

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	April 20, 2021 / 5:40 P.M. / 1160 North Larrabee Street
Date/Time of COPA Notification:	April 20, 2021 / 6:20 P.M.
Involved Officer #1:	Sharif Crowell, Employee No. [REDACTED] Date of Appointment: September 16, 1998, Position: Detention Aide, Unit of Assignment: 018, DOB: [REDACTED], 1977, Male, Black
Involved Officer #2:	Timothy Solak, Employee No. [REDACTED] Date of Appointment: April 2, 2012, Position: Detention Aide, Unit if Assignment: 018, DOB: [REDACTED], 1981, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1991, Male, Asian/Pacific Islander
Case Type:	Excessive Force / Failure to De-Escalate / Failure to Take Appropriate Action

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Detention Aide Sharif Crowell	It is alleged by Lieutenant Joseph Schuler that on or about April 20, 2021, at approximately 5:40 p.m., at or near 1160 North Larrabee, Chicago, that Detention Aide Sharif Crowell, Employee No. [REDACTED] committed misconduct through the following acts or omissions, by:	
	1. Failing to use de-escalation techniques, without justification.	Exonerated
	2. Striking and/or attempting to strike [REDACTED] with a closed fist, without justification.	Exonerated
	3. Striking [REDACTED] on or about the face with his elbows, without justification.	Exonerated
Detention Aide Timothy Solak	It is alleged by Lieutenant Joseph Schuler that on or about April 20, 2021, that Detention Aide Timothy Solak, Employee No. [REDACTED]	

<p>committed misconduct through the following acts or omissions, by:</p>	
<p>1. Failing to intervene when Detention Aide Sharif Crowell used excessive force against [REDACTED]</p>	<p>Unfounded</p>
<p>2. Failing to use de-escalation techniques, without justification.</p>	<p>Sustained</p>
<p>3. Kicking [REDACTED] about his body, without justification.</p>	<p>Exonerated</p>
<p>4. Failing to take the appropriate action to stop the altercation between [REDACTED] and Detention Aide Sharif Crowell.</p>	<p>Sustained</p>

**I. SUMMARY OF EVIDENCE**

On April 20, 2021, at approximately 6:20 pm, the Civilian Office of Police Accountability (COPA) received a Crime Prevention and Information Center (CPIC) notification that a detainee struck a Detention Aide (DA) while in the 18<sup>th</sup> District Lockup facility. While DA Sharif Crowell was fingerprinting arrestee [REDACTED] struck DA Crowell in the face. A second Detention Aide, Timothy Solak, was behind his desk in the lockup when this happened. The DAs attempted to detain [REDACTED] and a struggle ensued until Sergeant Thomas Simon entered the area and ordered [REDACTED] into a holding cell, to which he complied. Lieutenant Joseph Schuler of the 18<sup>th</sup> District prepared Initiation Reports regarding this incident. COPA served DA Crowell with allegations for failing to use de-escalation techniques, striking or attempting to strike [REDACTED] with a closed fist and striking [REDACTED] on or about the face with his elbow, without justification. COPA served DA Solak with allegations for failing to intervene when DA Crowell used excessive force against [REDACTED] failing to use de-escalation techniques, kicking [REDACTED] about his body without justification and failing to take appropriate action to stop the altercation between [REDACTED] and DA Crowell. In reaching its factual findings, COPA reviewed the CPIC Notification,<sup>1</sup> the Initiation Reports,<sup>2</sup> the Arrest Report,<sup>3</sup> the Original Case Incident Report relating to [REDACTED] initial arrest,<sup>4</sup> the Original Case Incident report relating to this incident,<sup>5</sup> the Police Observation Device (POD) videos of the incident,<sup>6</sup> the IDOC Report of Extraordinary or Unusual Occurrences,<sup>7</sup> the Case Supplementary Report,<sup>8</sup> the Tactical Response Reports,<sup>9</sup> video and photographs provided by DA

<sup>1</sup> Att. 1.  
<sup>2</sup> Atts. 2 and 6.  
<sup>3</sup> Att. 8.  
<sup>4</sup> Att. 3.  
<sup>5</sup> Att. 21.  
<sup>6</sup> Atts. 11, 12 and 14.  
<sup>7</sup> Att. 17.  
<sup>8</sup> Att. 19.  
<sup>9</sup> Atts. 25 and 26.

Crowell,<sup>10</sup> the statements of DA Crowell<sup>11</sup> and DA Solak,<sup>12</sup> medical records,<sup>13</sup> and other related documents. [REDACTED] attorney, [REDACTED] was contacted about making his client available for a statement to COPA. He declined to make his client available due to the pending criminal charges.<sup>14</sup>

COPA finds that on April 20, 2021, [REDACTED] was arrested on misdemeanor battery charges and transported to the 18<sup>th</sup> District of the Chicago Police Department for processing.<sup>15</sup> Once he arrived in the lockup, he was placed in a holding cell where DA Crowell searched him.<sup>16</sup> [REDACTED] then exited the holding cell to be fingerprinted. Although there is no audio for the POD video at the police station, he initially appeared to follow the instructions provided by DA Crowell.<sup>17</sup> DA Crowell proceeded with fingerprinting [REDACTED] until [REDACTED] struck him in the face with his right fist without warning, knocking out a tooth and causing other injuries.<sup>18</sup> DA Crowell then moved back holding his face.<sup>19</sup> In his statement to COPA, DA Crowell stated he was in shock, had lost a tooth, had a split lip, his jaw was broken and he sustained a herniated disc in his neck.<sup>20</sup> [REDACTED] also stepped back, standing, moving from one foot to the other and pacing while looking at DA Crowell.<sup>21</sup> DA Solak remained behind the desk in the lockup for several seconds after the punch. In his statement to COPA, he stated that he was in shock or frozen which was why he did not attempt to call for help during this period.<sup>22</sup> According to both DAs, DA Solak asked [REDACTED] why he “did that.”<sup>23</sup>

DA Crowell then tried to grab [REDACTED] who moved backwards. [REDACTED] then swung at DA Crowell and attempted to punch him two more times.<sup>24</sup> DA Solak also attempted to grab [REDACTED] but DA Crowell grabbed [REDACTED] first.<sup>25</sup> DA Crowell then threw [REDACTED] to the floor, in a “takedown.”<sup>26</sup> Both DAs attempted to restrain him on the floor.<sup>27</sup> While down on the floor, [REDACTED] positioned himself on his knees, grabbed DA Crowell’s left leg and pulled at it. DA Solak delivered two kicks to the lower part of [REDACTED] body and [REDACTED] released his hold on DA Crowell. DA

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<sup>10</sup> Atts. 27, 28, 49, 50, 51 and 52.

<sup>11</sup> Att. 57.

<sup>12</sup> Atts. 56 and 64.

<sup>13</sup> Atts. 53, 54, 55 and 67.

<sup>14</sup> Att. 48, CMS Notes CO-0125206 and CO-0126577.

<sup>15</sup> Att. 3, Original Case Incident Report.

<sup>16</sup> Att. 14 at 5:32:19 to 5:34:08.

<sup>17</sup> Att. 11 at 5:37:55 to 5:38:02. DA Crowell made a hand motion signaling [REDACTED] to approach the fingerprinting machine and he complied.

<sup>18</sup> Att. 11 at 5:38:00 to 5:40:55.

<sup>19</sup> Att. 11 at 5:40:55.

<sup>20</sup> Att. 57, pg. 30.

<sup>21</sup> Att. 11 at 5:40:55 to 5:41:06.

<sup>22</sup> Att. 11 at 5:40:50 to 5:41:07; Att. 56, pgs. 12 to 13, 19 and 47; Att. 64, pgs. 14 to 16, 23, 27, 33 and 39.

<sup>23</sup> Att. 56, p. 13. DA Solak asked [REDACTED] why he did that, and he responded that he “grabbed my balls;” Att. 57, pg. 23.

<sup>24</sup> Att. 11 at 5:41:19 to 5:41:22.

<sup>25</sup> Att. 11 at 5:41:19 to 5:41:22; Att. 56, pgs., 13 and 27.

<sup>26</sup> Att. 57, p. 15; Att. 11 at 5:41:19 to 5:41:24; General Order G03-02-01(IV)(B)(2)(c)(3), Response to Resistance and Force Options, describes a “takedown” as “[t]he act of physically directing an active resister to the ground to limit physical resistance, prevent escape, or increase the potential for controlling an active resister.”

<sup>27</sup> Att. 11 at 5:41:25 to 5:41:28.

Crowell then fell over onto ██████<sup>28</sup> DA Solak stated he ordered ██████ to get down and/or lay down multiple times, but he was not listening or stopping.<sup>29</sup> According to DA Solak, ██████ was really fighting DA Crowell and trying to get out of the hold DA Crowell had on him.<sup>30</sup> At this point, DA Crowell stated he was bleeding and felt he was losing consciousness.<sup>31</sup> While DA Crowell continued to struggle with ██████ he told DA Solak to call the sergeant for help. DA Solak then returned to the area behind the desk and called the sergeant.<sup>32</sup> DA Solak stated that in hindsight, he wished he would have called a “10-1,” which is a general call for officer assistance, either on the phone or over the PA (public address) system which was accessible behind the desk.<sup>33</sup> He did state that he gave ██████ multiple verbal commands to lay down and to stop. DA Crowell continued to try to restrain ██████ on the floor with his body over ██████<sup>34</sup> He attempted to hold ██████ head down while ██████ pushed back and resisted his hold.<sup>35</sup> After DA Solak returned to DA Crowell and ██████ was cursing him out, telling him what he was going to do when he got up<sup>36</sup> and he said, “[W]ait until I get up,” which DA Crowell perceived as a threat.<sup>37</sup> During this time, according to DA Crowell, ██████ was moving his upper body and trying to get up.<sup>38</sup>

DA Solak returned with a roll of toilet paper and stood beside the parties.<sup>39</sup> As DA Solak reached one arm down to the lower part of ██████ body, ██████ turned over from his stomach to his back facing DA Crowell.<sup>40</sup> DA Crowell stated that ██████ was growling like an animal.<sup>41</sup> He believed he was on his own, that DA Solak was not going to get physically involved, and that ██████ was not ready to give up fighting.<sup>42</sup> As ██████ turned on to his back, he raised his left and then right hand towards DA Crowell.<sup>43</sup> DA Crowell delivered an elbow strike to ██████ face and ██████ reached his right hand up towards DA Crowell. DA Crowell then delivered the second elbow strike.<sup>44</sup> DA Crowell stated, “As he trie[d] to get up, I elbow[ed] him three times.”<sup>45</sup> He indicated he did this because he was trying to get ██████ to comply and give up.<sup>46</sup> After the second elbow strike, ██████ moved his arm across his face.<sup>47</sup> DA Crowell stated that when ██████ put his hand over his face, he was trying to stop his [DA Crowell’s] blood from going in his mouth.<sup>48</sup> According to DA Crowell, ██████ tried to get up and then DA Crowell punched him in the face

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<sup>28</sup> Att. 11 at 5:41:27 to 5:41:34; Att. 56, pgs. 13 to 14 and 19.

<sup>29</sup> Att. 56, pgs. 13, 19 and 27 to 30; Att. 64, pg. 22.

<sup>30</sup> Att. 56, pg. 28.

<sup>31</sup> Att. 57, pgs. 25 to 26.

<sup>32</sup> Att. 11 at 5:41:34 to 5:42:01; Att. 56, pgs. 19 and 28.

<sup>33</sup> Att. 56, pgs. 20 to 21.

<sup>34</sup> Att. 56, pgs. 19 and 27 to 30; Att. 64, pg. 22.

<sup>35</sup> Att. 11 at 5:41:38 to 5:42:13.

<sup>36</sup> Att. 57, pg. 18.

<sup>37</sup> Att. 57, pgs. 18, 47 and 65.

<sup>38</sup> Att. 57, pg. 46.

<sup>39</sup> Att. 11 at 5:42:04 to 5:42:12.

<sup>40</sup> Att. 11 at 5:42:13 to 5:42:15.

<sup>41</sup> Att. 57, pgs. 49 to 50 and 67 to 68.

<sup>42</sup> Att. 57, pg., 50.

<sup>43</sup> Att. 11 at 5:42:13 to 5:42:15.

<sup>44</sup> Att. 11 at 5:42:15 to 5:42:16

<sup>45</sup> Att. 57, pg., 18. The video shows that DA Crowell delivered two elbow strikes.

<sup>46</sup> Att. 57, pgs. 18 and 50.

<sup>47</sup> Att. 11 at 5:42:16 to 5:42:17.

<sup>48</sup> Att. 57, pg. 51.

three times.<sup>49</sup> He stated that he delivered the strikes to the face because he was trying to subdue ██████<sup>50</sup> DA Crowell stated that, after the strikes, ██████ said, “I give up,” and so DA Crowell stopped punching him.<sup>51</sup> DA Crowell stated that he delivered the strikes because he was losing consciousness and he felt if he lost consciousness, ██████ was going to kill him. He was trying to save his own life.<sup>52</sup> He believed DA Solak would not help him.<sup>53</sup> ██████ then broke away from DA Crowell, pushing his left hand against DA Crowell’s body and got back on his feet.<sup>54</sup> While standing, he moved toward DA Crowell and attempted to punch him three times. According to DA Crowell, ██████ did not make physical contact with him, as he was able to dodge the punches.<sup>55</sup> Sgt. Simon then ran into the area and appeared to direct orders to ██████ while pointing at a holding cell. ██████ then stopped and went into the cell.<sup>56</sup> DA Crowell, DA Solak and ██████ were transported to Northwestern Hospital, treated, and released. As a result of this incident, DA Crowell was treated for a lost tooth, a broken jaw, a herniated disc in his spine, and a concussion.<sup>57</sup> He has received ongoing medical treatment for his injuries, including surgery.<sup>58</sup> ██████ was treated for a torn ligament and a fracture to his right hand.<sup>59</sup> DA Solak was treated for a scrape to the middle finger of his left hand.<sup>60</sup>

### III. ANALYSIS AND CONCLUSION

#### a. Detention Aide Sharif Crowell

##### 1. Failing to use de-escalation techniques, without justification.

COPA finds that DA Sharif Crowell did not fail to use de-escalation techniques without justification. General Orders G03-02 and G03-02-01 require that CPD members and DAs<sup>61</sup> use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time.<sup>62</sup> The use of de-escalation techniques includes continually assessing the situation and considering individualized factors such as the risk

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<sup>49</sup> Att. 57, pgs. 19 and 52. The video shows that DA Crowell delivered or attempted to deliver two hand strikes.

<sup>50</sup> Att. 57, pg. 52.

<sup>51</sup> Att. 57, pgs. 38 to 40.

<sup>52</sup> Att. 57, pgs., 52 to 53.

<sup>53</sup> Att. 57, pgs., 52 to 53.

<sup>54</sup> Att. 11 at 5:42:23 to 5:42:25.

<sup>55</sup> Att. 57, pg. 56; Att. 11 at 5:42:27 to 5:42:34.

<sup>56</sup> Att. 11 at 5:42:30 to 5:42:49.

<sup>57</sup> Att. 57, pgs., 21 to 28, 53 to 54, 56 and 70; *See also*, Att. 19, Case Supplementary Report, pg. 7 describes DA Crowell’s injuries; Atts. 49 to 51, photos of injuries provided by DA Crowell; Att. 55, neurological evaluation; Att. 53, physical/occupational therapy referral; Att. 54, letter re: concussion.

<sup>58</sup> Att. 57, pg. 28; Att. 59, Spine Consultants visit note dated 2/17/2023.

<sup>59</sup> Att. 25, pg. 5; Att. 26, pg. 5.

<sup>60</sup> Att. 21, pg. 3.

<sup>61</sup> Att. 65, General Order G03-02(A), De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to present). This order sets for the Department policy regarding sworn members’ and detention aides’ de-escalation, response to resistance and use of force.

<sup>62</sup> Att. 65, General Order G03-02(III)(C); Att. 66, G03-02-01(II)(B), Response to Resistance and Force Options, (effective April 15 to present).

posed by the subject.<sup>63</sup> Examples of de-escalation techniques include providing warnings, exercising persuasion, determining whether the situation may be stabilized through time, distance or positioning and requesting additional personnel to respond.<sup>64</sup> In addition, G03-02-01 provides that the level of force will be de-escalated immediately as resistance decreases, provided that the member remains in control and as safety permits.<sup>65</sup>

Although █████ cooperated with DA Crowell for the majority of his processing, he punched DA Crowell in the face without warning causing serious injuries.<sup>66</sup> As the result of the punch, he was bleeding heavily from his upper lip which was torn open, a tooth was knocked out, his jaw was broken and he had spinal and cervical injuries.<sup>67</sup> The severity of the unexpected punch demonstrated that █████ was physically aggressive, unpredictable, and posed an immediate risk of harm to the DAs and possibly others.<sup>68</sup>

There were several seconds between the time █████ punched DA Crowell and he attempted to grab █████. In his statement to COPA, DA Crowell was asked if he gave any verbal commands either before he approached █████ or after he began his takedown. He replied that he did not remember giving any but that his jaw was broken, he lost a tooth and did not want to say something and have other teeth fall out, he did not know the extent of the damage that was done, and he was losing blood.<sup>69</sup> Under these circumstances, and in light of the clear danger █████ posed, it was reasonable that DA Crowell did not attempt verbal de-escalation prior to the takedown or after it had begun.

DA Crowell was also asked if he used any de-escalation techniques to bring down the level of force he was using to defuse the situation.<sup>70</sup> He responded that he stopped punching █████ when █████ said that he gave up.<sup>71</sup> However, █████ then immediately pushed away from him, got on his feet, and again started throwing punches at him.<sup>72</sup>

Throughout this incident, DA Crowell did not have a reasonable opportunity to safely use additional de-escalation techniques to prevent or reduce the need for force. DAs are not required to use de-escalation techniques that would place them in immediate risk of harm or would be clearly ineffective.<sup>73</sup> The use of de-escalation techniques includes considering individualized factors such as the risk posed by the subject.<sup>74</sup> █████ actions demonstrated he was a high-risk subject; given the unpredictability and violence of █████ original attack and the injuries that DA Crowell sustained, techniques such as using time, distance and/or persuasion, would likely have exposed DA Crowell to additional attacks or greater risk of harm than he had already

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<sup>63</sup> Att. 65, G03-02(III)(C)(1)(b); Att. 66, G03-02-01(II)(E)(b).

<sup>64</sup> Att. 65, G03-02(III)(C)(2)(a-c).

<sup>65</sup> Att. 66, G03-02-01(II)(E)(4).

<sup>66</sup> Att. 57, pg. 14.

<sup>67</sup> Att. 57, pg. 15.

<sup>68</sup> Att. 57, pg. 15. DA Crowell was also afraid that █████ was trying to escape.

<sup>69</sup> Att. 57, pg. 32.

<sup>70</sup> Att. 66, G03-02-01(II)(E)(4).

<sup>71</sup> Att. 57, pgs. 38 to 40.

<sup>72</sup> Att. 11 at 5:42:23 to 5:32.

<sup>73</sup> Att. 65, G03-02(III)(C); Att. 66, G03-02-01(II)(B).

<sup>74</sup> Att. 65, G03-02(III)(C)(1)(b).

experienced.<sup>75</sup> Furthermore, DA Solak's verbal commands to ██████ to lay down and stop fighting were clearly not effective, and so there is no reason to believe DA Crowell's would have been.

█████ continuously resisted the efforts of DA Crowell to restrain or place him under control. ██████ never backed down or abandoned his combative stance throughout the entire incident. He resisted all efforts to restrain him and continued to fight throughout the incident. It was not reasonable to believe that warnings or persuasion or other techniques would be effective against this individual. DA Crowell did not have the time or opportunity to call for additional help until he told DA Solak to call the sergeant. Even this attempt to de-escalate, which required DA Solak to leave the immediate scene, could have exposed DA Crowell to additional injury. Based on the above, it was reasonable under the circumstances faced by DA Crowell that he did not attempt to use additional de-escalation techniques. As such, **allegation No. 1 is exonerated.**

## **2. Striking and/or attempting to strike ██████ with a closed fist, without justification.**

COPA finds that DA Crowell did not strike and/or attempt to strike ██████ with a closed fist, without justification. General Order G03-02 provides that Department members and DAs may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent an escape.<sup>76</sup> General Order G03-02-01, provides force options that are available to DAs when encountering different types of subjects. When a DA encounters a person who is using force or threatening to use force against another person or him/herself which is likely to cause physical injury, that person is classified as an assailant. DAs may respond to assailants with direct mechanical techniques such as punches.<sup>77</sup>

In this case, ██████ was on his back on the floor when DA Crowell punched or attempted to punch him two times. It is unclear from the video whether DA Crowell's fist made physical contact with ██████<sup>78</sup> Before ██████ turned over onto his back, DA Crowell was trying to hold him down while ██████ pushed back and resisted his hold.<sup>79</sup> According to DA Crowell, when ██████ was face down, he was trying to get up by moving his upper body.<sup>80</sup> ██████ kept saying, "[W]ait until I get up."<sup>81</sup> DA Crowell perceived this statement as a threat because ██████ had already "bust[ed] [his] mouth open."<sup>82</sup> When ██████ turned on his back, he was growling like an animal. DA Crowell also perceived the growling as a threat indicating that ██████ wanted to do

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<sup>75</sup> Att. 57, pg. 40. DA Crowell stated that when ██████ hit him, which was completely unprovoked, he had no idea what he was going to do.

<sup>76</sup> Att. 65, G03-02(III)(B).

<sup>77</sup> Att. 66, G03-01(IV)(C)(1)(a)(1).

<sup>78</sup> Att. 11 at 5:42:20 to 5:42:21.

<sup>79</sup> Att. 11 at 5:41:38 to 5:42:13.

<sup>80</sup> Att. 57, p.46.

<sup>81</sup> Att. 57, pg. 47; *See also*, pg. 18, "He's telling me what he is going to do when he gets up. He's talking – he's talking shit, pretty much. He knows I was hurt."

<sup>82</sup> Att. 57, pg. 47.

more harm to him, that he was not complying, and was not ready to give up.<sup>83</sup> When ██████ flipped over on to his back, he continued struggling against and resisting DA Crowell's hold. He continued to resist the physical control of both DAs. In his statement to COPA, when asked why he punched ██████ DA Crowell stated, "[h]e tried to get up, and that's when I punched him in the face."<sup>84</sup> He thought that if ██████ got up, he would try to finish him off.<sup>85</sup> He delivered or attempted to deliver the punches to subdue ██████ He was trying to save his own life since he was on his own.<sup>86</sup> DA Crowell's belief was reasonable based on DA Solak's failure to call for help earlier in the incident or effectively intervene to help DA Crowell. For example, after DA Solak returned from calling the sergeant, he stood holding a roll of toilet paper for several seconds while DA Crowell was physically struggling with ██████ before he reached down to assist in restraining ██████<sup>87</sup> When he was asked why he used the elbow strikes and punches as opposed to other force options, he stated he felt that he was losing consciousness and if he lost consciousness near ██████ he believed ██████ was going to kill him.<sup>88</sup> This belief was also reasonable based on the seriousness of the injuries ██████ had inflicted and his ongoing refusal to comply with the DAs' attempts to restrain him.

At the time DA Crowell struck him, ██████ had already seriously injured DA Crowell with an unexpected and unprovoked punch reflecting an unpredictable and violent demeanor. In addition, ██████ continuously fought the DAs attempts to restrain him. ██████ actions, the verbal threats and the growling demonstrate that ██████ was an assailant using and threatening to use force against him. Direct mechanical strikes, such as punches, are a force option DAs may use against assailants. Therefore, COPA finds that DA Crowell did not strike or attempt to strike ██████ with a closed fist, without justification. As such, **allegation No. 2 is exonerated.**

### **3. Striking ██████ on or about the face with his elbows, without justification.**

COPA finds that DA Sharif Crowell did not strike ██████ on or about the face with his elbows, without justification. As stated in the preceding section, under General Order G03-02, Department members and DAs may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or a third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent an escape.<sup>89</sup> General Order G03-02-01 provides force options that are available to DAs when encountering different types of subjects. When a DA encounters a subject who is using force or threatening to use force against another person or him/herself which is likely to cause physical injury, that person is classified as an assailant and DAs may respond with direct mechanical techniques, such as elbow strikes.<sup>90</sup>

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<sup>83</sup> Att. 57, pgs. 49 to 50 and pg. 67. DA ██████ described the growling not as someone struggling in a fight, but that "[h]e was mad. I could see it in his eyes. He was mad. He wanted to do more damage to me."

<sup>84</sup> Att. 57, pg. 19.

<sup>85</sup> Att. 57, pg. 65.

<sup>86</sup> Att. 57, pg. 52.

<sup>87</sup> Att. 11 at 5:42:05 to 5:42:11; Att. 57, pgs. 52 and 69 to 70.

<sup>88</sup> Att. 57, pgs. 52 to 53.

<sup>89</sup> Att. 65, G03-02(III)(B).

<sup>90</sup> Att. 66, G03-02-01(IV)(C)(1)(a)(1).



DA Crowell's elbow strikes occurred before the hand strikes or attempted hand strikes.<sup>91</sup> While DA Crowell attempted to restrain ██████ on the ground, ██████ moved from being face down to face up on his back.<sup>92</sup> As he turned over, he raised his left and then his right hand and appeared to grab towards DA Crowell's upper body,<sup>93</sup> after which ██████ hands are not visible, but one leg continued to move.<sup>94</sup> DA Crowell then delivered an elbow strike.<sup>95</sup> ██████ then raised his right hand towards DA Crowell's arm and DA Crowell delivered the second elbow strike.<sup>96</sup> ██████ arm movements towards DA Crowell as he moved on to his back demonstrated he continued to fight DA Crowell.

When asked why he used the elbow and punches as opposed to other force options, DA Crowell indicated that he felt that he was losing consciousness and if he lost consciousness near ██████ would kill him.<sup>97</sup> He felt he was on his own and that DA Solak would not help him.<sup>98</sup> This belief was reasonable in light of DA Solak's failure to call for help or effectively intervene to effectively help DA Crowell.

When ██████ was face down, he kept saying, "[W]ait until I get up" and then proceeded to make growling noises.<sup>99</sup> DA Crowell reasonably interpreted these verbalizations as a threat to do him more harm, indicating ██████ was not going to comply and was not ready to give up. ██████ had already seriously injured DA Crowell with the unexpected and unprovoked punch, demonstrating ██████ aggressiveness and unpredictability. Throughout the incident, he continuously refused to comply with DA Crowell's attempts to restrain him. Further, ██████ continued grappling and arm and hand movements towards DA Crowell prior to the elbow strikes coupled with the threats and growling demonstrate that ██████ was an assailant, both using and threatening to use force against DA Crowell immediately prior to the elbow strikes. Direct mechanical strikes, such as elbow strikes, are an authorized use of force when a DA is confronted with an assailant. Therefore, COPA finds that DA Crowell did not strike ██████ on or about his face with his elbows, without justification. As such, **allegation No. 3 is exonerated.**

## **b. Detention Aide Timothy Solak**

### **1. Failing to intervene when Detention Aide Sharif Crowell used excessive force against ██████**

COPA finds that DA Timothy Solak did not fail to intervene when DA Sharif Crowell used excessive force against ██████. COPA has made no finding that DA Crowell used excessive force in his interactions with ██████. As such, DA Solak cannot be found to have failed to intervene when DA Crowell used excessive force. As a result, **allegation No.1 is unfounded.**

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<sup>91</sup> Att. 11 at 5:42:15 to 5:42:17.

<sup>92</sup> Att. 11 at 5:42:13 to 5:42:15.

<sup>93</sup> Att. 11 at 5:42:13:490 to 5:42:14:023.

<sup>94</sup> Att. 11 at 5:42:14:757 to 5:42:15:323.

<sup>95</sup> Att. 11 at 5:42:15.

<sup>96</sup> Att. 11 at 5:42:15 to 5:42:16.

<sup>97</sup> Att. 57, pg. 53.

<sup>98</sup> Att. 57, pg. 53.

<sup>99</sup> Att. 57, pg. 47 - 50.

## 2. Failing to use de-escalation techniques, without justification.

COPA finds that DA Timothy Solak failed to use de-escalation techniques, without justification. General Orders G03-02 and G03-02-01 require Department members and DAs to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time.<sup>100</sup> General Order G03-02 includes requesting additional personnel to respond as an example of a de-escalation technique.<sup>101</sup> This incident occurred in the lockup of a police station. It is highly likely that additional police officers were available for assistance. DA Solak looked at DA Crowell after the punch and saw he was bleeding profusely.<sup>102</sup> However, he remained behind his desk for approximately seventeen seconds according to his own calculations.<sup>103</sup>

There was a phone behind the desk, but he did not use it at that point.<sup>104</sup> There were also police officers in a room close to the lockup called the “surveillance room,”<sup>105</sup> but he did not attempt to notify those officers. He also could have called a “10-1” for officer assistance over the PA system so that all the officers in the police station could hear and respond.<sup>106</sup> He called the sergeant only when DA Crowell told him to, later in the incident.<sup>107</sup> In addition to these options, a member of the maintenance staff was present behind the desk throughout most of the incident, whom he could have sent for help or told to call for help.<sup>108</sup>

In his statement to COPA, he was asked why he did not request help after the punch while he remained behind the desk. He stated that when the punch happened, he was in “a sense of shock” because this was the first time he had ever seen anything like that.<sup>109</sup> He described himself as “frozen.”<sup>110</sup> However, after the initial period following the punch, he started moving. He stepped out from behind the desk and started to walk towards ██████████<sup>111</sup> In his statement to COPA, he indicated that he was frozen, looking back and forth from watching DA Crowell and ██████████ and when DA Crowell turned around, he stepped around the desk because he gained some kind of composure at that point.<sup>112</sup> He also started to speak to ██████████<sup>113</sup> Because he was in a police station and had access to other officers, an obvious mode of effective de-escalation would have been to call for help when he regained composure. Between the time Mr. ██████████ punched DA Crowell, while ██████████ and DA Crowell were apart from each other, there was time to make a phone call,

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<sup>100</sup> Att. 65, G03-02(III)(C); Att. 66, G03-02-01(II)(B).

<sup>101</sup> Att. 65, G03-02(III)(C)(2)(c); *see also* G03-02-01(III)(A)(4)(c).

<sup>102</sup> Att. 11 at 5:40:51; Att. 56, pgs. 13 and 47.

<sup>103</sup> Att. 64, pg. 15; Att. 11 at 5:40:51 to 5:41:06. At 5:41:06, DA Solak started to move from behind the desk.

<sup>104</sup> Att. 56, pg. 20.

<sup>105</sup> Att. 57, pgs. 16 to 18 and 30 to 31.

<sup>106</sup> Att. 56, pgs. 20 to 21 and 27.

<sup>107</sup> Att. 56, pg. 20; Att. 64, pgs. 16 to 17.

<sup>108</sup> Att. 11 at 5:39:01 to 5:42:32; Att. 64, pg. 27. DA Solak stated that the janitor was in the lockup.

<sup>109</sup> Att. 56, pgs. 12 and 47; Att. 64, pgs. 14 to 16, 23, 33 and 39.

<sup>110</sup> Att. 64, pgs. 15, 33 to 34 and 39.

<sup>111</sup> Att. 11 at 5:41:05.

<sup>112</sup> Att. 64, pg. 34.

<sup>113</sup> Att. 11 at 5:41:09; Att. 56, pgs. 13 and 18.

use the PA system or direct the member of the maintenance staff who was present to call for help.<sup>114</sup> He failed to do so.

After [REDACTED] first punched DA Crowell, DA Solak was aware that they were faced with a violent and unpredictable individual. Prior to exiting from behind the desk, he had the opportunity to request additional police personnel to de-escalate the incident. COPA finds that the preponderance of evidence shows that DA Solak failed to use de-escalation techniques. As such, **allegation No. 2 is sustained** in violation of Rules 3, 5, 10 and 11.

### **3. Kicking [REDACTED] about his body, without justification**

COPA finds that DA Solak did not kick [REDACTED] about his body, without justification. According to General Order G03-02-01, an assailant is a person who is using or threatening the use of force against another person who is likely to cause physical injury. Prior to DA Solak's kicks, [REDACTED] was holding on to DA Crowell's left leg, struggling and pulling the leg towards him. Doing so, [REDACTED] was actively using force likely to cause physical injury to DA Crowell, particularly in light of the injuries [REDACTED] had already inflicted. In his statement, DA Solak referred to [REDACTED] as an assailant and described him as "fighting" DA Crowell.<sup>115</sup> He stated that [REDACTED] was forcibly trying to break free of DA Crowell,<sup>116</sup> and that "[h]e wasn't just laying there. He wasn't giving up. He was still fighting."<sup>117</sup> Indeed, [REDACTED] actions at the time of the kicks did classify him as an assailant. According to DA Solak, he kicked [REDACTED] to get him to stop fighting.<sup>118</sup> After DA Solak kicked [REDACTED] twice, [REDACTED] released his hold on DA Crowell's leg.<sup>119</sup> Direct mechanical strikes such as DA Solak's kicks are an authorized force option against an assailant like [REDACTED].<sup>120</sup> As such, **allegation No. 3 is exonerated**.

### **4. Failing to take the appropriate action to stop the altercation between [REDACTED] and Detention Aide Sharif Crowell**

COPA finds that Timothy Solak failed to take the appropriate action to stop the altercation between [REDACTED] and Detention Aide Sharif Crowell. In his Initiation Report,<sup>121</sup> Lt. Joseph Schuler cited the provision of General Order G03-02 which provides, "[d]epartment members *will use* the minimum amount of force needed to provide for the safety of any person or Department member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape."<sup>122</sup> COPA finds that the order created an affirmative duty for DA Solak to take action to stop the altercation between [REDACTED] and DA Crowell and bring the situation under control. At one point in the altercation, DA Solak took action by kicking [REDACTED] when he was struggling with and

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<sup>114</sup> Att. 64, pg. 15. DA Solak stated that he remained behind the desk for "like" seventeen seconds.

<sup>115</sup> Att. 56, pgs. 32 to 34.

<sup>116</sup> Att. 56, pg. 34.

<sup>117</sup> Att. 64, pgs. 35-36.

<sup>118</sup> Att. 64, pg. 13.

<sup>119</sup> Att. 11 at 5:41:27 to 5:41:34.

<sup>120</sup> Att. 66, G03-02-01(IV)(C)(1).

<sup>121</sup> Att. 2.

<sup>122</sup> Att. 65, G03-02(III)(B)(2). Emphasis added.

fighting DA Crowell.<sup>123</sup> However, he took no action to stop the altercation during two crucial periods when opportunities were available.

While both DAs were struggling to detain ██████ on the floor, DA Crowell left to call the sergeant after DA Crowell told him to do so.<sup>124</sup> After calling the sergeant, he returned with a roll of toilet paper as DA Crowell continued to struggle with ██████. He did not attempt to physically assist DA Crowell in restraining ██████ for approximately six seconds.<sup>125</sup> According to DA Solak, before he could hand DA Crowell the toilet paper, the prisoner broke free.<sup>126</sup> However, the video captures DA Solak standing next to DA Crowell and Mr. ██████ for several seconds with the toilet paper before he put his hand on the lower part of ██████ body.<sup>127</sup> DA Solak acknowledged that when he tried to give DA Crowell the toilet paper, ██████ was not fully under control.<sup>128</sup> When asked why he tried to give DA Crowell the toilet paper as opposed to helping restrain ██████ he stated that was a mistake he made.<sup>129</sup>

After ██████ broke free from DA Crowell's hold, he stood up and again began throwing multiple punches at DA Crowell. During this period, DA Solak stood by and did not intervene.<sup>130</sup> DA Solak stated that he did not try to intervene at this point because it happened too fast.<sup>131</sup> However, the video captured DA Solak standing adjacent to ██████ and DA Crowell as ██████ attempted to punch DA Crowell three times over approximately eight seconds.<sup>132</sup> He had a clear duty to intervene but failed to do so.

COPA finds the preponderance of the evidence shows that DA Solak had the foregoing two opportunities to take the appropriate action to stop the altercation between ██████ and DA Crowell and failed to do so. As such, **allegation no. 4 is sustained** in violation of Rules 3, 5, 10 and 11.

#### **Credibility Assessment:**

DA Crowell and DA Solak provided reliable accounts of the incident. The investigation did not reveal any evidence to question the credibility of the DAs. Both DAs appeared to be candid and did not attempt to evade questions.

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<sup>123</sup> Att. 64, pg. 13.

<sup>124</sup> Att. 56, pg. 21.

<sup>125</sup> Att. 11 at 5:42:05 to 5:42:11. DA Crowell started to reach down at 5:42:12.

<sup>126</sup> Att. 64, pg. 27.

<sup>127</sup> Att. 11 at 5:42:05 to 5:42:11. DA Crowell started to reach down at 5:42:12.

<sup>128</sup> Att. 64, pgs. 27 to 28.

<sup>129</sup> Att. 64, pg. 28.

<sup>130</sup> Att. 11 at 5:42:25 to 5:42:34.

<sup>131</sup> Att. 64, pg. 31.

<sup>132</sup> Att. 11 at 5:42:25 to 5:42:33.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

Officer Timothy Solak

COPA has found that DA Solak violated Rules 3, 5, 10 and 11. In considering disciplinary recommendations for sustained findings, COPA reviewed DA Solak’s disciplinary and complimentary histories.<sup>133</sup> DA Solak received one reprimand in January 2022 for neglect of duty. He has received five awards, including three complimentary letters.

In aggravation, DA Solak missed a crucial opportunity to call for help after DA Crowell was punched. He remained behind the desk where he had access to a telephone and the PA system in a police station where it was highly likely that additional officers were available to assist. COPA recognizes that his explanation was that he was in shock or frozen during this period, but this explanation does not relieve him of his obligations and responsibilities. He left his partner alone to suffer grave injury, and he put his life at risk.

In mitigation, DA Solak acknowledged that he made a mistake when he did not immediately assist DA Crowell in controlling [REDACTED] after he returned from calling the sergeant.<sup>134</sup> He also stated that he would like to think he would do things differently the next time.<sup>135</sup> Indeed, DA Solak’s failures to de-escalate and take appropriate action do not appear to have been willful or malicious; his explanation that he was in shock or frozen is mitigating, but it is not exculpatory.

DA Solak’s response to this incident, as well as both DAs statements to COPA, indicate the need for significant increased training, including hands-on training, for DAs in the Use of Force, De-Escalation, Response to Resistance and the duty to take action to bring a person under control. COPA recommends DA Solak receive a **30-day suspension** and mandatory retraining in these areas.

Approved:

[REDACTED]  
Sharday Jackson  
Deputy Chief Administrator – Chief Investigator

May 30, 2023

Date

<sup>133</sup> Att. 68.

<sup>134</sup> Att. 64, pg. 28.

<sup>135</sup> Att. 64, pg. 39; see also Att. 56, pg. 21.