

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 28, 2017
Time of Incident:	Approximately 3:00 PM
Location of Incident:	11155 S. Vincennes Ave.
Date of COPA Notification:	December 21, 2017
Time of COPA Notification:	10:59 AM

A fight involving numerous juveniles, including [REDACTED] arose near Morgan Park High School, to which officers responded. Among the responding officers were Officer Edward Shaffer (“Officer Shaffer”)<sup>1</sup>, Officer Timothy Conlan (now, “Sergeant Conlan”)<sup>2</sup>, Officer Terrence O’Connor (“Officer O’Connor”)<sup>3</sup>, Officer Da Crushon (Officer Crushon), and Officer Timothy Felmon (“Officer Felmon”). While [REDACTED] was involved in the fight, Sergeant Conlan attempted to assist another officer, who was caught in the fighting, at which time [REDACTED] punched Sergeant Conlan and Sergeant Conlan returned strikes. Sergeant Conlan handcuffed [REDACTED] and escorted him to a squad car. He was assisted by Officer Shaffer, Officer O’Connor, Officer Crushon, and Officer Felmon. Officer Shaffer and Officer O’Connor placed [REDACTED] into Sergeant Conlan’s squad car. Officer Shaffer then punched [REDACTED] in the face while [REDACTED] was inside the squad car. Sergeant Conlan, Officer O’Connor, Officer Crushon, and Officer Felmon were next to Officer Shaffer when he struck [REDACTED]

II. INVOLVED PARTIES

Involved Sergeant #1:	Timothy Conlan, Star No. 890, Employee No. [REDACTED], Date of Appointment: May 5, 1997, Sergeant, Unit of Assignment: 008, Date of Birth: [REDACTED] 1967, Male, White.
Involved Officer #1:	Edward Shaffer, Star No. 18714, Employee No. [REDACTED], Date of Appointment: December 5, 1994, Police Officer, Unit of Assignment: 022, Date of Birth: [REDACTED] 1963, Male, Black.
Involved Officer #2:	Terrence O’Connor, Star No. 6730, Employee No. [REDACTED], Date of Appointment: October 25, 2004, Police Officer, Unit of Assignment: 022, Date of Birth: [REDACTED] 1979, Male, White.

<sup>1</sup> Officer Shaffer retired from the Chicago Police Department (CPD) effective December 18, 2018, Att. 93.

<sup>2</sup> After the incident, Officer Timothy Conlan was promoted to the rank of Sergeant.

<sup>3</sup> Officer Terrence O’Connor retired from the CPD effective June 4, 2022, Att. 102.

Involved Officer #3: Da Crushon, Star No. 11173, Employee No. [REDACTED], Date of Appointment: April 25, 2016, Police Officer, Unit of Assignment: 022, Date of Birth: [REDACTED] 1984, Male, Black.

Involved Officer #4: Timothy Felmon, Star No. 4121, Employee No. [REDACTED] Date of Appointment: January 18, 1994, Police Officer, Unit of Assignment: 022, Date of Birth: [REDACTED], Male, White.

Involved Individual #1: [REDACTED] Date of Birth: January 25, 2002, Male, Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Edward Shaffer	<p>It is alleged that on or around November 28, 2017, at approximately 3pm, at or around 11155 S. Vincennes Ave., you:</p> <ol style="list-style-type: none"> <li>1. used unnecessary force when he punched [REDACTED] about the head;</li> <li>2. failed to complete and submit a Tactical Response Report (TRR) after the use of force with respect to [REDACTED] and</li> <li>3. failed to properly document the facts surrounding his actions and [REDACTED] subsequent injury.</li> </ol>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
Sergeant Timothy Conlan	<p>It is alleged that on or around November 28, 2017, at approximately 3pm around 11155 S. Vincennes Ave., you:</p> <ol style="list-style-type: none"> <li>1. failed to promptly report Officer Edward Shaffer’s misconduct to the Department.</li> </ol> <p>It is alleged that on April 17, 2018, at approximately 4:25 p.m., near 1615 W. Chicago Ave., Officer Timothy Conlan committed misconduct through the following acts or omissions:</p>	<p>Sustained/60 Days Suspension</p>

	<p>2. willfully made a false material oral report to COPA Investigators by stating that he did not see Officer Edward Shaffer strike [REDACTED] on November 28, 2017.</p>	<p>Sustained/60 Days Suspension</p>
<p>Officer Terrence O'Connor</p>	<p>It is alleged that on or around November 28, 2017, at approximately 3pm, around 11155 S. Vincennes Ave., you:</p> <p>1. failed to promptly report Officer Edward Shaffer's misconduct to the Department.</p>	<p>Not sustained</p>
<p>Officer DA Crushon</p>	<p>It is alleged that on or around November 28, 2017, at approximately 3pm, around 11155 S. Vincennes Ave., you:</p> <p>1. failed to promptly report Officer Edward Shaffer's misconduct to the Department.</p> <p>It is alleged that on April 17, 2018, at approximately 3:45 p.m., near 1615 W. Chicago Ave., Officer DA Crushon committed misconduct through the following acts or omissions:</p> <p>2. willfully made a false material oral report to COPA Investigators by stating that he did not see Officer Edward Shaffer strike [REDACTED] on November 28, 2017.</p>	<p>Not sustained</p> <p>Not sustained</p>
<p>Officer Timothy Felmon</p>	<p>It is alleged that on or around November 28, 2017, at approximately 3pm, around 11155 S. Vincennes Ave., you:</p> <p>1. failed to promptly report Officer Edward Shaffer's misconduct to the Department.</p> <p>It is alleged that on April 18, 2018, at approximately 2:05 p.m., near 1615 W. Chicago Ave., Officer Timothy Felmon committed misconduct through the following acts or omissions:</p>	<p>Not sustained</p>

	<p>willfully made a false material oral report to COPA Investigators by stating that he did not see Officer Edward Shaffer strike [REDACTED] on November 28, 2017.</p>	<p>Not sustained</p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

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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 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. Rule 5: Failure to perform any duty.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
6. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
7. Rule 10: Inattention to duty.
8. Rule 14: Making a false report, written or oral.
9. Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action.
10. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders, or directives of the Department.

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General Orders

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1. G03-02 Use of Force (effective October 16, 2017 – February 28, 2020)
2. G03-02-01 Force Options (effective October 16, 2017 – February 28, 2020)
3. G03-02-02 Incidents Requiring the Completion of a Tactical Response Report (effective October 16, 2017- February 28, 2020)
4. G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct (effective March 17, 2013 - May 3, 2018)

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**Federal Laws**

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**1. Fourth Amendment of the United States Constitution**

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**V. INVESTIGATION<sup>4</sup>****a. Interviews**

COPA, alongside the Cook County State's Attorney's Office, interviewed ██████████<sup>5</sup> on March 1, 2018. ██████████ related the following information.

On November 28, 2017, ██████████ was walking to the BP Gas Station when a fight began. ██████████ does not know whether the fight was gang related. There were approximately fifty to sixty students outside and he was punched from behind on the right side of his face by an unknown person while in the lot in front of Chicago Wingz Around the World restaurant. ██████████ fell unconscious and then his friend picked him up. A black officer, now known to be Officer Shaffer, pulled ██████████ away from his friend because of the large group and because the officer thought that ██████████ was fighting as well.

██████████ then walked towards the BP Gas Station. While in front of the store, "19 Paul," next to BP gas station, three officers approached him. Sergeant Conlan grabbed ██████████ and punched him. ██████████ specifically recalled being punched near his right eye. Sergeant Conlan also pushed him against the gate and put him in a "headlock." While the officers were walking ██████████ to the car, ██████████ told them to "Watch out." When asked what he meant by "Watch out," ██████████ indicated that he felt that he had not done anything wrong and that they should let him go. ██████████ stated he did not consider that a threat to the officers.

Officer Shaffer helped Sergeant Conlan escort ██████████ to the squad car. While ██████████ was handcuffed in the back of the squad car, Officer Shaffer punched ██████████ near his left eye. There were no students near ██████████ when Officer Shaffer punched him, and no students saw Officer Shaffer punch ██████████. ██████████ stated that he then fell unconscious in the back of the squad car and did not wake up until he arrived at the police station. ██████████ sustained swelling near his left eye.

While at the police station, ██████████ head and eyes hurt. ██████████ was taken to the Metro South Hospital and given aspirin. The hospital told ██████████ and his mother that he may have a concussion. Officers took ██████████ to another police station after leaving the hospital and he was later released to his mother.

After ██████████ stated his recollection of the incident, he was shown the body-worn camera (BWC) video of Officer Crushon, Officer Felmon, Sergeant Conlan, and Officer Shaffer. While viewing Officer Crushon's BWC, which captured ██████████ attempting to approach another student, ██████████ spontaneously identified Officer Shaffer as the black officer that punched him in the back

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

<sup>5</sup> Att. 35.

of the squad car. The video was paused, and it was confirmed by ██████ that the officer in that segment of Officer Crushon's BWC was the same officer that punched him in the back of the squad car.

COPA interviewed **Officer Edward Shaffer**<sup>6</sup> at COPA offices on August 27, 2018. Prior to the statement, Officer Shaffer was provided the opportunity to review the reports he filed relating to the incident. The following is a summary of his statement.

Officer Shaffer was assigned to District 22 and was on duty on the day of the event as part of a support unit. Officer Shaffer stated that the students fought every day due to gang problems and because of that the officers were always in the area. The school unit called for back-up over the radio due to fighting and Officer Shaffer responded. He and his partner, Officer Crushon, arrived on the scene in approximately five minutes.

When Officer Shaffer arrived on scene, there was a lot of commotion and people were injured. He estimated that there were over fifty or sixty civilians on scene and that he saw six or seven police officers. Officer Shaffer spoke to the school unit officers. Then civilians, who Officer Shaffer believed to be gang members, began fighting. Officer Shaffer stated that there were not enough officers to take people into custody or to effect an arrest. He further stated that he was trying to protect the sanctity of life and keep people moving along because people were already hurt.

Officer Shaffer first saw ██████ trying to instigate a fight with a rival gang. Officer Shaffer estimated ██████ age at the time to be between 15 and 16 years of age. Officer Shaffer stated that he was on Vincennes and that he went to the restaurant, "19 Paul," to break up a fight. Officer Shaffer was fatigued but heard someone call his name for assistance with putting handcuffs on ██████. He recalled that the officers attempting to place ██████ in custody included Sergeant Conlan and two tactical officers. Sergeant Conlan and the tactical officers had both of ██████ arms and Officer Shaffer was serving as the back officer. Officer Shaffer approached the group, pulled out his handcuffs and he and the other officers handcuffed ██████. After ██████ was handcuffed, Officer Shaffer served as the guard officer while ██████ was escorted to Sergeant Conlan's squad car, a Ford Explorer.

Officer Shaffer stated that during the escort, ██████ was resisting and the BWC of one of the officers that was escorting ██████ came off. Officer Shaffer told that officer, who he believed to be Sergeant Conlan, to get his camera and that Officer Shaffer would handle ██████. Officer Shaffer then grabbed ██████ by the belt and the arm and began walking. He and ██████ walked about twenty or thirty yards. Officer Shaffer stated that ██████ was actively resisting by pulling away, saying "watch out" and "let me go," and refusing to walk. Officer Shaffer stated that ██████ became an assailant when ██████ was kicking in a manner that made Officer Shaffer fear harm. At one point, ██████ kicked Officer Shaffer and caught Officer Shaffer in the leg. In response, Officer Shaffer stepped aside and then stepped on ██████ foot to prevent ██████ from moving backwards. Officer Shaffer perceived ██████ as a threat to do harm but did not perceive ██████ as having a weapon or as an imminent threat. Sergeant Conlan then went through ██████ pockets.

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<sup>6</sup> Atts. 88 and 89 (Audio Part 1 and 2).

Officer Shaffer got ██████ to the squad car but could not recall who was around besides Sergeant Conlan and the tactical officers. While at the squad car holding ██████ Officer Shaffer waited for Sergeant Conlan to find his keys to the squad car. ██████ did not want to go into the car and so Officer Shaffer and a tactical officer had to pick ██████ up and place him in the car in the driver-side back seat. ██████ was placed in the car in such a manner that ██████ feet were by the door.

Officer Shaffer attempted to perform a “stiff arm strike,” striking ██████ with the bottom of the palm. When asked what ██████ was doing that would make Officer Shaffer believe an open-handed strike was warranted, Officer Shaffer stated that ██████ was kicking at him while he was placing ██████ in the car. ██████ feet contacted Officer Shaffer, during this process, toward the bottom of Officer Shaffer’s legs, because ██████ was leaning to the right and ██████ feet were closer to the door. Officer Shaffer explained that he needed to create separation between ██████ the car door, and himself. Officer Shaffer stated that although it was his intention to create space, he performed the move so fast that he missed ██████ body and connected with ██████ head instead. Officer Shaffer did not ask any officers to help him close the door.

Officer Shaffer’s BWC fell off his vest when he was putting ██████ in the car. After Officer Shaffer closed the door, he realized he lost his BWC. Officer Shaffer began looking for the camera and realized it was in Sergeant Conlan’s squad car. When Officer Shaffer grabbed his phone from inside the car, he observed that ██████ was calm.

Officer Shaffer did not recall what he said to ██████ but believed he told ██████ to shut up. He did not think that ██████ was secure until he closed the door. Officer Shaffer stated that having to deal with fights at the end of his tour was tiring, because there were not enough officers and that his demeanor was calm when he was dealing with ██████

After placing ██████ in the squad car, Officer Shaffer and Officer Crushon transported a different boy home. Officer Shaffer spoke with a Sergeant and a Lieutenant when he arrived back at District 22. He believed he also spoke with Lt. McNicholas. Officer Shaffer did not tell his Sergeant or his Lieutenant that he used force with ██████ because “the whole situation was force.”<sup>7</sup> Officer Shaffer also did not document the use of force by reporting the use to a superior officer or submitting a TRR. He explained that he did not document his use of force because in emergency situations things do not go the way they are supposed to, and a stiff arm is a separation move. Officer Shaffer acknowledged that he should have submitted a TRR.

COPA interviewed **Officer Da Crushon**<sup>8</sup> on April 17, 2018. Officer Crushon stated he was stationed near Morgan Park High School because students were fighting every day. Officer Crushon gave verbal directions for the students to stop but the students kept fighting. Several officers and students were present. Officer Crushon recalled ██████ as very vocal and agitated. Officer Crushon stated that while transporting ██████ to the squad car, ██████ was shaking and yelling and was an active resister.

After reviewing his BWC, Officer Crushon stated that he saw an officer struggle with a student and Officer Crushon helped deescalate the situation. Officer Crushon then located his

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<sup>7</sup> Att. 89 at 25:42.

<sup>8</sup> Att. 44 (Audio Part 1), 45 (Audio Part 2), 57 (Transcript Part 1), and 58 (Transcript Part 2).

partner, Officer Shaffer. Officer Shaffer was escorting ██████ to the squad car, and Officer Crushon was watching Officer Shaffer's back. Officer Crushon estimated that he was ten feet away from Officer Shaffer and said that he followed Officer Shaffer to the squad car. Officer Crushon stated that during this time he was looking for the crowd, scanning both ways. Officer Crushon saw Officer Shaffer get ██████ into the squad car. He did not see any physical contact between any officer and ██████ right before ██████ was placed into the car, other than holding ██████ and putting him inside the squad car. Officer Crushon did not see Officer Shaffer punch ██████. Officer Crushon estimated that he was ten feet away from Officer Shaffer and ██████ right before ██████ was placed into the squad car. Officer Crushon said that he did not have a clear line of sight of Officer Shaffer and ██████ and could see Officer Shaffer's back, but he did not see his arms. He explained that the officers' fronts were covered because they were by the squad car and so he watched their backs. Officer Crushon stated that he learned that Officer Shaffer punched ██████ when Officer Shaffer got stripped of his police powers. He did not report misconduct because he did not have knowledge of the punch.

COPA interviewed **Officer Crushon**<sup>9</sup> again on November 14, 2018, in relation to a Rule 14 allegation COPA brought against him in connection to the statement he made to COPA on April 17, 2018. Prior to providing his second statement, Officer Crushon reviewed his BWC video of the incident. The following is a summary of his statement.

Officer Crushon stood by the statement he made to COPA on April 17, 2018, that he did not see Officer Shaffer strike ██████. Officer Crushon stated that at the time of the incident, he stood approximately ten feet from Officer Shaffer and ██████ but could not see Officer Shaffer place ██████ into the car because his view was obstructed by the car door, Officer O'Connor, and Officer Shaffer. Officer Crushon also stated that his view was obstructed because he was standing to the left of Officer Shaffer and Officer Shaffer's right arm was between Officer Shaffer and the door. Although he did not see the punch, Officer Crushon stated that he saw Officer Shaffer struggling with ██████ while Officer Shaffer was putting ██████ in the car. Officer Crushon stated that if he saw the punch, he would have reported it.

COPA interviewed **Sergeant Timothy Conlan**<sup>10</sup> on April 17, 2018.<sup>11</sup> Sergeant Conlan viewed his BWC footage from November 28, 2017, prior to the statement. The following is a summary of his statement.

Sergeant Conlan stated he assisted the officers on scene during the student fight and described the scene as chaotic. Sergeant Conlan tried to place ██████ under arrest because ██████ punched him in the face as Sergeant Conlan tried to pull another officer from the crowd. Sergeant Conlan stated that he had been struck in the face between three and four times. An officer placed handcuffs on ██████ and Sergeant Conlan escorted ██████ to his squad car along with Officer Shaffer, Officer O'Connor, and Officer Crushon. Sergeant Conlan stated that ██████ was combative and threatening during the escort. ██████ pulled back and forth, trying to get away from the officers and stated that he was a gangster and that his people were going to shoot the officers.

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<sup>9</sup> Att. 86.

<sup>10</sup> Atts. 50 (Audio) and 56 (Transcript).

<sup>11</sup> At the time of the interview, Sergeant Conlan had not yet been promoted and held the rank of Officer. However, for purposes of clarity and consistency, Sergeant Conlan will be used in this summary.



Sergeant Conlan said he was five to seven feet from Officer Shaffer when standing on the side of Sergeant Conlan's squad car. While on the side of the squad car, Sergeant Conlan was getting his keys from his pocket, but was "kinda out of sorts<sup>12</sup>" and could not locate the keys for a few seconds. After Sergeant Conlan opened the squad car, Officer Shaffer placed ██████ in the car.

Sergeant Conlan saw no physical contact between Officer Shaffer and ██████ and did not see Officer Shaffer punch ██████. The interview proceeded as follows:

Q: Okay. And, before, uh, he placed Mr. ██████ into the car, did you see any physical contact between Officer Schaefer [sic] and Mr. ██████

A: No.

Q: Uh, you saw no physical contact between them?

A: Before he got in the car?

Q: Yeah.

A: I don't think so, no.

Q: Okay, did you see Officer Schaefer [sic] punch Mr. ██████

A: No.<sup>13</sup>

Later in the interview:

Q: So, once again, you didn't notice him throw a punch, or swing, or?

A: No, sir.<sup>14</sup>

Sergeant Conlan stated that he learned that Officer Shaffer punched ██████ when Sergeant Conlan went to speak with detectives about reinstating charges on ██████ approximately a month after the incident. After watching his BWC, Sergeant Conlan stated that he saw Officer Shaffer appear to throw a punch but did not see Officer Shaffer hit ██████<sup>15</sup>

At the time Officer Shaffer punched ██████ Sergeant Conlan said he was standing "7 to 10 feet from Officer Shaffer, maybe a little further, I don't know."<sup>16</sup> Sergeant Conlan explained that he wasn't paying attention to Officer Shaffer because there was still a fight on the street. He also was not paying attention to ██████. When the door of his squad car was open, Sergeant Conlan stated that he was looking southwest across his car. Sergeant Conlan did not see any misconduct

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<sup>12</sup> Att. 56, Pg 17, Lines 6-7.

<sup>13</sup> Att. 56, Pg 17, Line 21 through Pg 18, Line 8.

<sup>14</sup> Att. 56 Pg 29, Lines 14-16.

<sup>15</sup> Att. 56, Pg 26, Lines 3-6.

<sup>16</sup> Att. 56, Pg 19, Lines 3-5. At other times Officer Conlan said he was five to seven feet from Officer Shaffer. Att. 56, Pg 16, Lines 14-16. He confirmed this distance after having viewed his BWC footage. Att. 56, Pg 16, Line 17-19. Although he later stated that the distances were just estimates. Att. 56. Pg 30, Lines 18-19.

by Officer Shaffer.<sup>17</sup> Nor did he recall the conversation he had with Officer Shaffer after he placed ██████ into his car.

Sergeant Conlan explained that he saw Officer Shaffer's arm go back but did not see Officer Shaffer throw a punch.<sup>18</sup> Sergeant Conlan did not think anything of Officer Shaffer's arm going back because ██████ was trying to get out of the car. Sergeant Conlan stated that he did not see Officer Shaffer's arm push forward. Sergeant Conlan stated that he is 5'11" and that the squad car was approximately six feet high. Sergeant Conlan did not know whether Officer Shaffer is shorter or taller than him. Sergeant Conlan stated that he did not consider ██████ an assailant until after watching his BWC, but that ██████ was an active resister the whole time as he was pulling away and made verbal threats. Sergeant Conlan stated that there was an active scene by his car, and he did not recall the number of students or officers near his car during the incident with Boyd.

COPA interviewed **Sergeant Conlan**<sup>19</sup> again on November 14, 2018, in relation to a Rule 14 allegation brought against him by COPA in connection to the statement he made to COPA on April 17, 2018. Prior to providing this statement, Sergeant Conlan reviewed his BWC video and the BWC video from other officers of the incident. The following is a summary of his statement.

Sergeant Conlan stated that at the time of the incident, he did not see any physical contact between Officer Shaffer and ██████ when ██████ was outside of the squad car. However, after viewing BWC video of the incident, Sergeant Conlan did see contact between Officer Shaffer and ██████ once ██████ was in the squad car. He did not, however, see Shaffer punch ██████. Sergeant Conlan stated that he saw Officer Shaffer's arm go back and that he assumed Officer Shaffer was pushing ██████ into the car.<sup>20</sup> At the time Sergeant Conlan saw the contact, he was about four to five feet from Officer Shaffer. Sergeant Conlan did not recall any obstructions that blocked his view of Officer Shaffer and ██████.

Sergeant Conlan further stated that at the time of the incident, he was unaware that anyone assisted him because he had been hit in the face five times. It was only when Sergeant Conlan went to see the CPD detectives about getting charges reinstated for his battery about a month after the incident that he watched a video of the incident and saw that he had been assisted by Officer Shaffer. Sgt Conlan asserted that after watching the video and at the time of the second statement he knew that Officer Shaffer struck ██████. However, based on his independent knowledge at the time of the first statement, although Sergeant Conlan saw Officer Shaffer's arm go back, he did not know that Officer Shaffer punched ██████.<sup>21</sup>

COPA interviewed **Officer Timothy Felmon**<sup>22</sup> on April 18, 2018. Officer Felmon viewed his BWC footage of the incident prior to providing a statement. The following is a summary of this statement.

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<sup>17</sup> Att. 56, Pg 22, Lines 14-16 ("Q: --that—okay. So, did you see any misconduct, uh, by Officer Schaefer [sic] on this date? A: No, sir.").

<sup>18</sup> Att. 56, Pg 25, Lines 9-18.

<sup>19</sup> Att. 85.

<sup>20</sup> Att. 100, Pg 16, Lines 16-17.

<sup>21</sup> Att. 100, Pg 15, Lines 9-12 ("But I still don't see a punch. I see his arm go back. I see what you're saying is a punch, but I don't know that he punched him.").

<sup>22</sup> Atts.55 (Audio) and 67 (Transcript).

Officer Felmon stated he assisted officers already on scene during the fight happening near the BP gas station. He observed [REDACTED] when Sergeant Conlan handcuffed [REDACTED] and brought him to the squad car. Officer Felmon followed them to the squad car from about five to six feet away. Officer Felmon stated that [REDACTED] was agitated, moving around, and being an active resister. He also stated that [REDACTED] was screaming. When the officers and [REDACTED] were on the side of the squad car, Officer Felmon was ten to twelve feet behind the squad car, eight to ten feet from Sergeant Conlan, and ten to twelve feet from Officer Shaffer. Officer Felmon stated that he did not have a clear line of sight of Officer Shaffer and [REDACTED]. Nothing was obstructing his view, but Officer Felmon was observing the scenes south of him and looking where the crowd was still gathered near the sidewalk. He stated that it was impossible for him to see anything that occurred in front of Officer Shaffer from where he was standing and that he was paying attention to what was happening on the sidewalk and the streets. Officer Felmon stated that he was not paying attention to what was happening with [REDACTED] because [REDACTED] was taken care of. He did not see any physical contact between Officer Shaffer and [REDACTED] or Officer Shaffer punch [REDACTED]. Officer Felmon learned that Officer Shaffer punched [REDACTED] months later after Officer Shaffer got stripped of his police powers.

After viewing his BWC, Officer Felmon stated that at the six minutes and thirty-three second point in the video he could not see past Sergeant Conlan who was standing in front of him. Officer Felmon further stated, “My eyes go where my camera goes, where my body goes,”<sup>23</sup> and that his eyes went left, away from the squad car as his camera went left when the punch took place. Officer Felmon stated that if he had seen the punch, he would have reported it.

COPA interviewed **Officer Felmon**<sup>24</sup> again on November 14, 2018, in relation to Rule 14 allegations brought against him in connection to the statement he made to COPA on April 18, 2018. Prior to providing the statement, Officer Felmon reviewed his BWC video as well as the BWC video of Officer Crushon. The following is a summary of his statement.

Based on his review of Officer Crushon’s BWC, Officer Felmon stated that he stood about four to five feet from the rear, driver-side of the squad car at the time of the incident. Officer Felmon stated he was facing south, his eyes were looking south, and that the squad car was positioned south of where Officer Felmon was standing. After watching the video, Officer Felmon stood by his interview in his first COPA statement that he did not see Officer Shaffer punch [REDACTED]. Officer Felmon did see [REDACTED] struggle with the officers.

COPA interviewed **Officer Terrence O’Connor**<sup>25</sup> on May 8, 2018. Officer O’Connor viewed Sergeant Conlan’s BWC video from November 28, 2017, prior to the statement. The following is a summary of his statement.

Officer O’Connor responded to a call for officer assistance for students fighting near a gas station close to Morgan Park High School. Officer O’Connor was not wearing a BWC the day of the incident. Officer O’Connor first observed [REDACTED] when he helped to escort [REDACTED] to the squad car. [REDACTED] was handcuffed in the back. During the escort, Officer O’Connor stated that [REDACTED]

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<sup>23</sup> Att. 67, Pg 28, Lines 19-20.

<sup>24</sup> Att. 87.

<sup>25</sup> Att. 63.

was disruptive. He stated that [REDACTED] was shouting, pulling away by leaning left and right, and dragging his feet.

Officer Shaffer also held onto [REDACTED] during the escort to the squad car. Officer O'Connor and Officer Shaffer were with [REDACTED] on the side of the squad car. Officer O'Connor was on [REDACTED] left and Officer Shaffer was on [REDACTED] right. Officer O'Connor opened the squad car door and put [REDACTED] inside. Officer O'Connor stated that he then stepped out and saw Officer Shaffer approach [REDACTED] Officer Shaffer moved toward [REDACTED] and Officer O'Connor saw Officer Shaffer's arm move back and forward toward [REDACTED] making contact. Officer O'Connor stated that he thought Officer Shaffer stunned [REDACTED] with an open hand towards [REDACTED] face and shoulder area. Officer O'Connor said that he did not see Officer Shaffer punch [REDACTED] At the time that he saw Officer Shaffer touch [REDACTED] Officer O'Connor was a couple of feet behind Officer Shaffer and five to ten feet from [REDACTED] Officer O'Connor's view of Officer Shaffer was not obstructed, but his view of [REDACTED] was obstructed by Officer Shaffer. Officer O'Connor stated that he could see the bottom of [REDACTED] legs but only part of [REDACTED] upper area.

Officer O'Connor assumed that Officer Shaffer made physical contact with [REDACTED] and did not tell anyone about it because he thought [REDACTED] kicked or spit at Officer Shaffer. Officer O'Connor stated that it happened so quickly he did not know what was going on. Officer O'Connor assumed there was physical contact between Officer Shaffer and [REDACTED] but he did not believe that he observed excessive force. Officer O'Connor stated that if he had observed excessive force then he would have reported it. Officer O'Connor believe that he observed a stun and assumed [REDACTED] did something to Officer Shaffer and that the stun would be documented by Officer Shaffer.

#### **b. Digital Evidence**

**Body-Worn Camera (BWC)<sup>26,27</sup>** from several officers captures the incident.

A large crowd of students can be seen near the northeast corner of the intersection of 112<sup>th</sup> street and Vincennes. Fights break out between groups of students in the crowd. Sergeant Conlan arrives on scene and parks just north of the crowd. A fight breaks out shortly after Sergeant Conlan arrives and Sergeant Conlan walks south on Vincennes towards the fight. Sergeant Conlan approaches [REDACTED] who is fighting in the melee. [REDACTED] punches Sergeant Conlan and Sergeant Conlan punches him back.<sup>28</sup> [REDACTED] is handcuffed and escorted north toward the squad car by Sergeant Conlan, Officer O'Connor, and Officer Shaffer. Officer O'Connor is on [REDACTED] left holding [REDACTED] left arm and Sergeant Conlan is on [REDACTED] right holding [REDACTED] right arm. Officer Shaffer walks behind Officer O'Connor, [REDACTED] and Sergeant Conlan and holds [REDACTED] back. The group walks north toward Sergeant Conlan's squad car. Officer Crushon follows from several feet behind. [REDACTED] appears to be in agitated state and repeatedly says "let me go" and

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<sup>26</sup> Att. 27. This section will provide a summarized narrative of what the body worn cameras collectively captured.

<sup>27</sup> In making this summary COPA reviewed the body worn camera videos of Sergeant Conlan, Officer Shaffer, Officer Crushon and Officer Felmon which are included and separately identified on a disc labeled Attachment 27.

<sup>28</sup> Att. 27 (Sergeant Conlan BWC, T21:09:00Z).

“watch out.”<sup>29</sup> ██████ also states words to the effect of, “The folks will ride.”<sup>30</sup> ██████ attempts to pull away several times.

After a brief search for squad car keys, Sergeant Conlan locates his key fob and unlocks the door. The squad car is facing south. Officer O’Connor opens the back driver-side squad car door and he and Officer Shaffer place ██████ in the squad car. When the door is opened, Officer Crushon is standing to the left and at a diagonal to the door.<sup>31</sup> Officer O’Connor moves ██████ into the squad car by ██████ left arm while Officer Shaffer moves ██████ into the squad car by the back of the neck. Officer O’Connor then moves back, and Officer Shaffer moves in front of Officer O’Connor. Officer O’Connor is facing in the direction of Officer Shaffer and ██████ Officer Shaffer then bends his right arm and moves it backward.<sup>32</sup> Sergeant Conlan’s BWC captures Officer Shaffer striking ██████ around the head with a closed fist.<sup>33</sup> The sound of Officer Shaffer making contact with ██████ can be heard. Officer Crushon’s BWC captures part of Officer Shaffer’s arm movement despite Officer O’Connor standing between Officer Crushon and Officer Shaffer.<sup>34</sup> Officer Crushon’s BWC also captures Sergeant Conlan looking into the open squad car door in the direction of Officer Shaffer and ██████ at the approximate time that Officer Shaffer strikes ██████<sup>35</sup> When Officer Shaffer strikes ██████ Sergeant Conlan appears to be standing between three to four feet behind Officer Shaffer to his right. Seconds later Sergeant Conlan, still standing near his car, turns off his BWC. Officer Felmon’s BWC turns away from the squad car in which ██████ is placed before Officer Shaffer’s arm moves to strike ██████ and it does not capture the movement.<sup>36</sup>

**In Car Camera (ICC)**<sup>37</sup> video from Sergeant Conlan’s squad car shows Officer O’Connor, Sergeant Conlan, and Officer Shaffer escorting ██████ to Sergeant Conlan’s squad car. ██████ can be heard speaking to the officers in an agitated fashion. The ICC also seems to capture ██████ crying out around the moment that Officer Shaffer struck him.<sup>38</sup> ██████ continues to speak in an agitated way when he is by himself in the squad car and the door is closed.

COPA received a **POD video**<sup>39</sup> located at 1701 W. Monterey Ave., however, it does not capture the incident.

COPA requested **Crime Scene/Evidence Photographs**<sup>40</sup> related to this incident. The photographs depict a bump and swelling near ██████ left eye, right jawline, and both cheeks. The photos also depict redness around the knuckles of Sergeant Conlan’s right hand and around his right ear.

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<sup>29</sup> Att. 27 (Officer Shaffer BWC, T21:09:00Z).

<sup>30</sup> Att. 27 (Officer Shaffer BWC, T21:09:36Z).

<sup>31</sup> Att. 27 (Officer Crushon BWC, T21:09:55Z).

<sup>32</sup> Att. 27 (Officer O’Conner BWC T21:09:58Z).

<sup>33</sup> Att. 27 (Sergeant Conlan BWC, T21: 09:58Z).

<sup>34</sup> Att. 27 (Officer Crushon BWC T21:09:58Z)

<sup>35</sup> Att. 27 (Officer Crushon BWC T21:09:58Z)

<sup>36</sup> Att. 27 (Officer Felmon BWC, T21:09:58Z).

<sup>37</sup> Att. 27 (Sergeant Conlan ICC).

<sup>38</sup> Att. 27 (Sergeant Conlan ICC, 03:03:48PM).

<sup>39</sup> Att. 18.

<sup>40</sup> Att. 29.

### c. Physical Evidence

██████████ medical records<sup>41</sup> from ██████████ indicate that he was admitted on November 28, 2017, and seen by a physician at 8:24 pm. ██████████ denied past medical problems. The records state that ██████████ complained of a headache and pain near his left forehead. ██████████ informed the hospital that he was hit on the left side of head with a fist. ██████████ denied loss of consciousness. The records state that ██████████ has a small, raised contusion to his forehead above his left brow bone and no abrasions or lacerations. The attending doctor diagnosed ██████████ with a headache.

### d. Documentary Evidence

The **Arrest Report**<sup>42</sup> and the **Original Case Incident Report**<sup>43</sup> relating to this incident indicate that ██████████ was charged with aggravated battery against Sergeant Conlan.<sup>44</sup> The narratives in both reports state that ██████████ punched Sergeant Conlan in the face while Sergeant Conlan attempted to help another officer in the middle of a fight. When Sergeant Conlan attempted to place ██████████ under arrest, ██████████ struck him in the face again, and Sergeant Conlan struck ██████████ several times to protect himself. Subsequently, Sergeant Conlan gained control of ██████████ and placed him under arrest.<sup>45</sup> The Arrest Report also stated that ██████████ had bruising to his hand and face.

The **Tactical Response Report (TRR)**<sup>46</sup> submitted by Sergeant Conlan indicated that he deployed a punch against ██████████ after using force mitigation tactics. The punch is stated to have resulted in minor swelling above ██████████ left eye. Reviewing Lieutenant, Frederick Melean, found Sergeant Conlan's actions to be in compliance with department policies and directives.

### e. Additional Evidence

Officer Conlan submitted an **Injury on Duty Report**<sup>47</sup> which stated that when Sergeant Conlan struck ██████████ it caused him pain and swelling to his right hand.

## 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;

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<sup>41</sup> Att. 28

<sup>42</sup> Att. 4.

<sup>43</sup> Att. 5.

<sup>44</sup> The Cook County State's Attorney's Office subsequently dismissed the charge.

<sup>45</sup> See also atts. 12 and 13

<sup>46</sup> Att. 13.

<sup>47</sup> Att. 7

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. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

## VII. ANALYSIS

### *Allegations against Officer Edward Shaffer*

**Allegation 1**, that **Officer Edward Shaffer** used unnecessary force when he punched [REDACTED] about the head, is **Sustained**.

Officer Shaffer retired in December 2018. However, because Officer Shaffer provided a statement to COPA prior to his retirement, COPA may render findings on the allegations brought against him.

CPD General Order entitled “Use of Force” provides that a member’s use of force must be “objectively reasonable, necessary, and proportional.”<sup>48</sup> Each of these elements is further explained in CPD policy, as follows:

- Objectively Reasonable: In evaluating use of force, CPD policy provides that the key issue is whether the Department member’s use of force was objectively reasonable under the totality of the circumstances at the time force is used.

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<sup>48</sup> Use of Force Order, section III.B.

Although “reasonableness” cannot be precisely defined, CPD policy states the following non-exclusive list of factors can be considered:

- “whether the subject is posing an imminent threat;
- the risk of harm, level of threat, or resistance presented by the subject; and
- the subject’s proximity or access to weapons.”<sup>49</sup>
- Necessary. Department members are limited to using “only the amount of force required under the circumstances to serve a lawful purpose.”<sup>50</sup>
- Proportional. A Department member’s use of force must be proportional to the “threat, actions, and level of resistance offered by a subject.”<sup>51</sup>

Furthermore, Determinations regarding the potential use of excessive force during an arrest may be properly analyzed under the Fourth Amendment’s objective reasonableness standard. The question is whether the officer’s actions are objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer’s use of force is reasonable: (1) “the severity of the crime at issue;” (2) “whether the suspect poses an immediate threat to the safety of the officers or others;” and (3) “whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). The analysis of the reasonableness of an officer’s actions must be grounded in the perspective of “a reasonable officer on the scene, rather than with the 20/20 vision of hindsight” and “allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014) (internal quotations and citation omitted). The analysis must consider the totality of the circumstances confronting the officer, rather than just one or two factors. *Plumhoff*, 134 S. Ct. at 2020; see also *Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003).

The verifiable evidence here shows that Officer Shaffer’s use of force was unreasonable and violated Department policy. ██████ was handcuffed with his arms behind his back, in custody, and sitting inside the squad car when Officer Shaffer struck him. Although ██████ can be seen resisting and threatening officers as he is escorted to the squad car, there is no verifiable evidence supporting Officer Shaffer’s claim that ██████ kicked or otherwise threatened or assailed Officer Shaffer while ██████ was seated in the squad car. Because at the time of Officer Shaffer’s punch, ██████ was not a threat to Officer Shaffer or any of the other officers that were surrounding the squad car, his force was therefore not objectively reasonable, necessary, or proportional. For these reasons, Officer Shaffer’s punch was an excessive use of force and a violation of Rule 8. **Allegation 1 is Sustained.**

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<sup>49</sup> Use of Force Order, section III.B.1(a)-(c).

<sup>50</sup> Use of Force Order, section III.B.2.

<sup>51</sup> Use of Force Order, section III.B.3.



**Allegations 2 and 3**, that **Officer Edward Shaffer** failed to complete and submit a Tactical Response Report (TRR) after the use of force with respect to [REDACTED] and failed to properly document the facts surrounding his actions and [REDACTED] subsequent injury, respectively are **Sustained**.

Members are required to complete a Tactical Response Report for use of force incidents when a subject is injured or claimed to be injured because of the use of force.<sup>52</sup> Failure to complete a TRR when required to do so is a violation of Rule 6. Here, the record indicates that shortly after being struck by Officer Shaffer, [REDACTED] complained of a headache. Moreover, Officer Shaffer admitted in his statement to COPA that he should have completed a TRR but did not. **Allegation 2 is Sustained**. Similarly, by failing to complete a TRR, Officer Shaffer failed to properly document the facts surrounding his actions and [REDACTED] subsequent injury as alleged in Allegation 3. Indeed, there is no report of any kind, created by Officer Shaffer that reflects his interaction with [REDACTED]. Nor is the interaction included in [REDACTED] Arrest Report or in the Original Case Incident Report. **Allegation 3 is Sustained**.

#### *Allegations against Sergeant Timothy Conlan*

**Allegation 1**, that **Sergeant Timothy Conlan** failed to promptly report Officer Shaffer's misconduct to the Department, is **Sustained**.

Sergeant Conlan's claim that he did not see Officer Shaffer strike [REDACTED] in the face is not credible. Sergeant Conlan's BWC captured Officer Shaffer striking [REDACTED] on or near [REDACTED] head with his fist. Additionally, Sergeant Conlan confirmed that there was no obstruction blocking his view of Officer Shaffer and [REDACTED] at the time the strike occurred. Yet, even after watching his BWC and acknowledging that Officer Shaffer threw a punch at [REDACTED] Sergeant Conlan continued to state that he did not actually see Officer Shaffer hit [REDACTED].<sup>53</sup> This parsing of Officer Shaffer's action was disingenuous and does not aid Sergeant Conlan's credibility. Sergeant Conlan's claim that he did not see the punch, because he was looking beyond Officer Shaffer at a fight in front of him is also not supported by the record. Based on Sergeant Conlan's BWC, it appears that his view further south down the street, at the time of the punch, was likely blocked by the squad car. Even if Sergeant Conlan's view was not blocked, his behavior, captured by his BWC immediately after the punch, is inconsistent with any concern about another fight. Sergeant Conlan does not move toward any fight, but instead stays close to his car and, seconds later, turns off his BWC. Moreover, in Officer Crushon's BWC, Sergeant Conlan can be seen looking into the open squad car door in the direction of Officer Shaffer and [REDACTED] as the punch occurs.

Based on the available verified evidence, it is more likely than not that Officer Shaffer's punch to [REDACTED] was misconduct that was seen by Sergeant Conlan and as such required Sergeant Conlan to promptly report it pursuant to G08-01-02. Sergeant Conlan failed to do so and disobeyed a directive in violation of Rule 6, Rule 21, and Rule 22. **Allegation 1 is Sustained**.

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<sup>52</sup> G03-02-02, section (III)(A)(1)(a) and (b).

<sup>53</sup> COPA finds it incredible that an officer with Sergeant Conlan's experience would not.

**Allegation 2**, that Sergeant **Timothy Conlan** willfully made a false material oral report to COPA by stating that he did not see Officer Edward Shaffer strike [REDACTED] on November 28, 2017, is **Sustained**.

CPD Rules and Regulations, Rule 14, prohibits officers from “making a false report, written or oral.” Pursuant to the Bill of Rights within the officers’ Collective Bargaining Agreement, officers may not be charged with a Rule 14 violation unless “(1) the officer willfully made a false statement; and (2) the false statement was made about a fact that was material to the incident under investigation.”<sup>54</sup> Moreover, in cases where there is video evidence relevant to the matter under investigation, officers may only be charged with a Rule 14 violation if they are either given the opportunity to view the video before giving the statement or given the opportunity to clarify and amend the original statement after viewing the video.<sup>55</sup>

A “material fact” is a fact that is “crucial . . . to the determination of an issue at hand.”<sup>56</sup> A false statement is made “willfully” if it is done “voluntarily and intentionally.”<sup>57</sup>

Moreover, Rules 2 and 3, in combination, serve the principal that sworn officers are held to standard of truthfulness:

Department Rule 2 and 3 require that Chicago police officer provide a complete and accurate accounting of what they observe while on duty. Officers may not offer misleading statements which emphasize certain facts to the exclusion of others. And they are not permitted to pick and choose facts in order to support a pre-determined conclusion. Instead, officers must provide a complete accounting without embellishment, exaggeration, or spin.<sup>58</sup>

Repeatedly during his first statement to COPA, Sergeant Conlan stated that he did not see Officer Shaffer punch [REDACTED]. He then continued to assert that he did not see a punch after being given ample opportunity to clarify and/or correct his statement. For the reasons set forth in Allegation 1, this statement is not credible. His statement was material to the matter at hand and he repeatedly failed to provide an accurate account of what he witnessed. For these reasons, COPA finds Sergeant Conlan made a false oral report to COPA investigators in violation of Rule 14 of Department Directives. **Allegation 2** is **Sustained**.

#### ***Allegations against Officer DA Crushon***

**Allegation 1**, that Officer DA Crushon failed to promptly report Officer Edward Shaffer’s misconduct to the Department is **Not Sustained**.

Based on the available verifiable evidence, it is not possible to state that it is more likely than not that Officer Crushon saw Officer Shaffer punch [REDACTED] and failed to report it. When

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<sup>54</sup> Agreement Between Fraternal Order of Police Chicago Lodge No. 7 and the City of Chicago, July 1, 2012-June 30, 2017, at section 6.1(m).

<sup>55</sup> *Id.*

<sup>56</sup> Black’s Law Dictionary;

<sup>57</sup> *Chicago's Pizza, Inc. v. Chicago's Pizza Franchise Ltd. USA*, 384 Ill. App. 3d 849, 868 (1st Dist. 2008)(citing Black’s Law Dictionary).

<sup>58</sup> *In re Franko et. al.*, 16 PB 2909-2912, Findings and Decisions, July 18, 2019, at pp. 5-6.

Officer Shaffer punched [REDACTED] Officer Crushon claims that he could not see Officer Shaffer and [REDACTED] because his view was obstructed by the car door, Officer O'Connor, and Officer Shaffer. Officer Crushon's BWC, while not excluding the possibility that Officer Crushon saw the punch, does support the credibility of Officer Crushon in that it shows the obstructions to Officer Crushon's line of vision that he provided in his statement. **Allegation 1 is Not Sustained.**

**Allegation 2**, that Officer Crushon willfully made a false material oral report to COPA investigators by stating that he did not see Officer Edward Shaffer strike [REDACTED] on November 28, 2017, is also **Not Sustained**. Because the verifiable evidence is insufficient to determine that Officer Crushon saw Officer Shaffer punch [REDACTED] it is also insufficient to support that Officer Crushon made a false report to COPA on this issue.

#### *Allegations against Officer Timothy Felmon*

**Allegation 1**, that Officer Timothy Felmon failed to promptly report Officer Edward Shaffer's misconduct to the Department is **Not Sustained**.

Based on the verifiable evidence, Officer Felmon's claim that he did not see Officer Shaffer punch [REDACTED] is credible. Officer Felmon's BWC only captures the beginning backward movement of Officer Shaffer's arm. After that, the BWC shows Officer Felmon turning left and away from the squad car. And, although it is possible that Officer Felmon kept his head turned right and saw the punch while his body turned left, the verifiable evidence is equally consistent with Officer Felmon's version of events. For these reasons, **Allegation 1 is Not Sustained.**

**Allegation 2**, that Officer Felmon willfully made a false material oral report to COPA investigators by stating that he did not see Officer Edward Shaffer strike [REDACTED] on November 28, 2017, is also **Not Sustained**. Because the verifiable evidence is insufficient to determine that Officer Felmon saw Officer Shaffer punch [REDACTED] it is also insufficient to support that Officer Crushon made a false report to COPA on this issue.

#### *Allegations against Officer Terrence O'Connor*

**Allegation 1**, that Officer Terrence O'Connor failed to promptly report Officer Edward Shaffer's misconduct to the Department is **Not Sustained**.

Officer O'Connor acknowledged that he saw Officer Shaffer contact [REDACTED] His claim that he believed the contact that he witnessed to be an open-handed stun is not contradicted by anything in the record. Moreover, Officer O'Connor was not wearing a BWC at the time of the incident so there is no video evidence that shows the punch from Officer O'Connor's perspective. Also, although Sergeant Conlan's BWC shows Officer O'Connor facing Shaffer and [REDACTED] when Officer Shaffer punches [REDACTED] it also shows that Officer Shaffer partially blocks Officer O'Connor's view of [REDACTED] lending credibility to Officer O'Connor's claim that he believed that Officer Shaffer employed a stun to the head and shoulder area of [REDACTED] Therefore, there is insufficient evidence to determine that it is more likely than not that Officer O'Connor saw Officer Shaffer punch [REDACTED]

An open-hand stun is a permissible use of force against a person who is an active resister. The BWC of Officer Shaffer, Sergeant Conlan and Officer Felmon show [REDACTED] actively resisting while being escorted to the squad car. Thus, if Officer O’Connor’s claim that he thought Officer Shaffer’s contact with [REDACTED] was a permissible stun is credible - and there is not enough in the record to indicate that it is not – Officer O’Connor was not obligated to report Officer Shaffer. **Allegation 1 is Not Sustained.**

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Edward Shaffer**

Officer Shaffer used unnecessary force when he punched [REDACTED] about the head, failed to complete a TRR after the use of force with respect to [REDACTED] and failed to properly document the facts surrounding his actions and [REDACTED] subsequent injury. Officer Shaffer resigned from the CPD.

**b. Sergeant Timothy Conlan**

**i. Complimentary and Disciplinary History**

88 Honorable Mentions, 4 Complimentary Letters, 3 Department Commendations, 2 Superintendents Awards of Valor, 1 Unit Meritorious Performance Award, and 16 Misc. Awards. No Disciplinary History.

**ii. Recommended Penalty, by Allegation**

As a supervisor, Sergeant Conlan held to a higher standard than his subordinates and should be an example to his subordinates. It is his responsibility to implement the policies and goals of the CPD. Sergeant Conlan failed to promptly report Officer Edward Shaffer’s misconduct to the Department and willfully made a false material oral report to COPA Investigators by stating that he did not see Officer Edward Shaffer strike [REDACTED] on November 28, 2017. It is for these reasons that COPA recommends a penalty of **60-day suspension.**

Approved:

[REDACTED]

8-31-2022

Angela Hearts-Glass  
Deputy Chief Investigator

Date