

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 28, 2021 / 11:31 AM / [REDACTED] and 5101 S. Wentworth (2 nd District Chicago Police Department)
Date/Time of COPA Notification:	July 29, 2021 / 1:05 AM
Involved Officer #1:	Brandon Neita-Scott, Star#18908, Employee#[REDACTED], Date of Appointment: December 12, 2016, PO, Unit of Assignment: 189, DOB: [REDACTED], 1993, Male, Black
Involved Officer #2:	Michael Riccio, Star#6619, Employee#[REDACTED], Date of Appointment: September 1, 2010, PO, Unit of Assignment: 189, DOB: [REDACTED], 1976, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1967, Male, Black
Case Type:	Unjustified Strip Search

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Brandon Neita-Scott	<p>It is alleged that on or about July 28, 2021, at or after approximately 11:30am., at or near [REDACTED] S. [REDACTED] and afterwards at 5101 S. Wentworth Ave., Officer Brandon Neita-Scott, Star#18098, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Conducting a strip search without justification. 2. Failing to comply with G06-01-03 when conducting a strip search by not completing a Report of Strip Search form (CPD-11.521). 	<p>Not Sustained</p> <p>Not Sustained</p>
Officer Michael Riccio	<p>It is alleged that on or about July 28, 2021, at or after approximately 11:30 am, at or near 5762 S. Wells and afterwards at 5101 S. Wentworth Ave., Officer Michael Riccio, Star# 6619, committed misconduct through the following acts or omissions:</p>	

	1. Conducting a strip search without justification.	Not Sustained
	2. Failing to comply with G06-01-03 when conducting a strip search by not completing a Report of Strip Search form (CPD-11.521).	Not Sustained

II. SUMMARY OF EVIDENCE

COPA was able to obtain several pieces of documentary evidence. This evidence includes the arrest report, inventory reports, chain of custody reports, request forms, and informational logs for involved officers. All of which provided valuable information in conjunction with the complainant and officer interviews for COPA to reach its conclusion.

According to the arrest report, Officer Neita-Scott and Officer Riccio, were on a narcotics mission working as enforcement officers when they were notified by the surveillance team of a hand-to-hand transaction with the suspect’s description and direction of travel. Shortly after, the suspect, Mr. ██████ made his way to the area of Officer Riccio and Officer Neita-Scott, where they observed him immediately turn around and stick something in the front of his pants while walking away from the officers. Mr. ██████ was detained and stated to both officers that he put heroin down his pants. Mr. ██████ was then arrested and transported to the 2nd district for procession. During Mr. ██████ custodial search, a yellow tinted zip lock bag was found in Mr. ██████ pants and a black zip lock bag was discovered in a fanny pack Mr. ██████ wore around the front of his waist prior to his arrest. Both baggies contained a white powdery substance suspected to be heroin. Mr. ██████ had \$6 on his person that was not inventoried with the suspected narcotics. The arrest report also notes that both Officer Neita-Scott and Officer Riccio did not have BWC for this arrest.

COPA conducted interviews with Mr. ██████, Officer Neita-Scott², and Officer Riccio³. According to Mr. ██████ he was on the way to his cousin’s house when Officer Riccio and Officer Neita-Scott approached him from behind and detained him. Officer Riccio and Officer Neita-Scott then began searching him, grabbing his groin area, and moving his clothing to look down his pants asking what he is hiding down his pants. Mr. ██████ says that he was then arrested and transported to the local district where he was forced to remove his clothing, including his underwear while Officer Neita-Scott and Officer Riccio conducted another search grabbing the groin area of Mr. ██████. Mr. ██████ also stated that he was ordered to bend over and cough while the officers “looked into” his rectum for narcotics. Mr. ██████ said that he was charged for possession of a controlled substance but did not have any narcotics in his possession when he was stopped.

Both Officer Neita-Scott and Officer Riccio provided near identical accounts of this event in their statements to COPA. According to both Officer Riccio and Officer Neita-Scott, they were a part of a narcotics enforcement mission working the enforcement team. While on their mission,

¹ Att. 8 and 9

² Att. 27

³ Att. 30

they were notified by their surveillance team of a narcotics buy with the suspect, Mr. [REDACTED] moving toward their location. Officer Riccio provided further details that Mr. [REDACTED] met with an undercover officer and confidential informant in the undercover officer's vehicle to conduct a narcotic transaction for heroin as a part of their buy bust sting operation. Officer Neita-Scott then stated Mr. [REDACTED] was observed walking toward their patrol vehicle but made an abrupt turn toward the opposite direction upon seeing them and began moving his hands toward the front of his pants in a manner of someone attempting to conceal a weapon or narcotics. Officer Neita-Scott and Officer Riccio then approach Mr. [REDACTED] for an investigatory stop at which time he openly admits to having heroin in his possession before being asked what he was possibly concealing. Mr. [REDACTED] then notified the officers that the heroin was in his fanny pack. Mr. [REDACTED] was placed in handcuffs and Officer Riccio conducted a custodial search of the fanny pack, to ensure there were no weapons being brought into the 2nd district, at which time he discovered a zip-lock bag containing suspected heroin. Mr. [REDACTED] was then transported to the 2nd district lock up where he was processed and searched again.

According to both Officer Riccio and Officer Neita-Scott, upon concluding their second custodial search at the 2nd district, they secured Mr. [REDACTED] in his holding cell and briefly left him to work on their paperwork. Because it was a very hot day, both officers returned to the holding area to check on Mr. [REDACTED] at which time they discovered him on the floor looking through his pants he removed. Officer Riccio and Officer Neita-Scott entered the cell and removed Mr. [REDACTED] pants from his hands. The pants were searched by Officer Riccio who found another zip-lock bag of suspected heroin within them. Both bags of heroin were inventoried and listed under the original charge of possession of a controlled substance for Mr. [REDACTED]

Both Officer Riccio and Officer Neita-Scott were asked about how Mr. [REDACTED] was searched. Both officers describe an initial pat down of the exterior clothing when initially detaining Mr. [REDACTED] Officer Riccio stated only Mr. [REDACTED] fanny pack was searched because Mr. [REDACTED] notified them heroin was concealed within it, but also to ensure no weapons were concealed as well. Both Officer Riccio and Officer Neita-Scott also describe an additional custodial search and pat down of exterior clothing at the 2nd district, noting that at no point was any part of Mr. [REDACTED] clothing was removed or adjusted. Both Officer Riccio and Officer Neita-Scott also stated that Mr. [REDACTED] was fully clothed and seated on his cell bench when they initially left but removed his own pants upon their exit. Last, both Officer Neita-Scott and Officer Riccio stated that at no point did they move, adjust, or manipulate any part of Mr. [REDACTED] genitals or rectum as Mr. [REDACTED] alleged. Both Officer Riccio and Neita-Scott related that at time, the team they were assigned to were not assigned BWC.

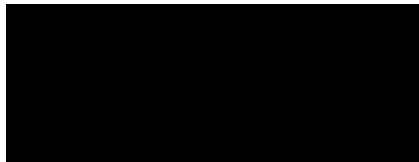
III. ANALYSIS AND CONCLUSION

Mr. [REDACTED] alleged that both Officer Riccio and Officer Neita-Scott conducted an unjustified strip search while he was in CPD custody. Both officers provided clear and near identical accounts for what happened and how they conducted themselves during Mr. [REDACTED] arrest, noting that they only patted down Mr. [REDACTED] exterior clothing. Mr. [REDACTED] account of his arrest included being strip searched and subjected to cavity searches. Any evidence to substantiate these claims were not attainable. There was no BWC assigned to Officer Neita-Scott and Officer Riccio at the time of this incident and POD footage from the 2nd district was requested but unable

to be recovered for the investigation. The lack of BWC was also noted in the arrest report. Furthermore, Mr. [REDACTED] credibility could reasonably be called into question. In his intake interview, he was directly asked if he had any drugs on him at the time of being arrested to which he stated that he did not. The officers statement indicate that Mr. [REDACTED] participated in a drug transaction with an undercover officer during a buy bust that lead to his arrest. COPA finds **Allegation 1** to be **Not Sustained**.

Because Allegation 1 is not sustained, **Allegation 2**, stating that both Officer Riccio and Officer Neita-Scott did not complete a Report of Strip Search form (CPD-11.521) following their strip search of Mr. [REDACTED] is also **Not Sustained**.

Approved:



3/20/2023

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date