

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incidents:	October 6, 2017
Time of Incident One:	9:40 am.
Location of Incident One:	██████████ Chicago, IL ██████████
Time of Incident Two:	9:47 am.
Location of Incident Two:	██████████, Chicago, IL ██████████
Date of COPA Notification:	October 6, 2017
Time of COPA Notification:	3:51 pm

██████████ said that on October 6, 2017, after dropping off his kids at their school, he was stopped by Detective Kevin Connors.¹ Det. Connors asked ██████████ about the missing license plates on his vehicle and called him over to the squad car as he activated his emergency lights. ██████████ exited his vehicle, ignored Det. Connors, and walked away. Det. Connors threatened to tow ██████████ vehicle, at which time ██████████ returned to his vehicle, opened the passenger side door, and retrieved an unknown object from the vehicle. Det. Connors said that as a result of ██████████ actions and fearing that ██████████ had removed a weapon from his vehicle, he drew his weapon and pointed it in ██████████ direction as he gave ██████████ orders to show his hands. ██████████ fled the scene. Det. Connors sent out a flash message about the incident via radio. ██████████ was located by other police units sitting on the porch of ██████████ where he was placed under arrest.

According to ██████████ the officers grabbed him by the arms and threw him to the ground, placed their knees on his back, kicked and stomped him about the body causing him to defecate on himself. ██████████ said that an officer pushed his face onto the ground as they were trying grab his arms to handcuff him. After ██████████ was handcuffed, he was escorted to the transporting van where he was pushed into the van, verbally abused by another white officer, who called ██████████ words to the effect of a “bitch” and a “mother fucker.” ██████████ was charged with various traffic violations and obstruction of a peace officer.

II. INVOLVED PARTIES

Involved Officer #1:	Kevin Connors, Star #20818, Employee # ██████████, Date of Appointment: September 13, 1999, DET., Unit 610, Male, White.
Involved Officer #2:	Jonathan Newsome, Star #4786, Employee # ██████████, Date of Appointment: December 18, 2006, PO, Unit 704, Male, White.

¹ Det. Kevin Connors was a police officer when he initiated the traffic stop of ██████████

Involved Officer #3:	Markus Williams, Star #4403, Employee # [REDACTED], Date of Appointment: September 25, 2006, Unit 606, Male, Black.
Involved Officer #4:	Bryan Zydek, Star #5642, Employee # [REDACTED], Date of Appointment: September 24, 2007, PO, Unit 716, Male, White.
Involved Officer #5:	Dean Coltri, Star #5784, Employee # [REDACTED], Date of Appointment: November 18, 1991, PO, Unit 007, Male, White.
Involved Officer #6:	Vicky Perez, Star #15656, Employee # [REDACTED], Date of Appointment: May 19, 2008, PO, Unit 007, Female, Hispanic.
Involved Officer #7:	Carlos Yanez Jr., Star #16022, Employee # [REDACTED], Date of Appointment: August 25, 2014. PO, Unit 716, Male, Hispanic.
Involved Individual #1:	[REDACTED] Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Incident One		
Detective Kevin Connors	It is alleged that on or about October 6, 2017, at approximately 9:41 am, at or near [REDACTED] Officer Connors committed misconduct through the following acts or omissions: 1. Displayed your gun at and in the direction of [REDACTED] without justification. 2. Searched [REDACTED] vehicle, without justification. 3. Violation of Special Order 03-14, failure to activate your body worn camera (BWC).	Not Sustained Exonerated Sustained

Incident Two

<p>Officer Jonathan Newsome</p>	<p>It is alleged that on or about October 6, 2017, at approximately 9:47 am, at or near [REDACTED] Officer Newsome committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Forcefully took [REDACTED] to the ground, without justification. 2. Kneed [REDACTED] about the side of his body, without justification. 	<p>Exonerated</p> <p>Unfounded</p>
<p>Officer Markus Williams</p>	<p>It is alleged that on or about October 6, 2017, at approximately 9:47 am, at or near [REDACTED] Officer Williams committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Stomped [REDACTED] on or about the side of his body, without justification. 2. Kneed [REDACTED] on or about the side of his body, without justification. 3. Placed your knee on or about [REDACTED] back, without justification. 4. Violation of General Order 03-02-02, failure to complete a Tactical Response Report regarding your contact with [REDACTED] 	<p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p> <p>Sustained</p>
<p>Officer Bryan Zydek</p>	<p>It is alleged that on or about October 6, 2017, at approximately 9:40 – 9:50 am, at or near [REDACTED] Officer Zydek² committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Grabbed and pushed down with force [REDACTED] face into the ground, without justification. 	<p>Sustained</p>

² The allegations served on Officer Zydek incorrectly state Officer Connors here instead of Officer Zydek. However, no issue is raised by Officer Zydek or his counsel during the statement, and he is asked about the allegations as they relate to him specifically.

	<p>2. Stomped [REDACTED] about the body, without justification.</p> <p>3. Violation of Special Order 03-14, failure to active your body worn camera.</p> <p>4. Violation of General Order 03-02-02, failure to complete a Tactical Response Report regarding your contact with [REDACTED]</p>	<p>Unfounded</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Dean Coltri</p>	<p>It is alleged that on or about October 6, 2017, at approximately 9:47 am, at or near [REDACTED] Officer Coltri committed misconduct through the following acts or omissions:</p> <p>1. Was verbally abusive to [REDACTED] by stating words to the effect of, "Tase that bitch," without justification.</p> <p>2. Directed profanities at [REDACTED] by stating words to the effect of "Get the fuck up," and "Get your ass in there," without justification.</p> <p>3. Called [REDACTED] words to the effect of "bitch ass," and "Punk ass bitch," without justification.</p> <p>4. Violation of Special Order 03-14, failure to active your body worn camera.</p> <p>5. Was rude and unprofessional with overall behavior during the detention of [REDACTED] without justification.</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Vicky Perez</p>	<p>It is alleged that on or about October 6, 2017, at approximately 9:47 am, at or near [REDACTED] Officer Perez committed misconduct through the following acts or omissions:</p> <p>1. Pointed a gun at or in the direction of [REDACTED] without justification.</p> <p>2. Placed your knee on [REDACTED] back and side of his body, without justification.</p>	<p>Exonerated</p> <p>Exonerated</p>

	<p>3. Kicked [REDACTED] on or about the side of his body, without justification.</p> <p>4. Violation of General Order 03-02-02, failure to complete a Tactical Response Report regarding your contact with [REDACTED]</p>	<p>Sustained</p> <p>Sustained</p>
<p>Officer Carlos Yanez</p>	<p>It is alleged that on or about October 6, 2017, at approximately 9:47 am, at or near [REDACTED] Officer Yanez committed misconduct through the following acts or omissions:</p> <p>1. Forcefully took [REDACTED] to the ground, without justification.</p> <p>2. Forcefully grabbed and pushed [REDACTED] into the transporting van, without justification.</p> <p>3. Violation of Special Order 03-14, terminated your body worn camera too early.</p> <p>4. Violation of General Order 03-02-02, failure to complete a Tactical Response Report regarding your contact with [REDACTED]</p>	<p>Exonerated</p> <p>Unfounded</p> <p>Exonerated</p> <p>Sustained</p>

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: 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: Engaging in an unjustified verbal or physical altercation with any person, while on or off duty.
5. Rule 38: Unlawful or unnecessary use or display of a weapon.

General Orders

1. General Order 03-02: Use of Force Guidelines (effective October 1, 2002).
 2. General Order 03-02-01: Force Options (effective October 16, 2017).
 3. General Order 03-02-05: Incidents Requiring the Completion of a Tactical Response Report (effective August 18, 2016).
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Special Orders

1. Special Order 03-14: Body Worn Cameras (effective June 9, 2017).
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V. INVESTIGATION**a. Interviews**

In his statement to COPA on June 28, 2018, the Complainant, ██████████³ said that he was pulled over at 7018 S. Lowe Ave. by an officer now known as Det. Connors. ██████████ stated Det. Connors did not have his emergency lights on initially. ██████████ exited his vehicle and walked to his neighbor's porch. His ██████████, ██████████ and ██████████ (██████████) were both standing on the porch of ██████████. Det. Connors told ██████████ to come towards him and activated his emergency lights. Det. Connors accused him of running a stop sign and asked him about the missing license plates on his vehicle. ██████████ related that he just bought the car. ██████████ stated Det. Connors then drew his weapon. ██████████ backed up and Det. Connors then pointed the weapon at him. ██████████ was scared so he ran. ██████████ stated that he later learned from the paperwork that Det. Connors claimed he reached into the car and grab something that Det. Connors believed may have been a weapon.

██████████ entered his ██████████ yard and fled westbound. However, prior to leaving the scene, ██████████ watched Det. Connors search his car and locate two bags of cannabis. ██████████ ran to the next block and stopped in front of his ██████████ (██████████) house.⁵ ██████████ resides on the ██████████, and his building has a security camera outside the building.

██████████ said that while he was on Union Ave., Officer Vicky Perez approached, pointed a gun in his direction and ordered him to show his hands and get on the ground. ██████████ asked her why she did this, as another officer approached, grabbed, and threw him to the ground. ██████████ saw ██████████ at the ██████████ window recording with his cell phone. While on the ground, Officer Markus Williams stomped on his back and placed kneed on him. Officer Perez also placed her knee on ██████████ back. ██████████ said that while on the ground, another officer grabbed his face and pushed it down onto the ground. ██████████ felt many officers stomping and kicking him; however, he did not know which officers did those actions. ██████████ defecated on himself while being detained.

³ Atts. 25 (audio), 128 (transcription).

⁴ COPA was unable to interview ██████████ See Att. 129

⁵ ██████████ identified this building as ██████████ or possibly ██████████

After [REDACTED] was handcuffed, he was lifted off the ground, and taken toward the transporting van. [REDACTED] stated that he was grabbed and pulled into the transporting van when he did not initially enter as ordered. As a result, [REDACTED] complained to the officers that his back was hurting and that they re-injured an old bullet wound in his back. [REDACTED] stated that he requested medical attention due to the pain, which he later received after being at the station. [REDACTED] stated that while being placed in the transporting van, an officer called him names and verbally abused him with profanities; however, [REDACTED] could not provide the officer's name or star number.

[REDACTED] sustained soreness to his back, bruising about his arms and the side of his body. [REDACTED] sought medical treatment at St. Bernard Hospital. [REDACTED] stated that neither his [REDACTED], [REDACTED] nor his neighbors [REDACTED] and [REDACTED] were witnesses to his arrest and that he did not see them on Union Ave.

In her statement to COPA on July 31, 2018, [REDACTED]⁷ who is the [REDACTED] of [REDACTED] son, [REDACTED] [REDACTED] said that she was sitting on the front porch of [REDACTED] visiting her [REDACTED]; [REDACTED] and his [REDACTED] [REDACTED] while [REDACTED] dropped off their children at school. While on the porch, [REDACTED] observed [REDACTED] arriving quickly and immediately jumping out of the vehicle. A police vehicle was behind [REDACTED] vehicle, and immediately called [REDACTED] over to the squad car. [REDACTED] could not recall if there were one or two officers who stopped and called [REDACTED] over. [REDACTED] ignored the officer(s) and quickly walked toward [REDACTED]. The officer(s) activated the emergency lights on the squad car. Det. Connors drew and pointed his gun at [REDACTED] took off running as [REDACTED] told [REDACTED] not to run. [REDACTED] was unable to provide a description of the officer(s). [REDACTED] heard an officer call out on the radio [REDACTED] description and flight path. She also heard when the officers caught [REDACTED] on Union Ave., which was the block west of Lowe Ave. [REDACTED] along with [REDACTED] and other neighbors went to Union Ave. and observed [REDACTED] on the ground. [REDACTED] was already handcuffed, and an officer had his knee on [REDACTED] back. [REDACTED] also observed two unknown white officers kick [REDACTED] about the side of his body after he was handcuffed. [REDACTED] could not describe any of the officers that kicked [REDACTED] or had their knees on [REDACTED] heard [REDACTED] tell the officers that he defecated on himself. [REDACTED] said that the owner of the house where [REDACTED] was stopped and detained, [REDACTED]⁸ was at the window and has a security camera outside the building that may have caught the arrest of [REDACTED].

[REDACTED] said that she later went to the 007th District Station and took clean clothes for [REDACTED] did not observe any injury to [REDACTED] face or about the body while at the police station. However, after [REDACTED] was released, she observed some minor swelling to the side of his body and a minor laceration on his face. [REDACTED] was not a witness to [REDACTED] initial arrest and arrived on Union Ave. after he was handcuff. [REDACTED] did not obtain any of the officers' names, star numbers or police vehicle numbers, and could not identify the involved officers that physically mistreated [REDACTED].

⁶ COPA was unable to interview [REDACTED] or [REDACTED]. See Att. 129.

⁷ Att. 31.

⁸ [REDACTED] only knew the owner as [REDACTED] and could not provide any additional information.

In his statement to COPA on August 17, 2020, **Officer Daniel McNicholas**,⁹ said he was working with Officer Vicky Perez when they responded to an assist call of a man that fled from a traffic stop with a possible weapon. At one point during the search, he and his partner were separated, and he was on foot. Upon arrival to the location on Union Ave. where [REDACTED] was located, he observed several officers detaining and handcuffing [REDACTED] who was on the ground. Officer McNicholas observed Officer Perez assisting Officers Newsome, Williams, and Zydek with [REDACTED]. Officer McNicholas did not witness Officer Perez place her knee on [REDACTED] or using her knee to strike [REDACTED] about the body. While at the scene, Officer McNicholas did not engage in any verbal or physical contact with [REDACTED] and did not assist in the detaining or handcuffing of [REDACTED]. Officer McNicholas did not see Officer Perez drawing or pointing her gun at [REDACTED] kick, stomp, or use any excessive force toward [REDACTED]. Officer McNicholas assisted in canvassing the area for narcotics and weapons, but none were located. Officer McNicholas denied seeing any of the officers at the scene using any excessive force toward [REDACTED].

In his statement to COPA on August 20, 2020, **Officer John Thompson**,¹⁰ stated he did not have an independent recollection of the incident. However, Officer Thompson reviewed several Department reports and his BWC in preparation for his interview at COPA. Officer Thompson was working with Officer Daisy Cruz, and they responded to an assist call. Upon arrival to [REDACTED] he observed several officers detaining and handcuffing [REDACTED]. Officer Thompson could not identify all the involved officers since they were assigned to the 007th District Tactical Unit. Officer Thompson did not have any verbal or physical contact with [REDACTED] and could not recall if Officer Cruz had any verbal or physical contact with [REDACTED]. Officer Thompson could not recall witnessing any officer at the scene kicking, stomping, or using any excessive force toward [REDACTED] during his arrest. Officer Thompson did not hear any profanities or threats being directed at [REDACTED] while at the scene. Officer Thompson stated that he assisted by canvassing the immediate location of the arrest and the flight path [REDACTED] took in search of any possible weapons or narcotics; however, none were located.

In his statement to COPA on October 28, 2020, **Officer Charles Maldonado**,¹¹ stated that he was working with Officer Elmer Banal when they responded to an assist call of a man that fled on foot from a traffic stop. On that date of the incident, PO Maldonado was not assigned a BWC since he was still a Probationary Police Officer (PPO) and the BWC program was new to the district.¹² Upon arrival to [REDACTED] there were several tactical officers surrounding [REDACTED] who was on the ground. Officer Maldonado also observed several uniformed officers standing nearby or on the side not engaging in the arrest of [REDACTED]. Officer Maldonado could not recall him or Officer Banal having any verbal or physical contact with [REDACTED] and did not assist with [REDACTED] arrest. Officer Maldonado did not observe any of the officers surrounding [REDACTED] kick, stomp or use any excessive force toward [REDACTED]. Officer Maldonado described [REDACTED] to be pleading his case and taking his time in entering the transporting van after he was handcuffed and escorted to the van. [REDACTED] informed the officers that he had a bullet injury in his back and wanted to catch his breath. Officer Maldonado said that although he could not independently recall the profanities or comments made by Officer Coltri to [REDACTED] after reviewing the BWC camera of

⁹ Att. 55.

¹⁰ Att. 57.

¹¹ Att. 60 (audio), 126 (transcription).

¹² The 007th District received began the pilot BWC program on June 2017.

Officer Williams, he admitted that he heard PO Coltri say words to the effect of “Tase his ass,” and other profanities and inappropriate comments.

In a statement with COPA on January 28, 2021, **Detective Kevin Connors**,¹³ said he was working by himself, when he observed [REDACTED] driving a vehicle without plates and failing to stop at a stop sign on 70th St. and Lowe Ave. Det. Connors curbed [REDACTED] who exited his vehicle. He asked [REDACTED] about the plates of his vehicle, but [REDACTED] ignored him and walked away. Det. Connors called [REDACTED] over, but [REDACTED] refused to comply. Det. Connors told [REDACTED] he was going to tow his vehicle, at which point [REDACTED] returned to his vehicle and opened the passenger side door. Det. Connors said that he unholstered his weapon and had it at a low ready, when [REDACTED] opened the passenger door, reached down, and retrieved an unknown object. Det. Connors ordered [REDACTED] to stop his action and not to go inside the vehicle. [REDACTED] failed to comply, continued to reach down, then fled the scene. Det. Connors believing that [REDACTED] was retrieving a gun, said that he may have pointed his gun in [REDACTED] direction.

Det. Connors gave [REDACTED] orders to stop his actions and to show his hands before [REDACTED] fled the scene; however, they were ignored. Det. Connors related that since the incident was a traffic stop and he was not sure what [REDACTED] retrieved from the vehicle, he did not chase after [REDACTED]. However, he gave out a flash message of [REDACTED] physical description, flight path and related the possibility that [REDACTED] may have a weapon on his person. Det. Connors looked inside [REDACTED] vehicle and immediately observed a baggie with eight small blue tinted baggies with suspect cannabis in plain view inside his vehicle, which he later recovered. Det. Connors remained by the vehicle in case [REDACTED] returned to the area.

Det. Connors later learned that [REDACTED] had been detained and arrested on Union Ave. by responding officers. He proceeded to search [REDACTED] vehicle and recovered the narcotics previously observed. No weapons or additional narcotics were located in the vehicle or recovered. Det. Connors stated that he was not a witness to [REDACTED] arrest on Union Ave. and did not know which, if any, other officer searched [REDACTED] vehicle. Det. Connors was not a witness to any verbal or physical contact any responding officer had with [REDACTED] while on Union Ave.

Det. Connors admitted that he did not activate his body worn camera during the traffic stop of [REDACTED]. He explained that after curbing [REDACTED] things quickly escalated when [REDACTED] refused to comply with any of Det. Connor’s orders and immediately fled the scene. Det. Connors said that when he realized that he did not activate his BWC, he activated it toward the last two minutes of the incident and apologized for his inattention, further relating that the district had just started the BWC program. Det. Connors admitted that he did point his weapon at or in the direction of [REDACTED] with justification, since he believed [REDACTED] was retrieving a weapon from the vehicle. Det. Connors also stated that he searched [REDACTED] vehicle with justification after seeing in plain view a bag with small baggies inside. Further, Det. Connors explained that the vehicle was going to be towed, and he wanted to make sure no other weapons or narcotics were in the vehicle. He stated that as required by Department policy, he searched the vehicle for any of these items.

¹³ Atts. 94 (audio), 117 (transcription).

In his statement to COPA on February 2, 2021, **Officer Jonathan Newsome**,¹⁴ who was working with Officers Markus Williams and Bryan Zydek, in the Robbery-Burglary Team (RBT) of the 007th District, heard a flash message from Det. Connors about a man who fled during a traffic stop with a possible weapon. They drove around the neighborhood looking for the male, [REDACTED] and found him sitting on a porch on Union Ave. Officer Newsome immediately approached [REDACTED] as Officer Perez, who was standing on the sidewalk outside of the property, pointed her gun at [REDACTED] and directed [REDACTED] to show his hands and get down on the ground. [REDACTED] failed to immediately comply with Officer Perez's orders, and as Officer Newsome approached the porch, he also directed several commands to [REDACTED] to get down on the ground. However, [REDACTED] failed to immediately comply with his orders, at which time Officer Newsome grabbed [REDACTED] by the arm and took him down to the ground. Officer Newsome could not recall if any of the officers at the scene assisted in taking [REDACTED] to the ground. However, he recalled seeing Officers Zydek and Williams trying to assist him with detaining and handcuffing [REDACTED] after he was on the ground. Officer Newsome could not recall which officer did what but recalled Officer Williams on the left side of [REDACTED] bringing [REDACTED] arm behind him to have him handcuffed.

Officer Newsome said that [REDACTED] was resisting the officers by moving around, not following their commands to provide his hands and by stiffening his body. Officer Newsome denied seeing any officers stomp, kick, or knee [REDACTED] during his arrest. Officer Newsome could not recall if Officer Yanez assisted him in placing [REDACTED] to the ground or detaining him. Officer Newsome recalled seeing Officer Yanez behind him to the side after handcuffing [REDACTED] Officer Newsome did not see any injuries or dirt on [REDACTED] face after he was lifted of the ground. Officer Newsome did not hear [REDACTED] complain of any injuries and only heard [REDACTED] state that he defecated on himself.

When Officer Newsome was asked what justification Officer Perez had for pointing her gun at the direction of [REDACTED] he related that Officer Perez's actions were due to the totality of the circumstances of this incident, where [REDACTED] was considered an active resister from the initial traffic stop. Further, Officer Newsome explained that for officer safety, Officer Perez drew and pointed her gun at [REDACTED] because [REDACTED] was not initially complying to her orders to show his hands or get down on the ground and they were not sure if [REDACTED] was concealing a weapon. Officer Newsome said that Officer Perez may not have initially been able to see [REDACTED] hands, which he showed once Officer Newsome arrived on the scene. He further related that it is best practice when an officer is not sure if a subject is concealing a weapon or not, for the officer to draw and point their weapon for officer safety until the subject complies with the orders. Officer Newsome related that Officer Perez immediately holstered her gun after he and other officers arrived on the scene. Officer Newsome concluded that he was not a witness to any officer at the scene calling [REDACTED] disrespectful names or directing profanities.

In his statement to COPA on January 27, 2021, **Officer Markus Williams**,¹⁵ stated a similar account as Officer Newsome regarding how he and his partners were involved in the arrest of [REDACTED] Officer Williams added that upon arrival to Union Ave., he observed his partners trying to detain and handcuff [REDACTED] who was on the ground and was constantly moving and not complying with orders to provide his hands. Officer Williams immediately assisted by grabbing

¹⁴ Atts. 103 (audio) and 119 (transcript).

¹⁵ Atts. 90 (audio) and 116 (transcript).

██████████ right arm and bringing it behind ██████████ as ██████████ stiffened his arms and body in resistance. Officer Williams said that he did place his knee on ██████████ middle back area to bring ██████████ right arm over and toward his back to further gain control of ██████████. However, Officer Williams denied ever stomping, kicking, or kneeling ██████████. Officer Williams recalled seeing other officers at the scene standing around, not engaged in the arrest of ██████████.

Officer Williams also related that he initially did not see Officer Zydek grabbing ██████████ head or pushing ██████████ face down into the ground until he reviewed his BWC at COPA. However, Officer Williams could not recall seeing any injuries such as scratches or lacerations to ██████████ face, or any dirt after he was lifted off the ground. Officer Williams did not hear ██████████ complain of any pain or injury to his head or face. Additionally, he denied seeing any of the officers at the scene using excessive force toward ██████████. When Officer Williams was asked about Officer Coltri's demeanor and verbal behavior toward ██████████ he indicated that he did not realize how Officer Coltri verbally treated ██████████ at the time of the incident and learned about it after watching his BWC at COPA.

In his statement to COPA on February 4, 2021, **Officer Bryan Zydek**,¹⁶ stated a similar account as his partners and stated that although he did grab ██████████ head when he was on the ground, he did not forcefully push it down into the ground. Officer Zydek explained that he held ██████████ head down to prevent ██████████ from raising his head and moving to allow his partners to handcuff ██████████ but it was not touching the ground. Officer Zydek denied the allegation that he forcefully pushed ██████████ face and head into the ground and explained that he was justified in his actions to gain control of ██████████ head as he resisted being handcuffed and he was matching ██████████ resistance when he pushed down. Officer Zydek stated that after ██████████ was lifted off the ground, he did not observe any injury, grass, mud, or any dirt to ██████████ face.¹⁷ Although he did not recall Officer Coltri using profanities during the incident, from watching Officer Williams' BWC video, he was able to identify Officer Coltri as the officer directing profanities toward ██████████. Further, Officer Zydek admitted that he did not activate his BWC video and apologized for his inattention relating that; he thought he had activated the BWC, adding the BWC program was new to the district.

In his statement to COPA on February 4, 2021, **Officer Dean Coltri**,¹⁸ related that he did not have an independent memory of the incident and responded to the allegations after viewing three BWC videos of other officers. On October 6, 2017, Officer Coltri was working by himself when he responded to assist other officers with ██████████. Upon arrival, Officer Coltri observed that ██████████ was already in handcuffs and was escorted to the transporting van. Officer Coltri did not observe any of the arresting or assisting officers stomp, kick, knee or use any excessive force toward ██████████ when he was placed in custody or after. Officer Coltri admitted to directing profanities at ██████████ calling him a "bitch" and "a motherfucker," and other words to the effect. Officer Coltri admitted that he was unprofessional toward ██████████ while at the scene and during his interaction with ██████████ by the transport van. Officer Coltri explained that his demeanor had a lot to do with ██████████ procrastination and constant excuses to enter the transporting van, the heat of

¹⁶ Att. 98 (audio), 116 (transcript) page 60, lines 1 – 14.

¹⁷ Officer Zydek based his recollection and answers after watching various BWC videos of other responding officers since his BWC video was not activated during the incident.

¹⁸ Atts. 111 (Audio), 124 (Transcription).

the moment of all the other officers trying to get ██████ to enter the van. He further related that since nothing else was working to get ██████ inside the transporting van, he used profanities to get ██████ attention. Officer Coltri apologized for his behavior toward ██████ Officer Coltri also admitted that he did not activate his BWC during the incident with ██████ Officer Coltri explained that the BWC program was new to the district and that he believed that he had activated the BWC during the incident. Officer Coltri apologized for not activating his BWC and his behavior toward ██████

In her statement to COPA on February 4, 2021, **Officer Vicki Perez**,¹⁹ stated a similar account as the other officers regarding her response to the scene. Upon arrival to ██████ Officer Perez saw ██████ sitting on the porch with his hands in his waist band and not visible. Officer Perez exited her vehicle with her gun drawn and pointed in ██████ direction as she ordered him to show his hands. Officer Perez was unable to see if ██████ complied with her orders since additional officers arrived at the scene, ordered ██████ to the ground, and took over ██████ when he failed to immediately comply with their orders. Officer Perez saw Officer Newsome handling ██████ and placing him on the ground. Officer Perez immediately holstered her weapon as additional officers responded and assisted Officer Newsome. Officer Perez then saw Officers Zydek and Williams holding and detaining ██████ and she immediately assisted them. When asked why she drew and pointed her weapon at ██████ Officer Perez explained that because she was in a high crime area, for her safety, ██████ safety and anyone else in the area. She stated she was justified in drawing and pointing her weapon at ██████ since from prior experience, a hand in the waistband may be concealing a weapon or a firearm, or anything else. Officer Perez also stated that the initial flash message detailed that ██████ fled the scene with an unknown object possibly a weapon and for officer safety she drew and pointed her gun in fear that ██████ was in fact in possession of a gun.

Officer Perez denied kneeling, kicking, or stomping ██████ Officer Perez viewed Officer McNicholas' BWC,²⁰ and upon inquiry regarding her actions that appeared to show her kicking ██████ Officer Perez explained that she was getting up and lost her balance in the process. Officer Perez was trying to catch herself, and although it appears on the video that she directed a kick toward ██████ she denied kicking ██████ She described her leg sweeping in his direction, but denied that it made contact with ██████ Officer Perez denied purposely kicking ██████ or that her foot made any contact with his body. Officer Perez described her actions to be minimal and mostly verbal direction toward ██████ asking him to stop resisting and provide his hands.

Officer Perez further related that she bent down again to continue assisting Officers Newsome, Williams and Zydek, and while on the ground, everybody was pushing back and forth trying to get control of ██████ and his hands. At one point, Officer Perez heard someone asking for a taser, she lost her balance and it appeared on the BWC that she placed her knee on ██████ However, Officer Perez indicated she did not do this action on purpose or in an excessive manner. Officer Perez related that she was squatting at the time trying to assist the officers in controlling ██████ and when ██████ was turned over, she may have fallen over, and her knee may have landed on ██████ back as steadied herself. Officer Perez could not recall who the officer was that was

¹⁹ Atts. 115 (Audio) and 125 (transcription).

²⁰ Att. 15, Officer McNicholas' BWC video at 5:10 mins.

behind her, but she quickly removed her knee and got back up. Officer Perez said that if an officer places their knee on a person is usually to gain control and not to use a knee strike.

Officer Perez denied using excessive force throughout this incident and related that because no force was used by her toward [REDACTED] she did not have to complete a Tactical Response Report. She finalized her statement indicating that she did not purposely kick or use her knee to strike [REDACTED] while she was assisting the officers in gaining control. Officer Perez denied seeing any of the officers at the scene using any excessive force toward [REDACTED] but also stated that she was not really paying attention to which officer was doing what because she was focused on her actions and that of [REDACTED] who was constantly resisting and not complying to their orders.

Upon inquiry, Officer Perez stated that on the date of the incident she did not see if it was Officer Zydek who was holding [REDACTED] head and pushed it down onto the ground. However, after reviewing various BWC videos, she observed an officer's hand holding [REDACTED] head and pushing it down onto the ground. Officer Perez denied seeing any visible injuries to [REDACTED] or hearing him complain of any pain or injury. Officer Perez could not recall who searched [REDACTED] vehicle but indicated that she looked inside but did not conduct a search of the vehicle. Officer Perez stated that after her contact with [REDACTED] she proceeded to search the immediate area and his flight path in search of any possible weapons or narcotics, but none were located.

In his statement to COPA on February 4, 2021, **Officer Carlos Yanez**,²¹ stated a similar account as the other officers and indicated that at no time while [REDACTED] was being handcuffed, did he observe any of the involved officers kick, knee, stomp or forcibly push [REDACTED] face into the ground. Officer Yanez indicated that upon arrival, the BWC videos appeared to show him grab and take down [REDACTED] however, he explained that he grabbed [REDACTED] by the arm and Officer Newsome placed him on the ground. Officer Yanez denied any one at the scene throwing [REDACTED] to the ground. After [REDACTED] was on the ground, Officer Yanez moved to the side to allow Officers Newsome, Williams, Perez, Zydek and Moctezuma hold and detain [REDACTED] in order to handcuff him. Officer Yanez stated that he did not see Officer Zydek push [REDACTED] face down or any officer use excessive force. He described that the only actions he recalled being used toward [REDACTED] were emergency handcuffing techniques, grabbing and holding.

When Officer Yanez was asked why he terminated his BWC early, he replied that after [REDACTED] was handcuffed and removed from the location, he thought the incident was over. However, he found himself further involved with [REDACTED] when [REDACTED] was escorted to the transporting van, and refused to enter the van. When Officer Yanez was asked if he grabbed [REDACTED] and pushed him inside the transporting van, he replied that initially, the BWC video of Officer Williams showed him grabbing [REDACTED] however, he moved to the side and another officer assisted Officer Williams in grabbing and placing [REDACTED] inside the van. Officer Yanez stated that since he did not assist in holding, handcuffing or using any force toward [REDACTED] during this incident, he did not need to complete a Tactical Response Report. Officer Yanez denied the excessive force allegations made against him and other officers. In addition, Officer Yanez apologized for not reactivating his BWC to record his contact with [REDACTED] at the transporting van. Officer Yanez explained that it was an oversight due to everything that was happening.

²¹ Atts. 107 (audio) and 120 (transcript).

b. Digital Evidence

The **Body Worn Cameras**²² (BWC) of responding officers were obtained and the following is a summary account in essence and not verbatim of the BWC videos:

- **Officer Perez's**²³ BWC captured her exiting her vehicle, pointing her gun at ██████ who was sitting on the porch of ██████. As she approaches, Officer Perez states, "Take your hands out of your pants."²⁴ As other officers arrive on scene and approach ██████ Officer Perez holsters her weapon. The BWC then captures Officer Perez inside the front yard of the property assisting other officers with holding ██████ on the ground. Officer Perez was grabbing ██████ hand/arm, holding him down. She appears directly above his body as he is on the ground. ██████ is observed stiffening up, not following direction, and resisting the officers' directions. Officer Perez is heard numerous times telling ██████ to stop moving and to give his hands. After ██████ is handcuffed and lifted off the ground, Officer Perez walks and searches the immediate area. Officer Perez reunites with Officer McNicholas, and she and other officers conduct a search of the flight path taken by ██████ going to Lowe Ave. where the initial traffic stop was conducted. Officer Perez's BWC captures her looking in ██████ vehicle as Det. Connors searches it. A bag with cannabis is located in the car; however, no weapons or contraband is located or recovered.
- **Officer Newsome's**²⁵ BWC shows him running and searching through various blocks and locations looking for ██████. Upon arrival to ██████ the BWC captures Officer Perez standing on the sidewalk outside the fence of ██████ pointing her gun in the direction of ██████ who was sitting on the porch steps. Officer Perez tells ██████ to show his hands and get down on the ground. Officer Newsome approaches the location also directing ██████ to get on the ground. ██████ does not get on the ground but raises his hands as Officer Newsome approaches him. Officer Newsome then grabs ██████ by the left arm, while Officer Yanez appears to grab ██████ by the right arm. Officer Newsome takes ██████ to the ground. Officer Newsome gives ██████ orders to give them his hands as additional officers arrived on the scene and assist in holding ██████ down. Officer Perez's knee is placed on ██████ lower mid-back.²⁶ Officer Newsome grabs ██████ left arm and hand and places a handcuff on his left wrist, while Officer Zydek is pushing ██████ face onto the ground.²⁷ Officer Newsome repeatedly says "Get a taser."²⁸ Officer Perez's knee is still on ██████ back. Officer Perez is on the right side of ██████ trying to assist, as Officer Williams arrives at the scene and assists by grabbing ██████ right arm. Officer Williams is to the left of ██████ body. ██████ screams that he is defecating on himself. Officer

²² Att. 15.

²³ Att. 15, file PO V. Perez AXON_Body_2_Video_2017-10-06_0947.

²⁴ Id at 00:30.

²⁵ Att. 15, file PO J. Newsome AXON_Body_2_Video_2017-10-06_0943_cr1087035_ja460492.

²⁶ Id. at 4:02

²⁷ Id. at 4:06

²⁸ Id.

Moctezuma is by [REDACTED] legs and feet and assists Officer Williams in lifting [REDACTED] off the ground. Officer Marquez is standing to the side as well as several other officers. Officer Newsome walks away and searches the flight path that [REDACTED] took when he fled from Det. Connors. Officer Newsome approaches Det. Connors and asks how the incident began then terminates his BWC.

- **Officer Williams**²⁹ BWC captures his arrival to [REDACTED] is on the ground with numerous officers holding and surrounding him. Officer Newsome is on the left side of [REDACTED] holding his left arm behind him, and Officers Perez and Zydek are on the right side of [REDACTED] trying to control him. Officer Zydek is holding [REDACTED] head down onto the ground as Officer Williams approaches on the left side next to Officer Newsome and attempts to assist by grabbing [REDACTED] right arm. Officer Williams briefly places his knee on the upper middle shoulder area of [REDACTED] body trying to control his movements as he grabs his right arm. Officer Williams assists Officer Newsome in bringing [REDACTED] right arm to the back and handcuffing it. Officer Williams then assists [REDACTED] off the ground and onto his feet. Officer Williams escorted [REDACTED] to the transporting van after he patted and searched [REDACTED] person and pant pockets. Officer Williams ordered [REDACTED] inside the transporting van. However, [REDACTED] does not immediately comply and requests a few minutes to catch his breath, complaining that his chest hurts. Officer Williams ordered [REDACTED] to get inside the van several times and [REDACTED] does not get in the van, saying he must be at work at 6 PM and does not want to be arrested. [REDACTED] continues to state that he was going to be taken to the county jail for driving on a suspended license. Officer Williams entered the transporting van and grabbed [REDACTED] by the arms to pull him inside. Officer Yanez proceeds to assist by grabbing the upper front part of [REDACTED] body; however, as Officer Williams pulls [REDACTED] inside the transporting van, Officer Yanez moves to the side and Officer Coltri grabs [REDACTED] by the legs. Officer Coltri approaches and states, "Get in there. You, punk ass bitch."³⁰ [REDACTED] is seated upright with his legs straight in front of him, outside of the van and relates that he cannot sit in that position due to a bullet in his back. Officer Coltri was then heard stating words to the effect of, "Punch that mother fucker in his mouth,"³¹ and "Tase that bitch,"³² referring to [REDACTED] complains about having a bullet in his back, and Officer Coltri continues to direct profanities at [REDACTED] and calls him a "bitch ass."³³
- **Officer Yanez's**³⁴ BWC captures him arriving at [REDACTED] while Officer Perez is pointing her gun in the direction of [REDACTED] Officer Newsome grabs [REDACTED] arm and Officer Yanez assists in placing [REDACTED] on the ground. Officer Yanez quickly pats [REDACTED] pants and steps back as Officer Moctezuma took over and assists Officer Newsome in holding [REDACTED] down and searching his pants and

²⁹ Att. 15, file PO M Williams AXON_Body_2_Video_2017-10-06_0947_cr1087035_ja460492.

³⁰ *Id.*, at 4:09 minutes.

³¹ *Id.*, at 4:30 minutes.

³² *Id.*, at 4:39 minutes.

³³ *Id.*, at 5:00 minutes.

³⁴ Att. 15, file PO C. Yanez AXON_Body_2_Video_2017-10-06_0947.

legs. Officer Yanez' BWC captures various officers requesting a taser as [REDACTED] yells that he was defecating on himself. The BWC captured Officer Zydek on the right side of [REDACTED] holding [REDACTED] head down and other officers grabbing [REDACTED] arm and hand behind him. Officer Yanez stood on the side, said that he saw [REDACTED] running through the alley and then sitting on the porch steps. [REDACTED] says he was scared and defecated on himself. Various officers in the area search for weapons and narcotics as [REDACTED] is escorted out of the property. Officer Yanez terminates his BWC after [REDACTED] is handcuffed, lifted off the ground and escorted toward the transporting van.

- **Officer McNicholas**³⁵ BWC captures his running path looking for [REDACTED] through various blocks. Officer McNicholas arrives at [REDACTED] and his BWC immediately captures what appears to be Officer Perez directing a kick in [REDACTED] direction.³⁶ Officer McNicholas steps to the side and his BWC captures Officers Maldonado and Banal standing on the side as Officers Thompson and Cruz, enter the front yard area of the property and begin to immediately search the area and under the stairs. [REDACTED] is face down on the ground with Officer Moctezuma standing at his feet and between his legs. Officer Newsome is on the left side of [REDACTED] body with Officer Yanez standing nearby. Officers Marquez, Perez and Zydek are on the right side of [REDACTED] Officer Zydek was by [REDACTED] head, and it appears that [REDACTED] is already handcuffed. Officer McNicholas does not engage or assist the officers that were holding [REDACTED] Officer McNicholas assists other officers in searching the area and the flight path taken by [REDACTED] for any weapons or narcotics. Det. Connors says his BWC was not activated during the traffic stop and he explains the traffic stop of [REDACTED]³⁷ Det. Connors tells the officers that [REDACTED] did not listen to him, reached for something in his vehicle and fled the scene. However, he saw [REDACTED] peeking out of the gang way, which is why he (Det. Connors) remained near the car. Det. Connors says another male came out of the same house [REDACTED] was hiding from. Det. Connors says he had not yet searched the vehicle and proceeds to do it while the other officers were at the scene. Officer Woods opened [REDACTED] vehicle and Officer Perez opened the rear trunk area and conducted a brief search. Officer Woods and McNicholas both mention a drug pipe, and Officer Newsome shows the officers the narcotics inside a bag, which Det. Connors says he previously saw.
- **Officer Thompson's**³⁸ BWC captures his arrival and several officers surrounding [REDACTED] who is face down on the ground. Officer Marquez places her taser back in the holster. Officers Perez, Zydek, Williams, Fiore, Newsome, Moctezuma, and Yanez are all near [REDACTED] Officer Thompson begins to search the immediate area of the front yard and under the stairs for weapons and narcotics. Officer Thompson remained on the side and did not assist the officers that detained or handcuffed [REDACTED] Officer Thompson's BWC did not capture any of the physical force alleged

³⁵ Att. 15, file PO D. McNichoals AXON_Body_2_Video_2017-10-06_0942.

³⁶ *Id.*, at 5:11 minutes.

³⁷ *Id.*, at 11:12 minutes.

³⁸ Att. 15, file PO Thompson AXON_Body_2_Video_2017-10-06_0947.

by [REDACTED] Officer Thompson, Cruz and Marquez search the flight path taken by [REDACTED] in search of drugs or weapons, but none were located.

- The BWC of other officers was obtained.³⁹

c. Documentary Evidence

[REDACTED] **Medical Records**⁴⁰ from St. Bernard Hospital document that he was admitted on October 6, 2017, at 3:48 pm, and was brought in by CPD for medical clearance. [REDACTED] complained of pain to the right side of his body and back pain.⁴¹ [REDACTED] told hospital personnel that he was kicked and stomped on his side and that it was painful. The x-rays were negative, and [REDACTED] was given pain medication. The primary diagnosis was right rib contusion.⁴²

Photographs⁴³ taken of [REDACTED] by an Evidence Technician on October 6, 2017, did not depict any visible injuries to [REDACTED] face, hands or body.

[REDACTED] **Arrest Report**⁴⁴ and **Original Case Incident Report**⁴⁵ detail that [REDACTED] was driving a vehicle without license plate, was observed committing traffic violations, and was curbed at [REDACTED] by Det. Connors. [REDACTED] quickly exited his vehicle and failed to follow verbal commands to stop. [REDACTED] then walked back to his vehicle, retrieved an unknown object from the passenger side door and fled on foot. Det. Connors gave out a flash message of [REDACTED] physical description and direction of flight. Det. Connors recovered a plastic bag containing (8) small tinted-baggies of suspected cannabis from the passenger side door. After a brief foot pursuit, officers located and detained [REDACTED] at [REDACTED]. Numerous verbal commands were given to [REDACTED] for him to place his hands behind his back; however, [REDACTED] did not cooperate. Officer Newsome conducted an emergency takedown with handcuffing and took [REDACTED] into custody. [REDACTED] was not initially wearing his seatbelt, was driving on a suspended license and had no insurance. Finally, Det. Connors detailed that he unholstered his weapon out of fear that [REDACTED] was arming himself as he was reaching into his vehicle.

The **Event Query**⁴⁶ for this incident documented the flash message given by Det. Connors, physical description of [REDACTED] and the flight path taken by [REDACTED]. It further noted that [REDACTED] fled “after grabbing something from the car.”⁴⁷ The event query identified the responding police vehicles, and the location where [REDACTED] was detained.

VI. LEGAL STANDARD

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

³⁹ Att. 15

⁴⁰ Att. 17.

⁴¹ *Id.*, pg. 2.

⁴² *Id.*, pg. 4.

⁴³ Att. 18.

⁴⁴ Att. 6.

⁴⁵ Att. 8.

⁴⁶ Att. 12.

⁴⁷ *Id.* at 4.

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence.⁴⁸
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; or⁴⁹
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.

VII. ANALYSIS AND CONCLUSION

A. Detective Kevin Connors

1. Displayed your gun at or in the direction of ██████████ without justification.

COPA finds Allegations #1 against Det. Connors is **Not Sustained**. According to General Order 03-03-02 "Use of Force," Sworn members will develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to force or by using only the amount of force required under the circumstances. The authorized force option is based on the totality of the circumstances, the seriousness of the situation and the immediate response required by the member to whether to employ force options or force mitigation principles.

█████████ stated Det. Connors pointed a gun in his direction after he did not come towards Det. Connors. Det. Connors stated that he drew his weapon and had it a low ready position when ██████████ walked to the vehicle, open the door and retrieve an unknown object. ██████████ retrieved an unknown object that Det. Connors believed could have been a weapon. Det. Connors said that he may have pointed his weapon at or in the direction of ██████████ fearing that ██████████ had in fact retrieved a weapon. However, ██████████ fled the scene and Det. Connors did not see what the retrieved object was. Det. Connors stated that he feared for his safety. Det. Connors holstered his weapon as soon as ██████████ fled and gave out a flashed message of the incident and ██████████ description. There is no BWC of this incident and COPA was unable to speak with the alleged witnesses. ██████████ and Det. Connors gave differing accounts of the events immediately preceding

⁴⁸ A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

⁴⁹ **Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

Det. Connors pointing his weapon. Thus, there is insufficient evidence for COPA to determine whether Det. Connors was justified in his actions; the allegation is Not Sustained.

2. Searched [REDACTED] vehicle without justification.

COPA finds Allegations #2 against Det. Connors is **Exonerated**. Department members are permitted to search a vehicle when: (1) there is probable cause to believe evidence of a crime is present;⁵⁰ (2) there is reasonable suspicion the vehicle contains a weapon and/or that the occupants are armed and dangerous;⁵¹ (3) an arrest is made, provided there is reasonable suspicion that the vehicle contains evidence of the crime for which the arrest is made;⁵² (4) a vehicle is being impounded by the Department;⁵³ or (5) consent is obtained.

Here, Det. Connors stated that he searched [REDACTED] vehicle after he observed [REDACTED] retrieving an unknown object from the vehicle which he believed to be a possible weapon and after he observed a crack pipe and a bag with 8 blue tinted small baggies inside the with suspect cannabis by the driver side door in plain view. Det. Connors concluded that he was justified in searching [REDACTED] vehicle not only for the reasons stated above, but also because the vehicle was going to be towed and he wanted to make sure no other weapons or narcotics were still inside the vehicle. Det. Connors's decision to search [REDACTED] vehicle was reasonable and proper.

3. Violated Special Order 03-14, Failure to activate his Body Worn Camera.

COPA finds Allegations #3 against Det. Connors is **Sustained**. According to Special Order 03-14, Officers are mandated to activate their BWC videos during calls for service, investigatory and traffic stops, upon arrival to an incident, during an arrest, use of force incidents, seizure of evidence, any encounter with the public that becomes adversarial after the initial contact and any other instance when enforcing the law. In this incident, it is undisputed that Det. Connors failed to activate his BWC video at the time he conducted the traffic stop of [REDACTED]. Therefore, Det. Connors' failure violated Department policy and Rules 2, 3, and 6.

B. Officer Jonathan Newsome

1. Forcefully took [REDACTED] to the ground, without justification.

COPA finds Allegation #1 against Officer Newsome is **Exonerated**. Department members are permitted to use force to overcome resistance.⁵⁴ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.⁵⁵ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.⁵⁶ Here,

⁵⁰ *Maryland v. Dyson*, 527 U.S. 465 (1999).

⁵¹ *Michigan v. Long*, 463 U.S. 1032 (1983).

⁵² *Arizona v. Grant*, 556 U.S. 332 (2009).

⁵³ *South Dakota v. Oppeman*, 428 U.S. 364 (1976).

⁵⁴ See G03-02-01 generally.

⁵⁵ G03-02-01 IV(B)(2).

⁵⁶ G03-02-01 IV(B)(2)(c).

Officer Newsome gave █████ multiple orders to get down on the ground, which █████ failed to do this. This failure combined with reports that █████ was possibly armed made him a resister. Officer Newsome grabbed █████ by the left arm while another officer grabbed the right arm and together, they brought █████ to the ground. This action was permissible by Department policy.

2. Kneed █████ about the side of his body, without justification.

COPA finds Allegation #2 against Officer Newsome is **Unfounded**. After reviewing all the BWC videos obtained for this incident, COPA learned that Officer Newsome did not knee █████ during the course of his arrest as alleged by █████. In his statement, Officer Newsome denied kneeling █████ at any time while he was on the ground or during the handcuffing. Officer Newsome's account was supported by all the other involved officers who indicated that at no time did Officer Newsome or any other officer performed or used knee strikes toward █████.

C. Officer Markus Williams

1. Stomped █████ on or about the side of his body, without justification.

COPA finds Allegation #1 against Officer Williams is **Unfounded**. Officer Williams denied stomping █████ at any time during the handcuffing or during this incident. COPA reviewed all the obtained BWC videos and at no time were those actions captured being done by Officer Williams. In addition, all the involved officers denied using excessive force toward █████ and supported PO Williams account. Therefore, this allegation should be Unfounded.

2. Kneed █████ about the side of his body, without justification.

COPA finds Allegations #2 against Officer Williams is **Unfounded**. Officer Williams denied the allegation and his account was supported by other officers and the BWC videos obtained for this incident. Additionally, the BWC did not contain any evidence to support the allegation.

3. Placed your knee on or about █████ back, without justification.

COPA finds Allegation #3 against Officer Williams is **Exonerated**. Department members are permitted to use force to overcome resistance.⁵⁷ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.⁵⁸ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.⁵⁹ Here, Officer Williams admitted that he placed his knee on █████ upper back area to control and stop █████ from moving and actively resisting when he and the other officers were trying to handcuff him. Officer Williams further related that by placing his knee briefly on █████ upper back area he was able to grab and hold █████ right arm, bringing the arm behind him and was able to handcuff █████. After reviewing all the BWC videos obtained for this incident, COPA determined

⁵⁷ See G03-02-01 generally.

⁵⁸ G03-02-01 IV(B)(2).

⁵⁹ G03-02-01 IV(B)(2)(c).

that Officer Williams' actions were permitted by the Department's control and handcuffing techniques, as described in General Order 03-02. Officer Williams stated that after [REDACTED] was handcuffed, he immediately removed his knee and lifted [REDACTED] off the ground. [REDACTED] did not complain of any pain or injury as a result of Officer Williams' actions.

3. Violation of General Order 03-02-02, failure to complete a Tactical Response Report regarding your contact with [REDACTED]

COPA finds Allegation #4 against Officer Williams is **Sustained**. Department members are required to complete a TRR detailing force used when the use of force involves a subject who is injured or alleges injury; is an active resister; actively obstructs a member by using a physical act directed at the member; physically attacks a member, to include murder, and aggravated battery or battery.⁶⁰ Here, as discussed above, [REDACTED] actions were that of an active resister and he alleged that he was injured during the use of force. Therefore, Officer Williams was required to complete a TRR documenting the force he used on Williams. Therefore, COPA finds Officer Williams' failure violated Department policy and Rules 2, 3, and 6.

D. Officer Bryan Zydek

1. Grabbed and pushed [REDACTED] face down into the ground, without justification.

COPA finds Allegation #1 against Officer Zydek is **Sustained**. Department members are permitted to use force to overcome resistance.⁶¹ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.⁶² Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capicum; stunning; takedowns; canine use; and taser deployment.⁶³ Here, it is undisputed that Officer Zydek controlled [REDACTED] head during [REDACTED] ongoing active resistance. The BWC footage clearly depicts Officer Zydek's forcefully pushing [REDACTED] face into the dirt. While [REDACTED] is actively resisting other members, there are no indications that he was attempting to use his head in any way to aid in his active resistance. Further, even if [REDACTED] was using his head to further his active resistance, Officer Zydek's decision to push [REDACTED] face into the dirt would still have been excessive, in that it could reasonably result in obstruction of [REDACTED] breathing. Therefore, COPA finds that Officer Zydek's actions violated Department policy and Rules 2, 3 and 6.

2. Placed your knee on [REDACTED] head and neck areas, without justification.

COPA finds Allegation #2 against Officer Zydek is **Unfounded**. After reviewing all the BWC videos obtained for this incident, COPA learned that Officer Zydek did not place his knee on [REDACTED] head and neck areas during [REDACTED] arrest as alleged by [REDACTED]. In his statement,

⁶⁰ G03-02-02 III (A) (1) (a-e).

⁶¹ See G03-02-01 generally.

⁶² G03-02-01 IV(B)(2).

⁶³ G03-02-01 IV(B)(2)(c).

Officer Zydek denied placing his knee on [REDACTED] head and neck areas while he was on the ground or during the handcuffing. Officer Zydek's account was supported by all the other involved officers and the available BWC videos.

3. Violation of General Order 03-02-02, failure to complete a Tactical Response Report regarding your contact with [REDACTED]

COPA finds Allegation #3 against Officer Zydek is **Sustained**. Department members are required to complete a TRR detailing force used when the use of force involves a subject who is injured or alleges injury; is an active resister; actively obstructs a member by using a physical act directed at the member; physically attacks a member, to include murder, and aggravated battery or battery.⁶⁴ Here, as discussed above, [REDACTED] was an active resister and he alleged the force resulted in his injury. Therefore, Officer Zydek was required to document the force he used in a TRR. Officer Zydek's failure violated Department policy and Rules 2, 3 and 6.

4. Violation of Special Order 03-14, failure to active your body worn camera.

COPA finds Allegation #4 against Officer Zydek is **Sustained**. According to Special Order 03-14, officers are mandated to activate their BWC videos during calls for service, upon arrival to an incident, during an arrest, use of force incidents, any encounter with the public that becomes adversarial after the initial contact and any other instance when enforcing the law. Here, it is undisputed that Officer Zydek failed to activate his BWC as required. Officer Zydek's failure violated Department policy and Rules 2, 3 and 6.

E. Officer Dean Coltri

1, 2, 3 and 5. Was verbally abusive, rude and unprofessional to [REDACTED]

COPA finds Allegations #1, 2 and 3 against Officer Coltri are **Sustained**. Department members are required to "treat all persons with courtesy and dignity which is inherently due every person as a human being" and do so while "speak[ing] ... in a professional manner and maintain[ing] a courteous attitude in all contacts with the public."⁶⁵ Here, it is undisputed that Officer Coltri directed numerous profanities at [REDACTED] and there was not reasonable basis to do so. Officer Coltri's verbal abuse was in violation of Department policy and Rules 2, 3, 6, 8 and 9.

4. Violation of Special Order 03-14, failure to active your body worn camera.

COPA finds Allegation #4 against Officer Coltri is **Sustained**. According to Special Order 03-14, officers are mandated to activate their BWC videos during calls for service, upon arrival to an incident, during an arrest, use of force incidents, any encounter with the public that becomes adversarial after the initial contact and any other instance when enforcing the law. Here, it is undisputed that Officer Coltri failed to activate his BWC upon responding to the incident. Therefore his failure violated Department policy and Rules 2, 3 and 6.

⁶⁴ G03-02-02 III (A) (1) (a-e).

⁶⁵ G02-01 III (B); G02-04 II (C).

F. Officer Vicky Perez

1. Pointed a gun at or in the direction of [REDACTED] without justification.

COPA finds Allegation #1 against Officer Perez is **Exonerated**. According to General Order 03-03-02 “Use of Force,” Sworn members will develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to force or by using only the amount of force required under the circumstances. The authorized force option is based on the totality of the circumstances, the seriousness of the situation and the immediate response required by the member to whether to employ force options or force mitigation principles. A “Resister” is a person who is uncooperative (passive or active). 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. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running. A subject who fails to comply with orders and avoids apprehension.

Here, Det. Connors relayed that a fleeing [REDACTED] was possibly armed. When Officer Perez located [REDACTED] sitting on the steps of [REDACTED] she observed that he was concealing his hands in his waistband. Based on this observation combined with the report from Det. Connors, it was reasonable for Officer Perez to believe that [REDACTED] was armed. Additionally, as [REDACTED] failed to respond to verbal commands to show his hand, the concern he was armed became heightened. Once other officers arrived on scene and [REDACTED] showed Officer Perez his hands, she holstered her weapon. Since the concern that [REDACTED] was armed was reasonable, Officer Perez’ decision to point her firearm at [REDACTED] was permissible and in compliance with Department policy.

2. Place your knee on [REDACTED] back and side of his body, without justification.

COPA finds Allegation #2 against Officer Perez is **Exonerated**. Department members are permitted to use force to overcome resistance.⁶⁶ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.⁶⁷ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.⁶⁸

Here, Officer Perez admitted to briefly placing her knee on [REDACTED] during the course of his arrest but explained it was in response to a loss of balance. Even if Officer Perez had not lost balance her use of a knee to control [REDACTED] would be permissible by policy. As discussed above, [REDACTED] was resisting efforts to detain him and therefore, Officer Perez was permitted to deploy a control hold, via a knee on [REDACTED] back, to assist in gaining control. Therefore; Officer Perez’ actions were permitted by and consistent with Department policy.

⁶⁶ See G03-02-01 generally.

⁶⁷ G03-02-01 IV(B)(2).

⁶⁸ G03-02-01 IV(B)(2)(c).

3. Kicked ██████████ on or about the side of his body, without justification.

COPA finds Allegation #3 against Officer Perez is **Sustained**. Department members are permitted to use force to overcome resistance.⁶⁹ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.⁷⁰ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.⁷¹ Here, as discussed above, ██████████ was only an active resister, therefore Officer Perez' kick to his torso was impermissible. COPA finds that Officer Perez' explanation that she did not impact ██████████ with her kick and that her kick was a result of a loss of balance, to be less than credible and directly refuted by the BWC footage. Therefore, COPA determined that it was more likely than not that Officer Perez' kick was intentional and in violation of Department policy and Rules 2, 3, 6, 8 and 9.

4. Violation of General Order 03-02-03, failure to complete a Tactical Response Report regarding your contact with ██████████

COPA finds Allegation #4 against Officer Perez is **Sustained**. Department members are required to complete a TRR detailing force used when the use of force involves a subject who is injured or alleges injury; is an active resister; actively obstructs a member by using a physical act directed at the member; physically attacks a member, to include murder, and aggravated battery or battery.⁷² Here, as discussed above, ██████████ was an active resister and he alleged the force resulted in his injury. Therefore, Officer Perez was required to document the force she used in a TRR. Officer Perez' failure violated Department policy and Rules 2, 3 and 6.

G. Officer Carlos Yanez Jr.

1. Forcefully took ██████████ to the ground, without justification.

COPA finds Allegation #1 against Officer Yanez is **Exonerated**. Department members are permitted to use force to overcome resistance.⁷³ When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.⁷⁴ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.⁷⁵ Here, Officers Newsome and Yanez gave ██████████ multiple orders to get down on the ground, which ██████████ failed to heed; this failure combined with credible reports that ██████████ was armed made him a resister. Officer Yanez grabbed ██████████ by the arm and assisted Officer Newsome while another officer

⁶⁹ See G03-02-01 generally.

⁷⁰ G03-02-01 IV(B)(2).

⁷¹ G03-02-01 IV(B)(2)(c).

⁷² G03-02-02 III (A)(1) (a-e).

⁷³ See G03-02-01 generally.

⁷⁴ G03-02-01 IV(B)(2),

⁷⁵ G03-02-01 IV(B)(2)(c).

grabbed the right arm and together, they brought ██████ to the ground. This action was permissible by Department policy.

2. Forcefully grabbed and pushed ██████ into the transporting van, without justification.

COPA finds Allegation #2 against Officer Yanez is **Unfounded**. After reviewing all the BWC videos obtained for this incident, COPA learned that Officer Yanez initially grabbed ██████ legs, but Officer Coltri took over and assisted Officer Williams in placing ██████ inside the transporting van as Officer Yanez moved to the side. Officer Yanez stated that he did not have any physical contact with ██████ because another officer took over. The videos support Officer Yanez account, therefore, COPA will find this allegation as unfounded.

3. Violation of Special Order 03-14, terminated your body worn camera too early.

COPA finds Allegation #3 against Officer Yanez with a finding of **Exonerated**. According to Special Order 03-14, Officers are mandated to activate their BWC videos during calls for service, investigatory and traffic stops, upon arrival to an incident, during an arrest, use of force incidents, seizure of evidence, any encounter with the public that becomes adversarial after the initial contact and any other instance when enforcing the law. It is undisputed that Officer Yanez deactivated his BWC once ██████ was secured but prior to being placed in the transport van. Officer Yanez explained to COPA that he terminated the BWC recording after his contact with ██████ and after ██████ was secured and was escorted to the transporting van by Officer Williams believing that there were no further incidents with ██████. Officer Yanez stated that he believed ██████ was going to be taken away from the scene and transported to the station. However, things changed when ██████ resisted getting into the transporting van. Officer Yanez further related that he failed to reactivate his BWC. Officer Yanez had minimal contact (verbal or physical) with ██████ by the transporting van. COPA reviewed all the obtained BWC videos and finds that Officer Yanez deactivated his BWC based on a reasonable belief that his contact with ██████ was done and that ██████ was being taken away from the scene as explained.

4. Violation of General Order 03-02-03, failure to complete a Tactical Response Report regarding your contact with ██████

COPA finds Allegation #4 against Officer Yanez is **Sustained**. Department members are required to complete a TRR detailing force used when the use of force involves a subject who is injured or alleges injury; is an active resister; actively obstructs a member by using a physical act directed at the member; physically attacks a member, to include murder, and aggravated battery or battery.⁷⁶ Here, as discussed above, ██████ was an active resister and he alleged the force resulted in his injury. Therefore, Officer Yanez was required to document the force he used in a TRR. Officer Yanez' failure violated Department policy and Rules 2, 3 and 6.

⁷⁶ G03-02-02 III (A)(1) (a-e).

H. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Detective Kevin CONNORS****i. Complimentary and Disciplinary History**

Det. Connors has received 74 various awards and has no disciplinary history in the last five years.

ii. Recommended Penalty

COPA recommends a Violation Noted for Det. Connors' failure to activate his BWC. COPA recognizes that the use of BWC was new at the time of this incident and Det. Connors acknowledged the error.

b. Officer Markus WILLIAMS**i. Complimentary and Disciplinary History**

Officer Williams has received 181 various awards and has one reprimand for a preventable accident from March 2021.⁷⁷

ii. Recommended Penalty

COPA recommends a Written Reprimand for Officer Williams' failure to complete a TRR report.

c. Officer Bryan Zydek**i. Complimentary and Disciplinary History**

Officer Zydek has received 233 various awards and has no disciplinary history in the last five years.

ii. Recommended Penalty

COPA recommends a 30-day Suspension for Officer Zydek's violations. Officer Zydek's use of force was excessive. Officer Zydek placed weight on [REDACTED] head pushing it into the ground. Such conduct was beyond what was needed under the circumstances and undermines confidence in the Department.

d. Officer Dean Coltri**i. Complimentary and Disciplinary History**

Officer Coltri has received 141 various awards and has no disciplinary history in the last five years.

⁷⁷ Att. 134, pg. 4.

ii. Recommended Penalty

COPA recommends a 30-day Suspension for Officer Coltri's violations. Officer Coltri's conduct was unprofessional and disrespectful towards a member of the public. His verbal abuse undermines confidence in the Department.

e. Officer Vicky Perez**i. Complimentary and Disciplinary History**

Officer Perez has received 84 various awards and has no disciplinary history in the last five year.

ii. Recommended Penalty

COPA recommends a 20-day Suspension for Officer Perez's violations. Officer Perez's use of force was excessive. Officer Perez kicked [REDACTED] after he was handcuffed. Such conduct was beyond what was needed under the circumstances and did nothing to gain control of [REDACTED]. This conduct undermines confidence in the Department.

f. Officer Carlos Yanez Jr.**i. Complimentary and Disciplinary History**

Officer Yanez has received 138 various awards and has no disciplinary history in the last five years.

ii. Recommended Penalty

COPA recommends a Written Reprimand for Officer Yanez's failure to complete a TRR report.

Approved:

[REDACTED]

Sharday Jackson

Deputy Chief Administrator – Chief Investigator

July 28, 2022

Date