

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 20, 2018
Time of Incident:	5:10 PM
Location of Incident:	██████████
Date of COPA Notification:	March 21, 2018
Time of COPA Notification:	8:08 AM

On March 20, 2018, the complainant, ██████████ (Mr. ██████████) was detained by police outside of his mother’s home at ██████████. As the situation grew more tense, Mr. ██████████ daughter, ██████████ (Miss ██████████) came outside. Mr. ██████████ alleged that Officer Matthew Skalski pushed him, detained him for no reason, injured Mr. ██████████ hands, chased Miss ██████████ into their dwelling without a warrant, grabbed Miss ██████████ injured Miss ██████████ hand, arrested Mr. ██████████ without justification, searched Mr. ██████████ vehicle without justification, failed to inventory and return all of Mr. ██████████ money, and damaged Mr. ██████████ car. After reviewing Body Worn Camera footage, COPA brought allegations to Officer Skalski for detaining Mr. ██████████ for too long, failing to identify himself, and using profanity. COPA’s findings are discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	Matthew Skalski, Star #16752, Employee ID # ██████████, Date of Appointment: August 21, 2015, Police Officer, 7 th District, Date of Birth: ██████████, 1989, Male, White
Subject #1:	██████████ Date of Birth: ██████████, 1969, Male, Black
Subject #2:	██████████ Date of Birth: ██████████, 2008, Female, Black ¹

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Skalski	1. Pushed Mr. ██████████ while attempting to get him to speak to you, in violation of Rule 9.	Unfounded

¹ ██████████ has an alternate last name of ██████████ (see Att. 29).

2. Detained Mr. [REDACTED] without cause, in violation of Rule 6.	Exonerated
3. Detained Mr. [REDACTED] beyond the scope of the investigation, in violation of Rule 6.	Unfounded
4. Failed to provide information to Mr. [REDACTED] when he asked for your business card and responded that Mr. [REDACTED] had to first give you his information, in violation of Rule 37.	Sustained
5. Told Mr. [REDACTED] to “get the fuck over to the car,” in violation of Rule 9.	Sustained
6. Injured Mr. [REDACTED] hands by pulling away the keys, in violation of Rule 9.	Unfounded
7. Entered the apartment building without a warrant to chase Miss [REDACTED] in violation of Rule 6.	Exonerated
8. Grabbed Miss [REDACTED] around her chest without justification, in violation of Rule 6 and Rule 9.	Exonerated
9. Entered the apartment building to chase Miss [REDACTED] in violation of Rule 6.	Exonerated
10. Pulled keys from Miss [REDACTED] causing injury to her hand, in violation of Rule 9.	Unfounded
11. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Unfounded
12. Searched Mr. [REDACTED] vehicle without consent, in violation of Rule 6.	Exonerated
13. Failed to inventory or return the full amount of money recovered from Mr. [REDACTED] vehicle, in violation of Rule 40.	Not Sustained
14. Damaged Mr. [REDACTED] vehicle while searching it, in violation of Rule 6.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
 3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
 4. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 5. **Rule 37:** Prohibits failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.
 6. **Rule 40:** Prohibits failure to inventory and process recovered property in conformance with Department orders.
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General Orders

1. **G03-02-01:** Force Options.
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Special Orders

1. **S04-13-09:** Investigatory Stop System.
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Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION²

a. Interviews

COPA interviewed ██████████ on March 22, 2018.³ On March 20, 2018, Mr. ██████████ was smoking a cigarette in his truck outside of ██████████. Mr. ██████████ saw a CPD vehicle driving down the wrong way down a one-way street with the officers staring at him, so he put out his cigarette and exited his vehicle. The police car then went to the end of the block and turned around. When he got to the sidewalk, a male officer shouted at Mr. ██████████ about his license plates. Mr. ██████████ told the officer to run the plates. A male officer (identified as

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

³ Att. 5

Officer Skalski) exited the police vehicle, blocked Mr. [REDACTED] path, and told Mr. [REDACTED] to talk to him. Mr. [REDACTED] told the officers he does not like the police, did not break the law, and would not talk to them. Officer Skalski responded by pushing Mr. [REDACTED]. Mr. [REDACTED] refused to talk to the officers and they argued. Mr. [REDACTED] saw his 12-year-old daughter [REDACTED] (herein Miss [REDACTED] in the doorway to the apartment building, screaming and crying. Eventually, Officer Skalski told Mr. [REDACTED] to put his hands behind his back. Mr. [REDACTED] attempted to give his daughter his car keys to bring into the house, but Officer Skalski would not let Mr. [REDACTED] hand them over. Officer Skalski grabbed Mr. [REDACTED] hand and bent his fingers back to rip away the keys. Mr. [REDACTED] then threw his keys towards the house. The second officer (identified as Officer Urquizo Gonzalez) responded by grabbing Mr. [REDACTED] from behind and “choking [him] back.”⁴ Mr. [REDACTED] clarified that Officer Urquizo Gonzalez had his arm around Mr. [REDACTED] neck. Mr. [REDACTED] related that Officer Urquizo Gonzalez told him that Officer Skalski’s behavior was inappropriate. Mr. [REDACTED] believed Officer Skalski targeted him because he is African American.⁵

Mr. [REDACTED] related that Officer Skalski grabbed Miss [REDACTED] by her hair. Officer Skalski grabbed Miss [REDACTED] near her private parts to get the keys, specifically her chest and lower extremities. Miss [REDACTED] was screaming and entered the dwelling, so Mr. [REDACTED] could no longer see her and Officer Skalski. Officer Skalski carried Miss [REDACTED] outside, let go of Miss [REDACTED] and approached Mr. [REDACTED] car. Mr. [REDACTED] believed Officer Skalski extracted the keys, because Miss [REDACTED] was holding her hand and crying. Mr. [REDACTED] requested a sergeant.

Mr. [REDACTED] was handcuffed, but he did not know why and additional officers arrived on scene. Per Mr. [REDACTED] Officer Skalski searched in his pockets. When Mr. [REDACTED] asked why, an officer stated Mr. [REDACTED] was under investigation for his license plate. Officers told Mr. [REDACTED] he was being detained and had him sit in a squadrol. Mr. [REDACTED] told the officers that he should not sit in the squadrol due to health issues with his spine.⁶ Mr. [REDACTED] believed he should have been transported to the hospital in an ambulance instead of the squadrol. Per Mr. [REDACTED] the transporting officers did not immediately go to the police station and he believed they were driving him around to intentionally hurt his back. Mr. [REDACTED] heard officers talking about searching his truck, which he did not consent to. The officers also took possession of Mr. [REDACTED] truck without his consent. Officers reportedly told Mr. [REDACTED] he was being detained while they drove him to the police station and he was never told he was under arrest. Mr. [REDACTED] back was in pain after the drive and he went to the hospital. Mr. [REDACTED] hands were also swollen and injured.

According to Mr. [REDACTED] he was charged with assault on a police officer and child abuse – both of which he denied. Mr. [REDACTED] stated that the officers took \$1,000 of his “travel

⁴ Approximately 4:50 minute mark.

⁵ An allegation was not brought related to this claim as Officer Skalski never used racially charged language, per Body Worn Camera (BWC) footage. Mr. [REDACTED] was unable to provide any specific facts or details to indicate Officer Skalski’s behavior was racially motivated, other than articulating a general feeling. In fact, Mr. [REDACTED] was the only one identified as using racially biased language.

⁶ Allegations were not brought related to this claim as Department video depicts Mr. [REDACTED] did not tell the officers about health concerns related to being in the squadrol until after the transportation was almost over.

money,” but the full amount was not recorded and inventoried.⁷ Mr. ██████████ related that there was no record of his money being confiscated until he complained to CPD. Once he received paperwork, it was only for \$904. Mr. ██████████ stated he was not able to return to Colorado without the money. CPD would not allow Mr. ██████████ to get his money back because it smelled like marijuana. Mr. ██████████ stated he was visiting his mother from Colorado and had a temporary Colorado tag for his license plate. Mr. ██████████ related he just bought the vehicle and drove it to Chicago to show his mother. Mr. ██████████ admitted to having medically prescribed marijuana from Colorado in the car door. Mr. ██████████ does not believe the officer could have seen the marijuana before searching the vehicle. Mr. ██████████ also stated that his vehicle’s interior was damaged from the officers searching it.

██████████ was interviewed by COPA on March 22, 2018.⁸ Miss ██████████ stated that March 20, 2018, her dad, ██████████ wrestling with police officers in the front yard. Miss ██████████ reported watching the situation while standing by her father’s vehicle, and “decided not to interrupt.”⁹ Mr. ██████████ threw keys towards the apartment building. Miss ██████████ grabbed the keys and an officer (Officer Skalski) chased her. Miss ██████████ was about half way up the internal stairwell when the officer caught her. He told her to hand the keys over and manipulated her hands to get the keys. Miss ██████████ reported that at one point, Officer Skalski had his arm around her chest and it made her uncomfortable. She stated that he had his hands “all over my [...] body” while she was trying to get loose.¹⁰ Once Officer Skalski got the keys, he grabbed Miss ██████████ around the stomach and carried her back down the steps. Miss ██████████ related the officer only got half of the keys from her and she dropped some of the keys. Miss ██████████ was screaming so her grandmother, ██████████ came outside. More police officers arrived, Mr. ██████████ was arrested, and officers searched Mr. ██████████ vehicle.

COPA interviewed, ██████████ again on May 7, 2018 in relation to **Log #1089206**.¹¹ ██████████ was in Chicago from Colorado, taking care of his mother who is in hospice care. ██████████ stated that on this date, he was leaving his car after smoking a cigarette when someone shouted “hey” and he heard running behind him. ██████████ denied seeing the officers before this. When he heard the running, he turned around. An officer (Officer Skalski) pushed him and told him he was being investigated for his license plate, which was a Colorado temporary plate. Mr. ██████████ attempted to enter his mother’s apartment building and told Officer Skalski he does not talk to the police. Mr. ██████████ daughter came outside. Mr. ██████████ threw Miss ██████████ his keys when Officer Skalski began “pushing and harassing” Mr. ██████████¹² Next, Officer Urquizo Gonzalez exited the police vehicle while Officer Skalski chased Miss ██████████ into the apartment building. Officer Skalski grabbed Miss ██████████ by the hair, pulled her down three steps, and took the keys from her. Miss ██████████ still had keys in her hand after Officer Skalski brought her downstairs and she “tried to run back.”¹³ Officer Skalski grabbed the keys from Miss ██████████ injuring her right hand.

⁷ Approximately 9:25 minute mark.

⁸ Att. 13

⁹ Approximately 4:10 minute mark.

¹⁰ Approximately 12:35 minute mark.

¹¹ Att. 43

¹² Approximately 5:30 minute mark.

¹³ Approximately 6:34 minute mark.

Officer Skalski entered Mr. [REDACTED] vehicle and searched it. Mr. [REDACTED] saw Officer Skalski going through his vehicle and throwing around its contents. Per [REDACTED] Officer Urquizo Gonzalez agreed with him that Officer Skalski's behavior was inappropriate. Officer Skalski drove off in Mr. [REDACTED] vehicle before he was arrested. Per Mr. [REDACTED] after Officer Skalski drove off, Officer Urquizo Gonzalez searched and handcuffed [REDACTED]. More officers arrived and one officer pushed Mr. [REDACTED] hand into the brick, breaking his right index finger. Mr. [REDACTED] was put in a squadrol and transported to the police station. Per Mr. [REDACTED] he was not told he was under arrest. Once at the police station, Mr. [REDACTED] spine was hurting and he was taken to the hospital. The doctor told Mr. [REDACTED] he was okay and he was taken back to the police station.

Mr. [REDACTED] was processed then released later that evening. He saw his car outside of the station when he exited and left in his car. He was given some of his keys when he was leaving. Officers also took multiple keys from his keychain that were not returned. Mr. [REDACTED] stated he had \$1,500 of rent money in his car that was seized, but only \$900 was inventoried. Mr. [REDACTED] related that his car was never impounded, but it was searched and left at the police station. Mr. [REDACTED] alleged that he had to make repairs to his vehicle because of the officers. Mr. [REDACTED] stated that his trunk, cup holders, and seats were damaged by officers. The morning after his arrest, Mr. [REDACTED] vehicle had three citations for expired license plates. Mr. [REDACTED] came to Chicago to register his vehicle, but he could not get license plates as he and his vehicle were at the police station. Mr. [REDACTED] elaborated that he had one day before the temporary plate expired, and that was the day he was arrested. Per Mr. [REDACTED] he had driven to Illinois that day. Mr. [REDACTED] stated that officers also went inside his garage and ticketed a disabled car. Mr. [REDACTED] went to his doctor four or five days after his arrest, and was told he had a broken finger which needs surgery. Per Mr. [REDACTED] in his complaint for Log 1089206, he has been harassed by CPD members since his interaction with Officer Skalski on March 20, 2018.¹⁴

Officer Matthew Skalski was interviewed by COPA on July 12, 2018.¹⁵ On March 20, 2018, Officer Skalski conducted a traffic stop on Mr. [REDACTED]. Officer Skalski did not see a front plate on the car and saw a rear plate made of paper that he did not recognize. Officer Skalski noted that the area has had stolen vehicles and fake temporary plates. When the officers parked behind Mr. [REDACTED] and started searching the plate, Mr. [REDACTED] immediately exited his vehicle. Officer Skalski exited the squad car because he did not know what Mr. [REDACTED] "intentions were."¹⁶ As soon as Officer Skalski exited the car, Mr. [REDACTED] stated something along the lines of "Fuck you. Why are you harassing me?"¹⁷ Officer Skalski denied harassing Mr. [REDACTED]. Officer Skalski explained why they stopped Mr. [REDACTED]. Officer Skalski stepped in between Mr. [REDACTED] and the apartment building because of Mr. [REDACTED] aggressive demeanor and to prevent Mr. [REDACTED] from walking away from the traffic stop. Officer Skalski did not recall pushing Mr. [REDACTED]. Officer Skalski recalled putting his hand up to stop Mr. [REDACTED] but did not recall if made contact. Officer Skalski heard Miss [REDACTED] at the

¹⁴ These allegations are further discussed in the Summary Report of Investigation for Log #1089206.

¹⁵ Att. 38

¹⁶ Approximately 7:20 minute mark.

¹⁷ Approximately 7:50 minute mark.

apartment door. Officer Urquizo Gonzalez had been in the squad car, but at this point approached for the field investigation.

Officer Skalski related that when Mr. ██████ asked for the officer's business card, he told Mr. ██████ to give the officer his ID first. Officer Skalski did this so that he could finish the investigation. Officer Skalski related that if he gave Mr. ██████ an Investigatory Stop Report (ISR), it would have contained Officer Skalski's name and star number. Officer Skalski did not intend to withhold his information from Mr. ██████ but wanted the investigation to move forward. Officer Skalski related that at this point, he did not know Mr. ██████ plate was valid. Officer Skalski reported he did not know Mr. ██████ plates were legal until after Mr. ██████ was in handcuffs. Officer Skalski wanted Mr. ██████ to go back towards his car because he was acting aggressively and Mr. ██████ was trying to walk away. When asked why he used profanity while telling Mr. ██████ to return towards his car, Officer Skalski related Mr. ██████ was swearing, ignoring commands, speaking over the officer, and being verbally aggressive. Officer Skalski was trying to control the situation and profanity "came out."¹⁸

Mr. ██████ was arrested because Officer Skalski saw what he thought was a crack pipe in Mr. ██████ car. Officer Skalski related Mr. ██████ was being detained while Officer Skalski went to look in the car and Officer Urquizo Gonzalez was speaking with Mr. ██████. Officer Skalski went to place Mr. ██████ in custody for possessing drug paraphernalia. Mr. ██████ began fighting when the officer tried to handcuff him. Officer Skalski did not know where the keys were at this point, as Mr. ██████ made his hands into fists and put them inside his pockets. Officer Skalski elaborated that Mr. ██████ was stiffening his arms and trying to pull away. Mr. ██████ was also yelling at Miss ██████ to come get the keys. Officer Skalski wanted the car keys as he saw drug paraphernalia in Mr. ██████ car. He believed Mr. ██████ was trying to hide evidence by keeping his car keys from the officers.

Officer Skalski did not recall taking keys out of Mr. ██████ hands. Rather, Mr. ██████ had his hands in his pockets until Mr. ██████ threw them to his daughter. Officer Skalski went after the keys, which Miss ██████ retrieved. She ran into the apartment complex so he followed. Officer Skalski did not have permission to enter the residence. However, the door was open, he went into a common area, and he had exigent circumstances in the form of Miss ██████ fleeing with evidence. Miss ██████ stopped on the landing and was upset. Officer Skalski denied pulling Miss ██████ hair. Officer Skalski asked for the keys and she kept them in front of her. Since his partner was outside with Mr. ██████ Officer Skalski decided to grab the keys dangling from her hands. When he grabbed the keys, Miss ██████ positioned herself with her back to the officer and his arm was around her. She dropped to the ground and Officer Skalski did not want to fight her, so he scooped her up with both of his arms wrapped around her. Once he walked outside, Officer Skalski put Miss ██████ on the ground. She ran off and Officer Skalski had the keys in his hands. Officer Skalski did not recall ripping the keys from her but related he did not have to pry them from her. Mr. ██████ was then transported in a squadrol because he was being aggressive. Officer Skalski did not recall Mr. ██████ stating he had a back or spine injury prior to going into the squadrol.

¹⁸ Approximately 12:05 minute mark.

Officer Skalski searched Mr. [REDACTED] vehicle because of the presence of drug paraphernalia. Officer Skalski personally searched Mr. [REDACTED] car and inventoried some of his property. Officer Skalski did not recall if he personally inventoried Mr. [REDACTED] money. Officer Skalski denied taking or failing to inventory any of the money recovered from Mr. [REDACTED] vehicle. Officer Skalski stated a K-9 unit performed a money line-up and the currency tested positive for narcotics. The money was seized and held by CPD, pending the outcome of Mr. [REDACTED] criminal case. Officer Skalski denied that Mr. [REDACTED] vehicle was damaged.

Officer Skalski saw Mr. [REDACTED] on July 10, 2018 during court proceedings. In court, Mr. [REDACTED] harassed and threatened to injure Officer Skalski. The harassment escalated to the point that a sheriff's deputy ordered Mr. [REDACTED] to sit away from Officer Skalski. Later, the judge ordered Mr. [REDACTED] to leave Officer Skalski alone. Officer Skalski denied instructing Department members to harass Mr. [REDACTED] following their interaction on March 20, 2018.

COPA interviewed **Officer Marcos Urquizo Gonzalez** on July 5, 2018.¹⁹ Officer Urquizo Gonzalez related that on March 20, 2018, he was partnered with Officer Skalski in the 7th District. Officer Urquizo Gonzalez and his partner saw Mr. [REDACTED] vehicle without a front plate and with a paper rear plate. The officers did not recognize the license plate and were aware the area has a high rate of stolen vehicles and false temporary plates. Mr. [REDACTED] exited his car and started yelling at the officers before they were able to turn on their lights and sirens. Officer Skalski exited the squad car to talk to Mr. [REDACTED] while Officer Urquizo Gonzalez remained in the car to run the license plate. Mr. [REDACTED] continued shouting and walking towards Officer Skalski, so Officer Urquizo Gonzalez exited the squad car. Officer Urquizo Gonzalez did not see Officer Skalski physically detaining or pushing Mr. [REDACTED]. Officer Urquizo Gonzalez got back into the car to run Mr. [REDACTED] license plate and learned it was valid.

Mr. [REDACTED] was still upset when Officer Urquizo Gonzalez came back outside. Officer Urquizo Gonzalez intervened by trying to explain the reason for the stop. Officer Urquizo Gonzalez related Mr. [REDACTED] was initially detained to investigate his license plate. Then the officers detained him because of his aggressive behavior. Officer Urquizo Gonzalez elaborated that Mr. [REDACTED] was using profanity, had his fists clenched, was walking towards Officer Skalski, and was not listening to verbal commands. Officer Skalski walked towards Mr. [REDACTED] vehicle before telling Mr. [REDACTED] to put his hands behind his back. Mr. [REDACTED] refused, pulled away, and was yelling. Mr. [REDACTED] would not remove his hands from his pockets and was trying to get into his house. Miss [REDACTED] came outside and struck Officer Skalski in the back. Mr. [REDACTED] threw his keys to Miss [REDACTED]. Miss [REDACTED] ran into the apartment building with the keys and Officer Skalski followed. Officer Urquizo Gonzalez did not see Officer Skalski retrieve the keys from Miss [REDACTED]. Officer Urquizo Gonzalez eventually got Mr. [REDACTED] to calm down and handcuffed Mr. [REDACTED]. Mr. [REDACTED] was transported in a squadrol because of his aggressive behavior. Officer Urquizo Gonzalez did not initially search Mr. [REDACTED] car, but saw the cannabis and paraphernalia after Mr. [REDACTED] was in custody. Officer Urquizo Gonzalez recalled that money was in Mr. [REDACTED] car and asserted the full amount was inventoried. Officer Urquizo Gonzalez was not aware of Mr. [REDACTED] vehicle being damaged when it was searched. Officer Urquizo Gonzalez did not see any damage to Mr. [REDACTED] vehicle once at the police station.

¹⁹ Att. 35

b. Digital Evidence

During his COPA interview, Mr. [REDACTED] allowed an **Evidence Specialist to photograph him and his vehicle.**²⁰ Mr. [REDACTED] has a scar on his lower back. No visible injury was seen on his hands and no obvious damage was identified on his vehicle. However, the interviewing COPA investigator noted Mr. [REDACTED] hands were swollen at the time of his COPA statement.

The following relevant **Body Worn Camera (BWC)** and **In Car Camera (ICC)** footage was obtained related to Mr. [REDACTED] and Miss [REDACTED] allegations from March 20, 2018.²¹

Beat 0731

ICC began at roughly 4:59 PM. The officers turned left on Perry and approached Mr. [REDACTED] vehicle at approximately 5:00 PM. Mr. [REDACTED] exited his vehicle seconds later and an officer stated he had never seen Mr. [REDACTED] license plates before. Mr. [REDACTED] was shouting at the officers while walking towards his mother's residence. Officer Skalski also exited his vehicle and walked towards Mr. [REDACTED]. Shortly after, both men were no longer seen on camera. At about 5:05 PM, Officer Skalski was heard asking Officer Urquizo Gonzalez if he ran Mr. [REDACTED] name. Shortly after, Officer Skalski stated he saw a crack pipe and Officer Urquizo Gonzalez stated Mr. [REDACTED] license was suspended.

Officer Skalski

Officer Skalski BWC began with the officer parking the car before approaching Mr. [REDACTED] who was already outside of his vehicle and walking away. Officer Skalski told Mr. [REDACTED] to come back to the officer and talk to him about his license plates. Mr. [REDACTED] told the officer to run his license plates. Officer Skalski asked Mr. [REDACTED] for his ID, which Mr. [REDACTED] did not want to give. At approximately 5:08 PM, Mr. [REDACTED] asked Officer Skalski for his card. Officer Skalski responded that first, Mr. [REDACTED] had to give him his ID then they would "go from there." Officer Skalski told Mr. [REDACTED] they were conducting a traffic stop and insisted Mr. [REDACTED] needed to give him his ID. At about 5:08 – 5:09 PM, Officer Skalski told Mr. [REDACTED] to "get the fuck over to the car." At about 5:09 PM, Officer Skalski asked his partner if he ran the plates. Officer Urquizo Gonzalez replied, but his response was not audible. Mr. [REDACTED] was yelling and upset and at roughly 5:09 PM, Officer Urquizo Gonzalez asked to speak with Mr. [REDACTED] while Officer Skalski walked off and looked inside Mr. [REDACTED] car windows.

Shortly after, Officer Skalski told Mr. [REDACTED] to put his hands behind his back. Mr. [REDACTED] pulled his arms away while Officer Skalski said he wanted to talk to Mr. [REDACTED]

²⁰ Atts. 15, 26

²¹ Att. 27

At this approximate point, Miss ██████ approached her father and the officers. The officers attempted to handcuff Mr. ██████ while a struggle ensued. The exact struggle with Mr. ██████ was unclear from available footage. Mr. ██████ told Miss ██████ to take his keys. At roughly 5:10 PM, Officer Skalski told Miss ██████ to give him the keys as he followed her into the apartment building and up a flight of stairs. Miss ██████ stopped on a stair landing and was shouting at the officer not to touch her. Officer Skalski again asked Miss ██████ for the keys, which she held tight to her body. At about 5:10 PM, Officer Skalski grabbed Miss ██████ but it was unclear exactly what he was doing from available camera footage. Officer Skalski carried Miss ██████ outside and was presumably able to extract the keys from her hands before she ran off. Miss ██████ was then heard crying that her hand hurt and was cut. Miss ██████ then came outside at about the same time a squadrol arrived at the house.

Officer Urquizo Gonzalez was seen handcuffing Mr. ██████ at about 5:10 PM. At 5:11 PM, Officer Skalski searched inside Mr. ██████ pockets. Officer Skalski again approached Mr. ██████ vehicle, while Mr. ██████ was heard yelling that the officer was not allowed to go in his truck. At about 5:12 PM, Officer Skalski requested a sergeant. At about 5:13 PM, Officer Skalski entered the police car and told his partner that he had the car keys and “saw a crack pipe” in the vehicle. At about 5:14 PM, Mr. ██████ told Officer Skalski he wanted to go “toe-to-toe” with the officer for tackling Miss ██████ Sergeant Rumbaugh arrived at about 5:15 PM.

At about 5:17 PM, Officer Skalski approached Mr. ██████ vehicle. The officer opened the front, passenger door and reached across towards the passenger’s seat. When his hand was visible again, he was holding a baggie with a green substance and a glass pipe (see Photo 3). There appeared to be a plastic bag in the center console in plain view before the officer entered, that was not present when he removed his arm (see Photos 1 and 2). Officer Skalski searched the vehicle and recovered cash and another bag containing a green substance from the center console at about 5:18 PM. Officer Skalski proceeded to search the rest of the vehicle.



Photo 1



Photo 2



Photo 3

Officer Urquizo Gonzalez

The BWC for Officer Urquizo Gonzalez began at about 5:08 PM, with the officer exiting the squad car and approaching his partner. Officer Skalski and Mr. ██████ we were already interacting on the sidewalk. At about 5:08 PM Officer Skalski had Officer Urquizo Gonzalez return to the car to search Mr. ██████ temporary Colorado license plate. Shortly after, Officer Urquizo Gonzalez came outside and told his partner the plate “came back” and was “all good.” Officer Skalski nodded his head in assent and asked if the plate came back to “this” while pointing towards Mr. ██████ car.²² Officer Urquizo Gonzalez asked Mr. ██████ to talk to him while Officer Skalski walked over to Mr. ██████ SUV and looked in the front, passenger window. Mr. ██████ appeared to lock his car remotely at the same approximate time.

After looking in the car, Officer Skalski approached Mr. ██████ grabbed his left wrist, and told Mr. ██████ to put his hands behind his back. Mr. ██████ would not remove his hand from his coat pocket and appeared to be pulling away from Officer Skalski (see Photos 4 and

²² While BWC conflicts with Officer Skalski’s COPA statement that he did not know Mr. ██████ plate was valid until after Mr. ██████ was in handcuffs, COPA did not bring a Rule 14 Allegation against the officer as willfulness could not be proven.

5). Mr. ██████ then told Miss ██████ to take his keys into the house and she ran off. Mr. ██████ appeared to move towards the house and pull away from the officers at about 5:12 PM. Officer Urquizo Gonzalez was holding onto Mr. ██████ who was pulling away and appeared to break free from the officer. Officer Urquizo Gonzalez stayed with Mr. ██████ on the front porch. Officer Urquizo Gonzalez handcuffed Mr. ██████ without incident at approximately 5:10 PM. Officer Skalski searched Mr. ██████ pockets at about 5:11 PM.

Officer Urquizo Gonzalez went into his CPD vehicle from about 5:13 PM until roughly 5:18 PM, at which point the doors to Mr. ██████ car were opened and it was presumably being searched. Miss ██████ was heard on camera, stating the officer pulled her hair. At about 5:21 PM, Officer Urquizo Gonzalez escorted Mr. ██████ towards the squadrol and Mr. ██████ stated he wanted to get his money out of his car. At 5:21 PM, a sergeant told Mr. ██████ his car was being searched because of items in plain view. Mr. ██████ accused Officer Skalski of planting the evidence. A different officer then escorted Mr. ██████ into the squadrol.



Photo 4



Photo 5

Officer Miles

Officer Miles arrived on scene at approximately 5:11 PM. At about 5:18 PM, Mr. ██████ stated officers entered his car because he “was smoking a joint.” Mr. ██████ was

placed into the squadrol at about 5:22 PM and was complaining about how his daughter was treated. Officer Miles re-entered the squadrol at about 5:35 PM and began driving while Mr. ██████ yelled that officers were taking his truck. Mr. ██████ admitted to smoking a “blunt,” but did not understand why his car was being taken. Mr. ██████ was cursing, complaining, and yelling during transportation. At about 5:42 PM, the officers pulled the car over to talk someone, presumably Sergeant Rumbaugh. At approximately 5:43 PM, Mr. ██████ told the officers his spine is broken. The squadrol arrived at the police station about 5:46 PM. Mr. ██████ was placed in a holding cell while Officer Miles, Officer Filetti, and Sergeant Rumbaugh searched him. Mr. ██████ was walking and sitting normally and did not state he was in pain.

At about 7:30 PM on March 21, 2018, Officer Miles and Officer Filetti went into Mr. ██████ cell and said they were taking him to St. Bernard Hospital. Mr. ██████ was grunting, wincing, and hunched over when Officer Filetti was handcuffing him. Mr. ██████ was walking slowly, limping, and crying while the officers escorted him to the squadrol. At about 7:32 PM the officers told Mr. ██████ they were going to call him an ambulance. At approximately 7:41 PM, Mr. ██████ got on a stretcher while two CFD members were present. Once at the hospital, Mr. ██████ was insulting Officer Skalski and CPD.

Officer Filetti

Officer Filetti exited the squadrol at about 5:11 PM while Mr. ██████ was on the front porch with the arresting officers. Officer Filetti was speaking with Miss ██████ who showed her where on her left hand was injured. Officer Filetti then called an ambulance for Miss ██████. Officer Filetti performed a pat down on Mr. ██████ at about 5:15 PM. At about 5:22 PM, Officer Filetti told Mr. ██████ he was being detained and not under arrest while putting him in the squadrol. As with Officer Miles’ BWC, Mr. ██████ was heard cursing at and insulting the officers during transportation. At about 5:37 PM, Mr. ██████ was heard stomping and making a clashing noise in the back of the squadrol. At about 5:38 PM, Mr. ██████ acknowledged he had a “little bit of weed” because he broke his back and has a medical marijuana license. Once at the police station, Mr. ██████ clarified he has a Colorado marijuana license. At about 5:53 PM, Mr. ██████ said he was on tour and had an upcoming performance in Las Vegas.

At about 7:41 PM, Mr. ██████ got on a stretcher at the police station. Sergeant Skupien asked Mr. ██████ what his complaint was, and Mr. ██████ related CPD “did something” to his spine. Sergeant Skupien questioned how Mr. ██████ was able to walk into the police station. Mr. ██████ began yelling at and insulting the officers. Shortly after, Mr. ██████ returned to grunting. A paramedic asked if he was defecating, which Mr. ██████ denied. Officer Filetti went into the ambulance with the paramedics. At about 7:47 PM, Mr. ██████ told paramedics he had a spinal fusion because he was hit by a semi-truck. During the ambulance transportation, Mr. ██████ alternated between expressing pain and insulting CPD/the paramedics. The ambulance arrived at St. Bernard Hospital at roughly 7:53 PM. Mr. ██████ was heard insulting CPD and stated CPD killed his nephew, Marseilles Perry [phonetic].

Sergeant Rumbaugh

The BWC for Sergeant Rumbaugh began at about 5:14 PM. At about 5:17 PM, Sergeant Rumbaugh's BWC showed Officer Skalski searching Mr. [REDACTED] vehicle. Sergeant Skupien arrived on scene at approximately this same time. At about 5:20 PM, Sergeant Rumbaugh spoke to Officer Skalski and asked if Mr. [REDACTED] would be arrested. Sergeant Rumbaugh told officers on scene to put Mr. [REDACTED] in the squadrol while they sorted out the situation. Sergeant Rumbaugh then told Mr. [REDACTED] he had items in plain view.

c. Physical Evidence

A Chicago Fire Department (CFD) **Ambulance Report** was obtained from Mr. [REDACTED] ambulance transportation on March 20, 2018. The ambulance received Mr. [REDACTED] at approximately 7:39 PM and arrived at the hospital at approximately 7:52 PM. Per this document, Mr. [REDACTED] was "alert and oriented" and "complaining of lower back pain." Mr. [REDACTED] was described as "upset and angry" and that "he answers some questions but ignores others."

Mr. [REDACTED] **Medical Records** were obtained from St. Bernard Hospital.²³ Mr. [REDACTED] was admitted on March 20, 2018 at approximately 8:50 PM. His stated complaint was back pain. Mr. [REDACTED] told hospital staff, "while wrestling with the police [he] developed back pain." Mr. [REDACTED] told staff he had spinal fusion surgery in 2010 and had an appointment scheduled in Colorado the following week. Mr. [REDACTED] was described as "extremely uncooperative, yelling at physician and police." Mr. [REDACTED] reported taking three different types of prescription pain medications. The treating doctor at St. Bernard Hospital ordered a pain medicine injection and an X-ray of Mr. [REDACTED] lumbar spine. The X-ray found "no acute fracture." Mr. [REDACTED] was reportedly, "Refusing further care still yelling at police and staff." Mr. [REDACTED] was discharged on March 20, 2018 at approximately 11:49 PM. Mr. [REDACTED] refused to sign his discharge papers.

d. Documentary Evidence

Sergeant Jeffrey Rumbaugh completed an **Initiation Report** on March 20, 2018.²⁴ Sergeant Rumbaugh responded to a request for a supervisor at [REDACTED] When he arrived, [REDACTED] (Mr. [REDACTED] mother) told Sergeant Rumbaugh she wanted to make a complaint for her granddaughter, [REDACTED] According to [REDACTED] Officer Skalski grabbed Miss [REDACTED] from behind and touched her breast. [REDACTED] did not view this incident herself but "heard a commotion going on outside and came out of her residence and observed [Miss] [REDACTED] on the ground crying." Further, "[Miss] [REDACTED] hand was burning at the time and she was checked out by the paramedics on scene." Miss [REDACTED] told Sergeant Rumbaugh that she saw her father, [REDACTED] arguing outside. She went outside, then saw Mr. [REDACTED] struggling with police officers. Mr. [REDACTED] threw his keys to the ground and Miss [REDACTED] grabbed them, before attempting to run inside. Officer Skalski grabbed Miss [REDACTED] "from behind, brought her back down the stairs and pulled the [...] keys away from

²³ Att. 37

²⁴ Att. 4

her.” Miss ██████ felt a burning sensation from the keys being pulled away. Miss ██████ elaborated that Officer Skalski grabbed her from behind “with his arms wrapped around her chest.” Miss ██████ reportedly did not tell the sergeant that Officer Skalski grabbed her breast. Once the officer got the keys, he let go of Miss ██████

On **Original Case Incident Report** was identified for **RD #** ██████ Per this report, the arresting officers (Officers Skalski and Urquizo Gonzalez) were on patrol when they saw Mr. ██████ seated in a SUV without a front license plate at 7211 S. Perry. The officers saw a paper plate on the vehicle’s rear but could not see the state of origin. The officer had “prior knowledge that this area has a lot of stolen vehicles and fake temporary plates,” so they conducted a traffic stop. As soon as the officers stopped behind the vehicle, Mr. ██████ exited the vehicle and the officers attempted a field investigation. ██████ was “immediately agitated, placing his hands inside his coat pockets and walking away.” Mr. ██████ refused to give the officers his driver’s license. While Officer Urquizo Gonzalez was talking to Mr. ██████ Officer Skalski looked inside the SUV and “observed in plainview [*sic*] a glass pipe commonly used to smoke cannabis and a worn zip lock bag consistent with holding narcotics sitting on top of the center console.” Officer Skalski then told Mr. ██████ he was under arrest and to place his hands behind his back. Mr. ██████ resisted by “stiffening his arms, flailing his arms, attempting to run [...] and not complying.” During the altercation, Miss ██████ hit Officer Skalski on the back with a closed fist. Mr. ██████ took a set of keys out of his pocket, threw them towards the apartment’s door, and told Miss ██████ to take the keys into the house. Officer Skalski went into the building as Miss ██████ was up several stairsteps before she stopped. Officer Skalski tried to grab the keys, but Miss ██████ responded by wrapping “herself around the keys and [Officer] Skalski’s arm.” Officer Skalski lifted Miss ██████ walked her outside, and “pulled the keys” from her hand. The officers then handcuffed Mr. ██████ who threatened Officer Skalski. Mr. ██████ mother, ██████ also threatened Officer Skalski. The officers learned that the paper license plate was from Colorado. After searching the vehicle, a glass pipe, suspect cannabis, \$903, digital scales, and an herb grinder were recovered. ██████ refused medical treatment for Miss ██████ whose hand was hurt. After the arrest, Mr. ██████ complained of back pain and was taken to St. Bernard Hospital. A money line-up was held with Mr. ██████ inventoried currency and a K-9 unit named Rambo had a “positive hit.”

An **Arrest Report** for **RD #** ██████ contained similar content to the Original Incident Case Report.²⁶ Mr. ██████ was charged with aggravated assault to a peace officer, resisting/obstructing a peace officer, contributing to the delinquency of a minor, and possessing drug paraphernalia. Mr. ██████ 2007 Chevrolet Suburban was impounded. Mr. ██████ was transported to the police station by Beat 0772 (Officers Filetti and Miles) and then to the hospital by a Chicago Fire Department (CFD) ambulance. Mr. ██████ was released from lockup at 6:30 AM on March 21, 2018.

An **Investigatory Stop Report** (ISR) was completed for Mr. ██████ following his police encounter on March 20, 2018.²⁷ No additional, relevant information was found in this document.

²⁵ Att. 14

²⁶ Att. 17

²⁷ Att. 29

A **Supplementary Report** was obtained for **RD # [REDACTED]** Beat 0772 was guarding Mr. [REDACTED] at St. Bernard Hospital when Mr. [REDACTED] threatened Officer Skalski and intended “to do bodily harm to the officer.” Mr. [REDACTED] also threatened legal action against the guard officers. Mr. [REDACTED] reportedly said he was happy about CPD Commander Paul Bauer’s murder and that he “hates the police.”

Inventory Sheets were located from **RD # [REDACTED]** Officer Skalski inventoried a backpack, a glass pipe with suspected cannabis residue, digital scales, earrings, a cell phone, clothing, and \$904 in United States Currency. The cash was subject to a positive money-lineup by Officer Hurley and K-9 Rambo. Mr. [REDACTED] money was released on May 20, 2018.

Officer Skalski completed a **Tactical Response Report (TRR)** for **RD # [REDACTED]** Officer Skalski reported that Miss [REDACTED] was injured but refused medical aid. Miss [REDACTED] did not listen to verbal commands, stiffened, pulled away, fled, grabbed Officer Skalski’s arm, struck the officer, and held the officer. Officer Skalski responded with member presence, verbal commands, and escort holds. The narrative relates that Miss [REDACTED] took the keys to prevent the officers from entering the vehicle. When Officer Skalski told Miss [REDACTED] to give him the keys, she ran into the apartment building. Officer Skalski followed her while telling her to give him the keys. He followed Miss [REDACTED] into the building and upstairs. Officer Skalski grabbed the keys “and then the subject dropped to the ground holding onto [Officer Skalski’s] arm. Officer Skalski picked Miss [REDACTED] up, walked down the stairs, and went outside, where he “pulled” the keys away from her. Miss [REDACTED] alleged that her hand “sustained a cut/burning injury.”

Officer Urquizo Gonzalez also completed a **TRR** for **RD # [REDACTED]** Mr. [REDACTED] alleged injury and was taken to St. Bernard Hospital. Mr. [REDACTED] did not follow commands, made verbal threats, stiffened, pulled away, fled, presented an imminent threat of battery, and flailed his arm. Miss Officer Urquizo Gonzalez responded with member presence, verbal commands, tactical positioning, and escort holds. Per this TRR’s narrative, Mr. [REDACTED] “exited his vehicle aggressively.” Officer Urquizo Gonzalez and Officer Skalski used tactical positioning and tried to verbally deescalate the situation because Mr. [REDACTED] was irate. The officers told Mr. [REDACTED] to calm down when he walked towards Officer Skalski “in an aggressive manner.” Officer Skalski told Mr. [REDACTED] to put his hands behind his back and the officers tried to handcuff Mr. [REDACTED]. Mr. [REDACTED] “stiffened and started to pull away.” When the officers told Mr. [REDACTED] to stop, he flailed his arm. Miss Officer Urquizo Gonzalez then performed an escort hold on Mr. [REDACTED] so the officers could place him in handcuffs. Mr. [REDACTED] was transported to the 7th District, where he stated he had back pain and was taken to St. Bernard Hospital. Mr. [REDACTED] was released from the hospital and returned to the 7th District “with no injuries.”

²⁸ Att. 16

²⁹ Att. 31

³⁰ Att. 18

³¹ Att. 19

An **Office of Emergency Management and Communications Event Query Report** was located related to Mr. ██████████ March 20, 2018 arrest.³² At approximately 5:13 PM, Beat 0731 (Officers Urquizo Gonzalez and Skalski) requested a sergeant on scene. At about 5:14 PM, Beat 0772 (Officers Miles and Filetti) related emergency medical services were needed for a 10-year-old female with left hand pain. At roughly 5:35 PM, Beat 0772 reported they were headed to the 7th District with one subject. At about 7:33 PM, Beat 0772 reported spinal pain, presumably from Mr. ██████████. At about 10:35 PM, Beat 0795R (Officers Collins and Sierzega) relieved Beat 0772 as the guard officers at St. Bernard Hospital. Beat 0795R returned Mr. ██████████ to the 7th District at roughly 12:59 AM on March 21, 2018.

Office of Emergency Management and Communications Audio was also obtained.³³ Beat 0731 was heard stating they had an emergency.³⁴ The officers from 0731 did not immediately responded to Dispatch but Beat 0772 stated they were on scene and Beat 0731 was okay. Shortly after, Beat 0731 asked for a sergeant to respond at 72nd and Perry.³⁵ Moments later, Beat 0722 asked for an ambulance for an 10 year old girl, whose left hand was hurting her.³⁶ Eventually, Beat 0730 (Sergeant Rumbaugh) stated he needed another car at 72nd and Perry.³⁷ However, Beat 0730 then stated to disregard and t a TRR was going to be completed. Minutes later, Beat 0772 related then were going to the 7th District with one passenger and Mr. ██████████ was heard yelling in the background.³⁸

e. Additional Evidence

The docket from **Case Number** ██████████ was obtained from the Cook County Clerk of Court.³⁹ On March 23, 2018, Mr. ██████████ received misdemeanors charges of: aggravated assault of a peace officer, two counts of resisting/obstructing a peace officer, contributing to the delinquency of a minor, and possession of drug paraphernalia. On May 4, 2018, the case was stricken off with leave to reinstate. On July 10, 2018, the case was reinstated with a continuance for August 30, 2018.

VI. ANALYSIS

Allegation 2, that Officer Skalski detained Mr. ██████████ without cause, is **Exonerated**. Officer Skalski had reasonable articulable suspicion Mr. ██████████ had committed or was committing a crime at the time he stood in his path.

The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantee the right of individuals to be free from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. Police-citizen encounters are categorized into three tiers: (1) an arrest of a citizen, which must be supported by probable cause; (2) a temporary

³² Att. 21

³³ Att. 34

³⁴ Approximately 4:40 minute mark.

³⁵ Approximately 7:21 minute mark.

³⁶ Approximately 9:09 minute mark.

³⁷ Approximately 26:40 minute mark.

³⁸ Approximately 30:10 minute mark.

³⁹ Att. 28

investigative seizure conducted pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968) and 725 ILCS 5/107-14, which must be supported by a reasonable, articulable suspicion of criminal activity; and (3) a consensual encounter, which does not implicate any Fourth Amendment interests. *People v. McDonough*, 239 Ill. 2d 260, 268 (2010).

Both Officer Skalski and Officer Urquizo Gonzalez related they stopped behind Mr. [REDACTED] to verify his license plate. Both officers stated that the area is known for stolen vehicles and fraudulent license plates. Both officers admitted they were not familiar with the Colorado temporary tag Mr. [REDACTED] had. The officers did not curb Mr. [REDACTED] vehicle, the vehicle was already parked, and the officers did not illuminate their lights or activate the sirens. Mr. [REDACTED] was not seized at this point of the encounter.

As confirmed by the body and dash camera footage, Mr. [REDACTED] exited his car and Officer Skalski did the same. Mr. [REDACTED] was immediately confrontational, refused to talk to Skalski and was yelling at the officers. Mr. [REDACTED] behavior indicated he was trying to distance himself from the car. Thus further contributing to the officers' reasonable articulable suspicion. Officer Skalski then ordered Mr. [REDACTED] to come over. At this point, Officer Skalski detained Mr. [REDACTED].

The initial detention lasted until Officer Urquizo Gonzalez confirmed the plate was valid and told Officer Skalski. Based on Officer Skalski's experience, the unfamiliar temporary tag and Mr. [REDACTED] immediate and aggressive exit from his car, Officer Skalski had reasonable articulable suspicion to briefly detain Mr. [REDACTED]. Therefore, Allegation 2 is Exonerated.

Allegation 3, that Officer Skalski detained Mr. [REDACTED] beyond the scope of the investigation, is **Unfounded**. Once the officers determined Mr. [REDACTED] had a valid license plate, the detention ended. While Officer Skalski told COPA investigators he did not know Mr. [REDACTED] plates were valid until after Mr. [REDACTED] was in handcuffs, Officer Urquizo Gonzalez's BWC shows Officer Urquizo Gonzalez telling his partner the plates were valid and Officer Skalski acknowledging that and moving from Mr. [REDACTED] path.

Officer Skalski walked over to Mr. [REDACTED] car while Officer Urquizo Gonzalez can be heard asking Mr. [REDACTED] to talk. Mr. [REDACTED] complied. Although normally Officer Skalski would have been required to inform Mr. [REDACTED] that he was free to leave once Officer Urquizo informed him that the plates were valid, Mr. [REDACTED] confrontational behavior justified a slight extension of the investigatory stop for Officer Gonzalez to speak to Mr. [REDACTED] and Officer Skalski to look through Mr. [REDACTED] vehicle's windows.

Allegation 11, that Officer Skalski arrested Mr. [REDACTED] without justification, is also **Exonerated**. As Officer Urquizo Gonzalez began to talk Mr. [REDACTED] Officer Skalski walked over to the car and in plain view observed a glass pipe he reasonably believed was a crack pipe. Illinois law prohibits knowingly possessing drug paraphernalia. *See* 720 ILCS 600/3.5. At that point, Officer Skalski had probable cause to arrest Mr. [REDACTED] for possession of drug paraphernalia.

Similarly, Allegation 12, that Officer Skalski searched Mr. [REDACTED] vehicle without consent, is **Exonerated**. Officers may search a vehicle when they have probable cause to believe there is evidence of a crime in the vehicle. Officer Skalski had probable cause to believe there was evidence a crime, possession of drug paraphernalia, because he observed a glass pipe that reasonably appeared to be drug paraphernalia.

Allegation 4 against Officer Skalski, that he failed to provide his name and star number when Mr. [REDACTED] asked for a business card, is **Sustained**. Similarly, Allegation 5, that Officer Skalski told Mr. [REDACTED] to “get the fuck over to the car,” is **Sustained**. Both circumstances were captured on BWC and Officer Skalski acknowledged both actions occurred. While Officer Skalski said he wanted Mr. [REDACTED] contact information to continue the investigation, Department rule 37 “prohibits failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.” Additionally, the use of profanity toward a member of the public has been found to violate Department rules 2 and 8. Therefore both allegations are sustained.

Allegation 1 against Officer Skalski, that he pushed Mr. [REDACTED] while attempting to get him to speak to Officer Skalski, is **Unfounded**. This action was not seen in the BWC for either Officer Skalski or Officer Urquizo Gonzalez.

Allegation 6, that Officer Skalski injured Mr. [REDACTED] hands by pulling away the keys, is **Unfounded**. There is no evidence supporting Mr. [REDACTED] claim that his hands were injured. Mr. [REDACTED] was never heard complaining of an injury his hands on the BWC, only about his back. No Department reports document any injury to his hands. Mr. [REDACTED] never told hospital staff his hands were injured and did not received medical treatment on his hands after CPD had him transported to the hospital.

Allegation 7 against Officer Skalski, that he entered the apartment building without a warrant to chase Miss [REDACTED] is **Exonerated**. While Officer Skalski did not have a warrant, he had exigent circumstances. Similarly, Allegation 9, that Officer Skalski entered the apartment building to chase Miss [REDACTED] is **Exonerated**. As depicted on the BWC footage, Mr. [REDACTED] handed his daughter, Miss [REDACTED] the keys to vehicle which Officer Skalski was attempting to search. As explained above, Officer Skalski had probable cause to search the vehicle and lawful authority to order Miss [REDACTED] to give him the keys. The BWC footage depicts that Miss [REDACTED] did not comply with Officer Skalski’s lawful commands and instead ran into the home. Miss [REDACTED] fleeing with the keys, thereby obstructing the police investigation, created exigent circumstances. Arguably, the officers could have waited for other units to arrive to force entry into the vehicle or obtained a warrant. However, these events unfolded rapidly and Officer Skalski had to make an immediate decision without the benefit of hindsight. Under these circumstances, it was reasonable to follow Miss [REDACTED] into the apartment building without a warrant.

Allegation 8, that Officer Skalski grabbed Miss [REDACTED] around her chest without justification, is **Exonerated**. Officer Skalski admitted to grabbing Miss [REDACTED] but related he did so to prevent her from fleeing. Officer Skalski was justified in the force used against Miss [REDACTED] Miss [REDACTED] was an active resister, as she was ignoring Officer Skalski’s

commands and trying to escape. Per General Order G03-02-01, an active resister is “a person who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest.” Officer Skalski used less force than what is permitted under CPD policy. The BWC footage depicts Officer Skalski picking up Miss ██████████ and carrying her outside. Once Officer Skalski retrieved the keys, he let Miss ██████████ go. Officer Skalski’s force was reasonable under the totality of the circumstances.

Similarly, Allegation 10 against Officer Skalski, that he pulled keys from Miss ██████████ causing injury to her hand, is **Unfounded**. There is no evidence to support that Miss ██████████ hand was injured during this incident. Specifically, she did not require any medical treatment and during her interview she never mentioned being injured by Officer Skalski removing the keys from her hand. However, even if Miss ██████████ experienced some level of pain as a result of Officer Skalski removing the keys from her hand, Officer Skalski’s actions were justified and proportional under the circumstances.

Allegation 13 against Officer Skalski, that he failed to inventory or return the full amount of money recovered from Mr. ██████████ vehicle, is Not Sustained. Similarly, Allegation 14, that Officer Skalski damaged Mr. ██████████ vehicle while searching it, is **Unfounded**. With regard to Allegation 13, Mr. ██████████ told COPA investigators in his March 22, 2018, interview that he had \$1,000 of travel funds in his car, but only \$904 was inventoried. During his May 7, 2018, COPA statement, Mr. ██████████ related he had \$1,500 in rent money in his car, but only \$900 was inventoried. Per CPD inventory sheets, \$904 dollars was recovered and inventoried on March 20, 2018. Mr. ██████████ did not provide a consistent account of the amount of money in the vehicle, but there is no direct evidence to refute his claim that was more than \$904 in the vehicle. Regarding Allegation 13, there is insufficient evidence to confirm or refute the allegation. Therefore, Allegations #13 and #14 should be Not Sustained.⁴⁰

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Skalski

i. Complimentary and Disciplinary History

1. Reviewed and considered by COPA

ii. Recommended Penalty, by Allegation

1. **Failed to provide information to Mr. ██████████ when he asked for your business card and responded that Mr. ██████████ had to first give you his information, in violation of Rule 37.**

⁴⁰ Although COPA has some concerns with Mr. ██████████ credibility due to some inconsistencies between Mr. ██████████ account of the incident and other evidence, these inconsistencies are not material enough to entirely discount his version of events.

- a. Violation Noted-Officer Skalski acknowledged his conduct and understood he was obligated to provide the information.
2. Told Mr. ██████████ to “get the fuck over to the car,” in violation of Rule 9.
- a. Violation Noted – This action while inappropriate in the circumstances was done in the course of a stressful arrest. The Officer Skalski acknowledged the conduct and understood it was not proper.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer Skalski	1. Pushed Mr. ██████████ while attempting to get him to speak to you, in violation of Rule 9.	Unfounded
	2. Detained Mr. ██████████ without cause, in violation of Rule 6.	Exonerated
	3. Detained Mr. ██████████ beyond the scope of the investigation, in violation of Rule 6.	Unfounded
	4. Failed to provide information to Mr. ██████████ when he asked for your business card and responded that Mr. ██████████ had to first give you his information, in violation of Rule 37.	Sustained
	5. Told Mr. ██████████ to “get the fuck over to the car,” in violation of Rule 9.	Sustained
	6. Injured Mr. ██████████ hands by pulling away the keys, in violation of Rule 9.	Unfounded
	7. Entered the apartment building without a warrant to chase Miss ██████████ in violation of Rule 6.	Exonerated
	8. Grabbed Miss ██████████ around her chest without justification, in violation of Rule 6 and Rule 9.	Exonerated
	9. Entered the apartment building to chase Miss ██████████ in violation of Rule 6.	Exonerated

10. Pulled keys from Miss [REDACTED] causing injury to her hand, in violation of Rule 9.	Unfounded
11. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated
12. Searched Mr. [REDACTED] vehicle without consent, in violation of Rule 6.	Exonerated
13. Failed to inventory or return the full amount of money recovered from Mr. [REDACTED] vehicle, in violation of Rule 40.	Not Sustained
14. Damaged Mr. [REDACTED] vehicle while searching it, in violation of Rule 6.	Not Sustained

Approved:

[REDACTED]

January 30, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	Kelsey Fitzpatrick
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten