0004 at 15:19 to 17:41; Sperindeo – 4 – Axon_Body_2_Video_2018-02-11_0019 at 01:03.

²² *Id.*, Connelly – AXON_Body_2_Video_2018-02-11_0004 at 16:48; Sperindeo – 4 – Axon_Body_2_Video_2018-02-11_0019 at 01:50.

and continuing to the CPD vehicle.²³ Additional, BWC footage depicts ██████ at the rear door of the CPD vehicle as Officer Barton searches him. During Officer Barton's search ██████ places his feet on the doorsill of the CPD vehicle. Additionally, BWC footage depicts Officer Valdez standing directly behind ██████ during the search.²⁴

Finally, ██████ entire interaction with CPD is documented from the time he is located by Officers Barton and Connelly to when he is processed in Lockup. During this time, no CPD member is ever seen striking or kicking ██████

c. Documentary Evidence

In a **Letter from** ██████²⁵ stated that as Sgt. Gonzalez attempted to arrest him, he fled and hid in a backyard; until Officers Barton and Connelly discovered ██████ in the backyard and took him into custody. ██████ alleges that while Officers Barton and Connelly were taking him into custody they kicked him in the left eye and broke his left wrist. ██████ alleges that he was escorted to a CPD vehicle in thrown in the back seat. ██████ was transported to West Suburban Hospital and treated for his injuries. Additionally, ██████ admitted he provided the false name ██████ when he was arrested.

████████ **Arrest Report**,²⁶ and an **Original Case Incident Report**²⁷ detail that Sgt. Gonzalez observed ██████ being pursued by ██████ down the street. Sgt. Gonzalez stopped ██████ and learned he was a Walgreens Security Officer. ██████ informed Sgt. Gonzalez that ██████ had just committed a retail theft. Sgt. Gonzalez began to pursue ██████ fled on foot; however, Sgt. Gonzalez was able to locate ██████ and attempted to take him into custody. ██████ resisted Sgt. Gonzalez' efforts. During his resistance, both ██████ and Sgt. Gonzalez fell to the ground. Once on the ground ██████ continued to resist and attempted to gain control of Sgt. Gonzalez' duty belt and firearm. Sgt. Gonzalez was able to prevent ██████ from gaining control of her duty belt and firearm; however, ██████ again fled on foot, leaving a jacket and backpack containing stolen items behind.²⁸ Sgt. Gonzalez requested assistance, and several other units arrived and began to search for ██████

Officers Barton and Connelly located ██████ under a porch in the rear of 4830 W. Potomac and took him into custody. Once ██████ was in custody he was transported to Sgt. Gonzalez' location and she positively identified him as the subject who resisted and fled from her. ██████ was transported to West Suburban Hospital and treated for a laceration to his head. Sgt. Gonzalez was transported to Resurrection Hospital and treated for injuries she received during ██████ resistance.

²³ *Id.*, Sperinedo - 4 - AXON_Body_2_Video_2018-02-11_0019 from 01:50 to 02:05; Connelly - AXON_Body_2_Video_2018-02-11_0004 from 16:48 to 16:59.

²⁴ *Id.*, Sperinedo - 4 - Axon_Body_2_Video_2018-02-11_0019 from 02:27 to 02:40; Connelly - AXON_Body_2_Video_2018-02-11_0004 from 17:19 to 17:40.

²⁵ Att. 4.

²⁶ Att. 6.

²⁷ Att. 5.

²⁸ The report details that ██████ confirmed the items in the abandoned backpack were stolen from Walgreens and that he signed a complaint for the theft.

Further, the arrest report details that ██████ complained of an injury to his head at the time he was processed at the 025th District Lockup for the charges of aggravated battery on a peace officer, obstructing identification, disarming a peace officer, resisting/obstructing a peace officer, retail theft, and two outstanding arrest warrants. ██████ booking photograph appears to detail slight swelling to his right eyelid, however it is unclear if the eyelid is actually swollen.²⁹

Sgt. Gonzalez' TRR³⁰ details that ██████ failed to follow verbal directions, pulled away, attacked by pushing/shoving/pulling and wrestling/grappling, and attempted to obtain Sgt. Gonzalez' weapon. Sgt. Gonzalez' actions were detailed as response to defend herself, prevent ██████ from fleeing, and to overcome resistance or aggression. The force Sgt. Gonzalez used was detailed as member presence, verbal direction/control techniques, escort holds, and a takedown.

Additionally, the TRR details that ██████ was apparently normal, with no apparent injuries related to Sgt. Gonzalez' use of force but that he was transported to West Suburban Hospital. Further, the narrative section of the TRR details that Sgt. Ryan Howard completed the report on behalf of Sgt. Gonzalez because she was being treated for injuries at Resurrection Hospital. Finally, Lt. Kevin Kendzior details that after release from the hospital, ██████ was not interviewed because he was under the influence of a narcotic and that after reviewing Sgt. Gonzalez' BWC footage, Lt. Kendzior found that Sgt. Gonzalez' actions complied with CPD policy.

██████ **Medical Records**³¹ detail that ██████ admitted to consuming alcohol and had no obvious signs injury or trauma. Additional records, detail that ██████ complained of a lacerated eyelid, upper limb pain, and chest pain. ██████ was diagnosed with a laceration of the right eyelid, and a contusion to the chest. The records detail that the laceration to the eyelid was minor and no repair was made.³² Additionally, the records detail that ██████ had a pre-existing fracture to his left forearm that was repaired with a metal rod prior to his treatment at West Suburban Hospital and that there were no signs of a new fracture.³³

An **Affidavit Override**³⁴ was sought and received from the Department and authorized an investigation into the allegations detailed above.

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;

²⁹ Att. 32.

³⁰ Att. 10.

³¹ Atts. 24 and 26.

³² Pgs. 3, 12, and 21 of Att. 26.

³³ Pg. 56 of Att. 26.

³⁴ Atts. 29 and 30.

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. Force Allegations

COPA finds that Allegations #1 and 2 against Officers Connelly and Barton (the Officers) are **unfounded**. The BWC footage is clear and conclusive that when [REDACTED] was arrested, the Officers gently takedown [REDACTED] in freshly fallen snow and at no time strike or kick him. Additionally, the takedown used by the Officers was so minimal that no TRR was required. Further, once [REDACTED] was brought to his feet there was no indication of any blood in the freshly fallen snow or on the white shirt he was wearing. Additionally, [REDACTED] interactions with the Department are captured on BWC footage from the time he is located by the Officers until he is processed in Lockup and at no time is, he struck or kicked. Finally, [REDACTED] medical records are clear that the fracture to his arm was a pre-existing condition that had been repaired by a metal rod prior to his interaction with the Department and that the injury to his eye was so minimal that no treatment was required. Based on all this information, COPA determined that the Officers did not kick [REDACTED] in the eye nor break his arm. In fact, COPA believes that [REDACTED] injuries occurred either during his flight after attempting to disarm Sgt. Gonzalez or when he and officers slipped on the ice and fell to the ground as he was escorted to the Department vehicle.

COPA find Allegation #3 against Officer Barton is **unfounded**. Here, despite Officer Barton's admission that he assisted in placing [REDACTED] in the vehicle, the ICC and BWC footage are clear he did not.³⁵ The footage depicts Officer Barton assisting in the custodial search of

³⁵ COPA notes that at the time of this incident Officer Barton was at the beginning of his first field training cycle, and given the intense nature of the incident, it is more likely than not that Officer Barton did not accurately recall his actions while [REDACTED] was being placed in the vehicle. Further, COPA does not believe that Officer Barton in any way purposefully attempted to mislead COPA. This belief is based on Officer Barton's limited experience, the obvious stress of this incident and that his admission would possibly subject him to discipline from this investigation.

█ Additionally, the footage depicts that as █ was placed into the vehicle, Officer Barton was off to the side of █ while Officer Valdez was directly behind █. Further, the footage depicts that Officer Barton was not touching █ as he was placed into the vehicle. Based on this, COPA determined that Officer Barton was not able to forcefully direct █ in any manner.

COPA finds that Allegation #1 against Officer Valdez is **not sustained**. Here, COPA received only limited information from █ related to the alleged conduct, this limited information provided no detail as to what was occurring immediately prior to the alleged conduct. Further, a complete review of all of the ICC and BWC footage did not increase the understanding of what █ actions were immediately prior to being placed into the vehicle. Additionally, Officer Valdez explained that when he initially observed █ he was essentially being carried to the vehicle but once at the vehicle, he observed a change in █ body position – specifically that he was standing on his own – and based on this change in body position and several officers around █ Officer Valdez believed █ was resisting efforts to place him into the vehicle. This claim is partially supported by the ICC and BWC footage that shows █ attempting to step into the vehicle, prior to the custodial search being completed, and Officer Barton’s statement. However; when viewing the evidence in the totality COPA is unable to determine what █ actions were immediately prior to being placed in the vehicle and therefore cannot determine if Officer Valdez’ actions were proper or not.

b. BWC Allegation

COPA finds that Allegation #2 against Officer Valdez is **sustained**. Department Members are required to activate BWC for “calls for service ... arrests ... [and] searches, including searches of persons.”³⁶ Here, it is undisputed that Officer Valdez failed to activate his BWC when he was interacting █ immediately prior to placing him in the rear of the vehicle. Officer Valdez explained that this failure was due to in part because of the high stress situation related to the request for officer assistance, and the desire to assist in addressing █ perceived resistance without delay.³⁷ COPA acknowledges that Officer Valdez did activate his BWC minutes after █ was secured in the vehicle and remained in compliance with policy during the remainder of his interaction with █.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Cesar Valdez

i. Complimentary and Disciplinary History

- 1. Complimentary:** 8 Honorable Mentions; 1 Life Saving Award
- 2. Disciplinary:** 2 Reprimands – Preventable Accident and Court Appearance

³⁶ S03-14 III(A)(2)(a),(f),(j).

³⁷ COPA notes that this failure resulted in a decreased ability to evaluate █ actions immediately prior to being placed in the CPD vehicle and to identify the officers who placed █ in to the vehicle.

ii. Recommended Penalty, by Allegation

1. Allegation No. 3: 2 days.

Office Valdez admitted to failing to capture part of his interaction with ██████████ on BWC. Officer Valdez explained this failure occurred in part because of the high stress situation related to the request for officer assistance, and the desire to assist in addressing ██████████ perceived resistance without delay. Officer Valdez’ failure directly impacted COPA’s ability to thoroughly investigate this incident.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Jason Connelly	1. Kicked Mr. ██████████ (a.k.a. ██████████) ██████████ in the left eye, in violation of Rule 9.	Unfounded.
	2. Broke Mr. ██████████ (a.k.a. ██████████) ██████████ left wrist, in violation of Rule 9.	Unfounded.
Officer Michael Barton	1. Kicked Mr. ██████████ (a.k.a. ██████████) ██████████ in the left eye, in violation of Rule 9.	Unfounded.
	2. Broke Mr. ██████████ (a.k.a. ██████████) ██████████ left wrist, in violation of Rule 9.	Unfounded.
	3. “Threw” Mr. ██████████ (a.k.a. ██████████) ██████████ in to the rear seat of a CPD vehicle, in violation of Rule 8.	Unfounded.
Officer Cesar Valdez	1. “Threw” Mr. ██████████ (a.k.a. ██████████) ██████████ in to the rear seat of a CPD vehicle, in violation of Rule 8.	Not Sustained.
	2. Failed to capture the interaction with Mr. ██████████ (a.k.a. ██████████) on Body Worn Camera, in violation of Rule 6.	Sustained / 2 days.

A ██████████

 James Murphy-Aguilu
 Deputy Chief Administrator – Chief Investigator

10/2/20

 Date

Appendix A

Assigned Investigative Staff

Squad#:	2
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	James Murphy-Aguilu