

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 26, 2019
Time of Incident:	10:35 pm
Location of Incident:	300 W. 79 th Street, Chicago, Illinois
Date of COPA Notification:	May 30, 2019
Time of COPA Notification:	1:32 pm

On May 26, 2019, Chicago Police Department (CPD) members conducted a traffic stop on a vehicle with five occupants, including twin brothers [REDACTED] and [REDACTED]. Later that evening, [REDACTED] filed a complaint at the 6th District Station alleging that Officer Harry Vazquez, Jr. punched him in the face during the traffic stop. COPA brought allegations related to the members' uses of force, as well as for improper paperwork and body worn camera (BWC) violations. Following its investigation, COPA reached sustained findings as to some of the BWC allegations.

II. INVOLVED PARTIES

Involved Officer #1:	Robert Woods ¹ , Star #2017, Employee ID # [REDACTED], Date of Appointment: December 4, 1995, Sergeant, 6 th District, Male, Black
Involved Officer #2:	Raymond Morris, Star #18249, Employee ID # [REDACTED], Date of Appointment: February 18, 2014, Police Officer, 6 th District, Male, Black
Involved Officer #3:	Harry Vazquez, Jr., Star #1650, Employee ID # [REDACTED], Date of Appointment: April 28, 2014, Sergeant, ² 7 th District, Male, Hispanic
Involved Officer #4:	Michael VanBoldrik ³ , Star #13013, Employee ID # [REDACTED], Date of Appointment: August 31, 2015, Police Officer, 6 th District, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 2001, Male, Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 2001, Male, Black

¹ Sergeant (Sgt.) Woods retired from CPD effective February 2, 2020.
² Since the incident in this case, Officer Vazquez was promoted from police officer to sergeant. For purposes of this report, he will be referenced as Officer Vazquez.
³ Officer VanBoldrik resigned from CPD effective December 5, 2021.

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Woods	<p>On May 26, 2019, at approximately 10:30 pm, at or near 300 W. 79th St., Sergeant Robert Woods committed misconduct through the following acts:</p> <ol style="list-style-type: none"> 1. Failed to operate body worn camera (BWC) in accordance with Chicago Police Department Special Order S03-14, "Body Worn Cameras;" 2. Directed subordinates to terminate recording on their body worn cameras. 	<p>Closed/Hold</p> <p>Closed/Hold</p>
Officer Vazquez	<p>On May 26, 2019, at approximately 10:30 pm, at or near 300 W. 79th St., Officer Harry Vazquez Jr. committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Struck ██████████ in the face without justification; 2. Failed to operate body worn camera in accordance with Chicago Police Department Special Order S03-14, "Body Worn Cameras" 	<p>Not Sustained</p> <p>Sustained</p>
Officer Morris	<p>On May 26, 2019, at approximately 10:30 pm, at or near 300 W. 79th St., Officer Raymond Morris committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Struck ██████████ without justification; and/or 2. Failed to operate body worn camera in accordance with Chicago Police Department Special Order S03-14, "Body Worn Cameras" 	<p>Exonerated</p> <p>Sustained</p>
Officer VanBoldrik	<p>It is alleged that on May 26, 2019, at approximately 10:30 pm, at or near 300 W. 79th St., Officer Michael Vanboldrik committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Failing to operate your body worn camera in accordance with Chicago Police Department Special Order S03-14: "Body Worn Cameras." 2. Pushing ██████████ without justification. 3. Failing to complete a Tactical Response Report ("TRR") detailing your use of force against ██████████ 	<p>Sustained</p> <p>Not Sustained</p> <p>Exonerated</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. **Rule 3:** Prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
 4. **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. **G03-02:** Use of Force (effective October 16, 2017 to February 28, 2020).⁴
 2. **G03-02-01:** Force Options (effective October 16, 2017 to February 28, 2020).⁵
 3. **G03-02-02:** Incidents Requiring the Completion of a Tactical Response Report (effective October 16, 2017 to February 28, 2020).⁶
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Special Orders

1. **S03-14:** Body Worn Cameras (effective April 30, 2018 to present).⁷

V. INVESTIGATION

a. Interviews⁸

*Officer Harry Vazquez, Jr. (Officer Vazquez)*⁹

COPA interviewed Officer Vazquez on February 25, 2020. Officer Vazquez stated that on May 26, 2019, he and his partner, Officer Katie Blocker,¹⁰ stopped a white Lexus after observing it drive the wrong way down a one-way street. The car contained five occupants, was in an area with high gang violence, and did not immediately stop for the officers. Officer Vazquez unholstered his firearm because the occupants were moving around, he could not see their hands,

⁴ Att. 53.

⁵ Att. 58.

⁶ Att. 52.

⁷ Att. 54.

⁸ Sergeant Robert Woods was not interviewed by COPA, as he resigned from his employment with CPD during the course of this investigation. [REDACTED] and the remaining vehicle occupants did not respond to COPA's requests for interviews.

⁹ Atts. 18, 55.

¹⁰ Att. 55, pg. 8, Ins. 2 to 3. From the BWC footage, COPA determined it was unnecessary to interview Officer Blocker due to her minimal interaction with [REDACTED] or [REDACTED].

and he considered this area to have high gun violence.¹¹ Officer Vazquez described the occupants as loud and uncooperative. The officers asked all occupants of the vehicle to exit the car. Officer Vazquez was near the rear passenger's side of the car and asked ██████████ to get out of the car. ██████████ exited but told Officer Vazquez that he would not be handcuffed. ██████████ pulled away and made it difficult for Officer Vazquez to handcuff him. Officer Vazquez eventually handcuffed ██████████ for officer safety. While Officer Vazquez was performing a pat down on ██████████ the officer felt ██████████ saliva hit his face.¹² At the time, Officer Vazquez believed ██████████ had intentionally spat on him, and he used an open-handed stun to redirect ██████████ face away to prevent further spitting.¹³

Due to the occupants' furtive movements and the gang conflicts in the vicinity, Officer Vazquez searched the vehicle to ensure there was no weapon. Officer Vazquez terminated his BWC shortly after ██████████ declined medical treatment for his lip, which he claimed had been bleeding. Officer Vazquez said that deactivating his BWC early was a "lapse of judgement" and a result of the chaos of the situation.¹⁴ Officer Vazquez placed ██████████ in a police vehicle and spoke with him again when he was calmer. Officer Vazquez learned that ██████████ had Tourette's Syndrome and apparently did not spit intentionally, so ██████████ was not charged. Officer Vazquez denied that he hit ██████████ in retaliation for being spat on and reiterated that he intended to use the least amount of force necessary to redirect ██████████ face to prevent further spitting.¹⁵

Officer Raymond Morris (Officer Morris)¹⁶

COPA interviewed Officer Morris on March 11, 2020. Officer Morris stated that on May 26, 2019, he was partnered with Officer VanBoldrik, and they assisted a traffic stop near 300 W. 79th Street. The vehicle occupants were upset and ignoring officer commands to exit the vehicle. Officer Morris opened the rear driver's side door and asked the occupant, ██████████ to exit. ██████████ complied but seemed irritated and agitated, and he displayed pre-fight indicators,¹⁷ such as clenched teeth, balled fists, and his posture. ██████████ was also verbally combative. Officer Morris related that, for those reasons, ██████████ was detained and told to put his hands behind his back. ██████████ said he would not allow them to put him in handcuffs, and he pulled away from Officer Morris. Officer Morris then saw ██████████ shoulder barrel into him, causing Officer Morris to stumble backwards.¹⁸ Officer Morris responded with two to three direct mechanical strikes,¹⁹ followed by an emergency takedown and cuffing.

Once at the station, Sergeant Woods determined ██████████ would be released without charges. Officer Morris was not aware of the reason for this. At some point, Officer Morris learned that Officer VanBoldrik had entered the car to handcuff ██████████ from inside the vehicle,

¹¹ Att. 55, pgs. 8 to 10.

¹² Att. 55, pg. 14, lns. 14 to 15.

¹³ Att. 55, pg. 14, lns. 6 to 10; pg. 25, lns. 5 to 7.

¹⁴ Att. 55, pg. 20, lns. 7 to 8.

¹⁵ Att. 55, pg. 30, lns. 18 to 20.

¹⁶ Atts. 24, 25, 57.

¹⁷ Att. 57, pg. 14, lns. 18 to 21.

¹⁸ Att. 57, pg. 12, lns. 12 to 13; pg. 15, lns. 15 to 16.

¹⁹ Att. 57, pg. 12, lns. 16 to 17.

but Officer Morris did not know that Officer VanBoldrik had caused [REDACTED] to knock into Officer Morris. Officer Morris stated that he activated his BWC immediately upon arrival at the scene, but the camera was inadvertently turned off by [REDACTED] during the scuffle.²⁰

Officer Michael VanBoldrik (Officer VanBoldrik)²¹

COPA interviewed Officer VanBoldrik on June 3, 2021. Officer VanBoldrik stated that on May 26, 2019, he and Officer Morris assisted with a traffic stop. Officer VanBoldrik did not activate his BWC upon arrival because there were people out of the car and the scene was chaotic, so he wanted to figure out what was happening first.²² Officer VanBoldrik entered the back seat of the stopped car to handcuff [REDACTED] after [REDACTED] ignored Officer Morris's instruction and did not allow himself to be cuffed. [REDACTED] then pulled away from Officer VanBoldrik. Officer VanBoldrik said he exited the car with [REDACTED] and denied that he pushed [REDACTED].²³ Officer VanBoldrik said he did not see [REDACTED] strike Officer Morris, but he speculated that [REDACTED] pushed into Officer Morris as a result of pulling away from Officer VanBoldrik. Officer VanBoldrik terminated his BWC before the event was over at the direction of Sergeant Woods. Officer VanBoldrik did not complete a tactical response report (TRR), because he did not believe it was required.

b. Digital Evidence²⁴

Body Worn Camera (BWC)²⁵

The BWC footage captured CPD approach the Lexus containing [REDACTED] and [REDACTED]. Approximately one minute later, shouting was heard from the car, and Officer Vazquez pointed his gun at the Lexus. Officers Blocker and Vazquez ordered the driver and front passenger out of the car, and they both complied. Additional units arrived and Officer Vazquez ordered [REDACTED] to exit, who also complied. When Officer Vazquez handcuffed [REDACTED], [REDACTED] was agitated and resisted the handcuffing. At roughly 10:28 pm, as Officer Vazquez escorted [REDACTED] away from the stopped car, the officer used an open-handed stun to push [REDACTED] face away from his own face. Officer Vazquez simultaneously yelled, "Don't fucking spit on me motherfucker."²⁶ Officer Vazquez then escorted [REDACTED] into a squad car. Later, one of the passengers told Officer Blocker that [REDACTED] spits when he talks.

After [REDACTED] was escorted away from the Lexus, Officer VanBoldrik entered the Lexus' backseat on the passenger's side. [REDACTED] stood just outside the rear driver's door and protested being handcuffed. The officers told [REDACTED] to release his hands. Officer Morris stood behind [REDACTED] and attempted to place him in handcuffs, and Officer VanBoldrik secured a cuff on [REDACTED] left wrist from inside the vehicle. As the officers

²⁰ Att. 57, pg. 7, lns. 4 to 16.

²¹ Atts. 51, 56.

²² Att. 56, pg. 7, lns. 4 to 6.

²³ Att. 56, pg. 9, lns. 5 to 6.

²⁴ In addition to BWC, COPA obtained Police Observation Device (POD) footage from [REDACTED]; however, the incident in question was not captured. Att. 9.

²⁵ Atts. 45, 60 to 64.

²⁶ Att. 60 at 3:04.

held onto [REDACTED] Officer VanBoldrik's body weight shifted towards [REDACTED] pushing him away from the vehicle and towards Officer Morris. Officer Morris then immediately struck [REDACTED] head with a closed fist. Officer VanBoldrik then exited the car from the driver's side and joined in detaining [REDACTED] continued resisting and shouting, and officers carried him to a squad car. Officer VanBoldrik terminated his BWC at roughly 10:34 pm, at the behest of a sergeant.²⁷

c. Documentary Evidence

[REDACTED] *Arrest Report* - [REDACTED]²⁸

[REDACTED] was arrested for aggravated battery to a peace officer, but he was subsequently released without charges after the reviewing lieutenant determined that he "did not have intent."²⁹ The arrest report provides details similar to those explained by the officers in their interviews.

Tactical Response Reports (TRRs)

*Officer Vazquez*³⁰

Officer Vazquez reported that [REDACTED] did not follow verbal direction, stiffened, pulled away, and physically attacked him by spitting. Officer Vazquez responded with member presence, verbal direction, presence of additional members, escort holds, and an open hand strike. During the incident, Officer Vazquez placed handcuffs on [REDACTED] and attempted a protective pat down. When [REDACTED] saliva landed on Officer Vazquez's face, Officer Vazquez "implemented the use of an open hand stun to subject Hinton, Ramean to stop further saliva...from hitting A/O Vazquez in the face."³¹ Officer Vazquez then used an escort hold and led [REDACTED] to a marked squad car. Once at the 6th District, [REDACTED] spoke to Sergeant Woods and complained of wrist pain due to the handcuffing; however, he refused medical attention and declined to wait for an evidence technician to photograph his injuries.

*Officer Morris*³²

Officer Morris reported that [REDACTED] did not follow verbal direction, stiffened, pulled away, and physically attacked by pushing him. Officer Morris responded with member presence, verbal direction, tactical positioning, presence of additional members, emergency handcuffing, restraints, and a closed hand strike. The narrative portion of the TRR states that [REDACTED] resisted handcuffing, then "pushed P.O. Morris in the chest area with the left side of [REDACTED] body, causing P.O. Morris to stumble backwards. Immediately P.O. Morris delivered 2 – 3 direct mechanical strikes to the face area of the offender to gain control of the low level assailant and performed an emergency takedown."³³ [REDACTED] was subsequently

²⁷ Att. 61 at 5:39.

²⁸ Att. 38.

²⁹ Att. 38, pg. 5.

³⁰ Att. 41.

³¹ Att. 41, pg. 4.

³² Att. 42.

³³ Att. 42, pgs. 2, 4.

transported to the 6th District, where it was noted that his mouth was bleeding but he refused medical attention. Officer Morris sustained minor abrasions to both hands.

*Investigatory Stop Reports (ISRs)*³⁴

ISRs were completed for the vehicle's occupants, after officers observed the vehicle drive the wrong way on a one-way street and conducted a traffic stop. The ISRs include details similar to the facts provided by the officers in their interviews.

*Initiation Report*³⁵

On May 27, 2019, Sergeant Woods submitted an Initiation Report relating that [REDACTED] reported he was punched in the face by Officer Vazquez during a traffic stop.

VI. LEGAL STANDARD

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.³⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, 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. 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.”³⁷

³⁴ Atts. 12, 15, 23.

³⁵ Att. 30.

³⁶ 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 is found to be more probably true than not).

³⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

VII. ANALYSIS

Sergeant Woods

Both allegations against Sergeant Woods, that he failed to operate his BWC in accordance with CPD Special Order S03-14 and that he directed his subordinates to terminate recording on their BWCs, are placed in closed/hold status. Sergeant Woods left CPD prior to COPA compelling his statement. Therefore, he was not presented with these allegations, nor has he responded to them, and COPA cannot reach a determination as to findings.

Officer Vazquez

Allegation 1, that Officer Vazquez struck ██████████ in the face without justification, is not sustained. CPD policy defines an assailant as a person who is using or threatening to use force against another person which is likely to cause physical injury.³⁸ When dealing with an assailant, an officer is permitted to use direct mechanical strikes, such as punching or kicking, as well as stunning, which is diffused-pressure striking or slapping to increase control by disorienting the person and interfering with his or her ability to resist.³⁹ However, CPD policy requires that an officer's use of force be objectively reasonable, proportional, and necessary.⁴⁰ Here, Officer Vazquez stated that he initially believed ██████████ intentionally spat on him,⁴¹ which would have rendered ██████████ an assailant. Officer Vazquez explained that, based on his initial reaction, he used an open-hand stun to redirect ██████████ face away from him so that ██████████ could not spit on him again.⁴² Officer Vazquez stated he redirected ██████████ face with the intention of using the least amount of force necessary.⁴³

During his interview, Officer Vazquez acknowledged that an officer cannot use force as a form of retaliation, but he maintained that he did not use the open-hand stun in retaliation for the spitting.⁴⁴ Only Officer Vazquez's BWC captured this portion of the incident, and the video does not show both their faces. Officer Vazquez did recognize that a person viewing what occurred could misperceive it as an act of retaliation.⁴⁵ However, because there is insufficient evidence to prove or refute this allegation by a preponderance of the evidence, Allegation 1 against Officer Vazquez is **not sustained**.

Allegation 2, that Officer Vazquez failed to operate his BWC in accordance with CPD policy, is sustained. Officer Vazquez admitted to terminating his BWC prior to end of the incident and called it a "lapse of judgement" during a chaotic situation. Special Order S03-14 requires officers to activate their BWCs at the beginning of all law-enforcement-related activities, including traffic stops and arrests, and to continue recording until the end of the incident.⁴⁶ By his own

³⁸ Att. 58, G03-02-01(IV)(C), Force Options (effective October 16, 2017 to February 28, 2020).

³⁹ Att. 58, G03-02-01(IV)(B)(2)(c)(1), (IV)(C)(a)(1).

⁴⁰ Att. 53, G03-02(III)(B), Use of Force (effective October 16, 2017 to February 28, 2020).

⁴¹ Att. 55, pg. 15, lns. 4 to 5.

⁴² Att. 55, pg. 25, lns 1 to 7.

⁴³ Att. 55, pg. 25, lns. 2 to 3.

⁴⁴ Att. 55, pg. 25, lns. 1 to 14; pg. 29, lns. 17 to 24; pg. 30, lns. 1 to 20.

⁴⁵ Att. 55, pg. 30, lns. 21 to 24.

⁴⁶ Att. 54, S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018 to present).

admission, Officer Vazquez failed to adhere to CPD policy.⁴⁷ Accordingly, Allegation 2 against Officer Vazquez is **sustained** as a violation of CPD Rules 2, 3, 5, and 6.

Officer Morris

Allegation 1, that Officer Morris struck ██████████ without justification, is exonerated. As discussed above, CPD policy defines an assailant as a person who is using or threatening the use of force which is likely to cause physical injury.⁴⁸ Authorized force options against assailants include direct mechanical techniques such as punching and kicking.⁴⁹ In this case, Officer Morris encountered an agitated ██████████ who displayed pre-fight indicators and stated he would not be put in handcuffs. As Officer Morris gave ██████████ lawful orders to put his hands behind his back, Officer Morris saw ██████████ shoulder barrel into him, causing Officer Morris to stumble backwards. Officer Morris interpreted ██████████ actions as those of an assailant, and the officer responded by delivering two to three direct mechanical strikes to ██████████. Although the BWC footage shows that Officer VanBoldrik shifted his body weight towards ██████████ likely causing ██████████ to fall into Officer Morris, Officer Morris was unaware of this at the time. Without this information, Officer Morris reasonably viewed ██████████ actions as those of an assailant, and his use of direct mechanical strikes was authorized by CPD policy. Therefore, COPA finds Allegation 1 against Officer Morris is **exonerated**.

Allegation 2 against Officer Morris, that he failed to operate his BWC in accordance with CPD policy, is sustained. Officer Morris told COPA that he believed he activated his BWC upon arrival at the scene, and it was inadvertently deactivated during the scuffle with ██████████. The footage confirms that Officer Morris' BWC stopped recording during the altercation with ██████████ and COPA finds it reasonable that Officer Morris would not have noticed due to the chaos of the situation. However, the video also shows that Officer Morris did not timely activate his BWC when he arrived on scene. Instead, Officer Morris approached the vehicle occupants and interacted with them for approximately 15 seconds before he activated his camera. This untimely BWC activation violated CPD policy and Rule 2, 3, 5, and 6. Accordingly, Allegation 2 against Officer Morris is **sustained**.

Officer VanBoldrik

Allegation 1 against Officer VanBoldrik, that he failed to operate his BWC in accordance with CPD policy, is sustained. As detailed with Officers Vazquez and Morris, Special Order S03-14 requires officers to record the entirety of law-enforcement-related encounters. Officer VanBoldrik told COPA he did not immediately activate his BWC because he was trying to assess a chaotic situation. CPD policy, however, does not allow officers discretion as to when they activate their cameras, and it is mandatory for officers to start recording as soon as an encounter

⁴⁷ Att. 55, pg. 20, lns. 7 to 8.

⁴⁸ Att. 58, G03-02-01(IV)(C).

⁴⁹ Att. 58, G03-02-01(IV)(C)(1)(a)(1).

begins. Consequently, Allegation 1 against Officer VanBoldrik is **sustained** as a violation of CPD Rules 2, 3, 5, and 6.⁵⁰

Allegation 2 against Officer VanBoldrik, that he pushed [REDACTED] without justification, is not sustained. Officer VanBoldrik denied that he pushed [REDACTED] and believed [REDACTED] knocked into Officer Morris when [REDACTED] pulled away from Officer VanBoldrik. Based on BWC, Officer Morris and [REDACTED] were standing near the rear driver's side door of the stopped vehicle, while Officer VanBoldrik entered the backseat from the passenger's side. Both officers attempted to secure handcuffs on [REDACTED].⁵¹ The officers placed [REDACTED] left wrist in a handcuff, and Officer VanBoldrik held [REDACTED] wrists with his left hand. Although the BWC footage does not clearly show what happened next, it appears that Officer VanBoldrik's body weight shifted towards [REDACTED] pushing [REDACTED] away from the vehicle and towards Officer Morris. However, it is unclear whether Officer VanBoldrik intentionally pushed [REDACTED] or fell into [REDACTED] as he lost his balance. As a result, COPA lacks sufficient evidence to prove or refute the allegation by a preponderance of the evidence, and Allegation 2 against Officer VanBoldrik is **not sustained**.

Allegation 3, that Officer VanBoldrik failed to complete a Tactical Response Report (TRR) detailing his use of force against [REDACTED] is exonerated. CPD policy requires officers to complete a TRR when a person is injured, alleges injury, actively resists, is an assailant, and/or obstructs CPD members.⁵² However, a TRR is not required when an officer's actions do not extend beyond verbal commands or control holds utilized in conjunction with handcuffing techniques, and there is no injury or allegation of injury.⁵³ Here, [REDACTED] did not allege he was injured or display any obvious signs of injury. In addition, the video does not show that Officer VanBoldrik's actions extended beyond trying to handcuff [REDACTED]. Accordingly, because Officer VanBoldrik correctly determined that a TRR was not necessary, Allegation 3 is **exonerated**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Harry Vazquez, Jr.

i. Complimentary and Disciplinary History

Officer Vazquez has received 144 various awards and has no sustained disciplinary history in the last five years.

ii. Recommended Penalty

COPA has found that Officer Vazquez violated Rules 2, 3, 5, and 6 by prematurely deactivating his BWC during this incident. Had Officer Vazquez kept his camera activated, COPA

⁵⁰ COPA notes, however, that Officer VanBoldrik is not accountable for deactivating his BWC before the end of the incident, since it was reasonable for him to follow a direct order from a supervisor, Sergeant Woods. Officer VanBoldrik's BWC supports his statement that he was told to deactivate his BWC by a supervisor.

⁵¹ Att. 64 at 00:04.

⁵² Att. 52, G03-02-02(III)(A)(1), Incidents Requiring the Completion of a Tactical Response Report (effective October 16, 2017 to February 28, 2020).

⁵³ Att. 52, G03-02-02(III)(A)(1)(b)(2).

would have footage of his subsequent conversations with [REDACTED] what directions Sergeant Woods provided, and how it was determined that [REDACTED] had not intentionally spat on Officer Vazquez. Accordingly, COPA recommends that Officer Vazquez receive a **reprimand** for this violation.

b. Officer Raymond Morris.

i. Complimentary and Disciplinary History

Officer Morris has received 109 various awards and has no sustained disciplinary history in the last five years.

ii. Recommended Penalty

COPA has found that Officer Morris violated Rules 2, 3, 5, and 6 by failing to timely activate his BWC for approximately 15 seconds at the beginning of this incident. Therefore, COPA recommends that Officer Morris receive a **violation noted**.

c. Officer Michael VanBoldrik

i. Complimentary and Disciplinary History

Officer VanBoldrik has received 99 various awards and has no sustained disciplinary history in the last five years.

ii. Recommended Penalty

COPA has found that Officer VanBoldrik violated Rules 2, 3, 5, and 6 by failing to timely activate his BWC during this incident. COPA would have recommended that Officer VanBoldrik receive a **reprimand**; however, he has separated from CPD since this incident occurred.

Approved:

[REDACTED]

Steffany Hreno
Director of Investigations

5/12/2023

Date