



Log # 2023-4345

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On September 18, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Chicago Police Department (CPD) Sergeant (Sgt.) Michael Vasquez reporting alleged misconduct by several CPD members. Sgt. Vasquez alleged that on September 17, 2023, Police Officers Kyle Moriarty, Matt Segovia, and Matthew Dowdall conducted an inappropriate search of ██████████ and that Officers Segovia and Dowdall used excessive force against ██████████<sup>2</sup> Sgt. Vasquez and Lieutenant (Lt.) Timothy Hawkins submitted supplemental Initiation Reports alleging that Police Officers Marc Edingburg, Jose Rivera, Christian Otano, Miguel Maxinez, and Osvaldo Gonzalez failed to complete Tactical Response Reports (TRRs) documenting their contact with ██████████ that Officer Gonzalez failed to check on ██████████ during transport, that Officer Moriarty verbally abused ██████████ that Officers Segovia and Dowdall failed to timely activate their body-worn cameras (BWC), and that Officers Alicja Teper and Jesus Valdovinos improperly deactivated their in-car camera.<sup>3</sup> Lt. Hawkins also alleged during his review of Officer Moriarty's TRR that Officer Moriarty inappropriately touched ██████████ while searching him. After its preliminary review of the evidence, COPA alleged that Officers Moriarty, Segovia, and Dowdall failed to immediately request medical assistance for ██████████ Following its investigation, COPA reached sustained findings regarding the allegations of improper search, inappropriate touching during a search, excessive force, failure to complete a TRR, and failing to check on ██████████ during transport.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

On the evening of September 17, 2023, Officers Moriarty, Segovia, and Dowdall were on patrol in an unmarked CPD squad car.<sup>5</sup> At approximately 10:00 pm, the officers turned from S

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>3</sup> COPA did not to serve allegations against Officer Valdovinos and Officer Teper as its investigation did not reveal evidence that the ICC system was intentionally deactivated, and the dashboard display of the ICC system was activated when the officers arrived at this incident. *See* Att. 35 at 0:00 to 1:31. Also, CPD repair records indicate that the ICC system may have been malfunctioning. *See* Att. 101.

<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, officer interviews, and medical records.

<sup>5</sup> Att. 127, pg. 7, ln. 24, to pg. 8, ln. 10.

Lavergne Ave. onto W Congress Pkwy., heading east.<sup>6</sup> Shortly after turning, the officers saw ■■■ walking across the street in front of them. While ■■■ was crossing the street, he lifted up his shirt to show his waistband.<sup>7</sup> The officers observed a blue plastic bag that they suspected to contain narcotics hanging out of the waistband of shorts that ■■■ was wearing underneath his pants.<sup>8</sup> Officer Segovia opened his door and asked ■■■ to lift up his shirt again, and ■■■ complied.<sup>9</sup> ■■■ then pushed the bag down into his shorts and lowered his shirt again.<sup>10</sup>

Officer Segovia exited the squad car and grabbed ■■■ by the front of his shirt.<sup>11</sup> Officer Dowdall handcuffed ■■■ and both officers began searching ■■■ pockets.<sup>12</sup> ■■■ pulled away from the officers and then kned Officer Segovia in the groin,<sup>13</sup> and the officers pushed ■■■ against the passenger side of the squad car.<sup>14</sup> Officer Moriarty called for another squad car to respond to the scene to transport ■■■.<sup>15</sup> The officers continued to search ■■■ person, and Officer Dowdall intertwined his leg with ■■■ leg to restrict his movement.<sup>16</sup> Officer Moriarty discovered a clear plastic bag in the right pocket of shorts that ■■■ was wearing underneath his pants.<sup>17</sup> Officer Moriarty said he saw a blue bag and that it was down ■■■ pants.<sup>18</sup> The officers continued to search ■■■ and ■■■ lifted his legs and began to fall.<sup>19</sup> The officers continued to hold ■■■ moved him away from the squad car, and took him to the ground.<sup>20</sup>

Once on the ground, Officers Segovia and Moriarty held ■■■ legs and right arm while Officer Dowdall reached into ■■■ shorts and recovered multiple blue plastic bags.<sup>21</sup> ■■■ penis was exposed when Officer Dowdall reached into ■■■ shorts. Officer Moriarty used his left hand to hold ■■■ shoulder to the ground, and ■■■ began to moan and told the officers that he had asthma.<sup>22</sup> Officer Moriarty used his other hand to apply pressure to ■■■ right wrist and push it towards the inner part of ■■■ forearm.<sup>23</sup> While still applying pressure to ■■■ wrist, Officer Moriarty told ■■■ that he would break his wrist if he continued to move.<sup>24</sup> Smaller bags began

<sup>6</sup> Att. 3 at 0:58, Att. 4 at 1:23, Att. 5 at 1:27.

<sup>7</sup> Att. 127, pg. 9, lns. 8 to 12; Att. 135, pg. 8, lns. 14 to 19; Att. 136, pg. 8, lns. 12 to 18.

<sup>8</sup> Att. 127, pg. 9, lns. 12 to 14, and pg. 10, lns. 1 to 15; Att. 135, pg. 8, lns. 19 to 21; Att. 136, pg. 8, ln. 19, to pg. 9, ln. 9.

<sup>9</sup> Att. 4 at 1:42 to 1:49; Att. 127, pg. 10, lns. 18 to 24; Att. 135, pg. 9, lns. 1 to 4.

<sup>10</sup> Att. 4 at 1:49, Att. 127, pg. 10, lns. 22 to 24; Att. 135, pg. 13, ln. 24, to pg. 14, ln. 8; Att. 136, pg. 11, lns. 10 to 14.

<sup>11</sup> Att. 4 at 1:50.

<sup>12</sup> Att. 3 at 1:39 to 1:53; Att. 4 at 2:01 to 2:15.

<sup>13</sup> Att. 4 at 2:26.

<sup>14</sup> Att. 4 at 2:29 to 2:37.

<sup>15</sup> Att. 5 at 2:42.

<sup>16</sup> Att. 127, pg. 12, lns. 5 to 23.

<sup>17</sup> Att. 5 at 3:06.

<sup>18</sup> Att. 5 at 3:11.

<sup>19</sup> Att. 5 at 3:49.

<sup>20</sup> Att. 5 at 3:54.

<sup>21</sup> Att. 3 at 3:32 to 3:44; Att. 4 at 3:57 to 4:08; Att. 5 at 4:01 to 4:13.

<sup>22</sup> Att. 5 at 4:11 to 4:22.

<sup>23</sup> Att. 135, pg. 27, ln. 18, to pg. 28, ln. 24.

<sup>24</sup> Att. 5 at 4:22 to 4:30.

falling out of the left pocket of [REDACTED] shorts.<sup>25</sup> Officer Dowdall recovered the smaller bags that fell and searched [REDACTED] pocket, discovering additional small bags.<sup>26</sup>

Officers Jose Rivera and Marc Edingburg arrived in a marked squad car, and Officers Segovia and Dowdall lifted [REDACTED] to his feet and escorted him towards the arriving vehicle.<sup>27</sup> [REDACTED] braced his feet on the ground and against the front bumper, and he kicked the rear passenger-side door closed.<sup>28</sup> Officer Segovia attempted to place [REDACTED] into the rear passenger seat, but [REDACTED] fell forward onto the seat and then rolled into the footwell with his legs hanging out.<sup>29</sup> Officer Segovia ceased further attempts to place [REDACTED] into the squad car, and Officer Dowdall called for a squadrol.<sup>30</sup>

While waiting for the squadrol to arrive, [REDACTED] tried to get up and onto the rear seat in the squad car, and Officer Segovia tried to hold him in place in the footwell.<sup>31</sup> Ultimately, Officer Segovia pulled [REDACTED] from the squad car onto the ground, with [REDACTED] lying on his back.<sup>32</sup> Officer Moriarty searched the pockets of [REDACTED] hooded sweatshirt and jeans, while Officer Edingburg held [REDACTED] left shoulder and right arm.<sup>33</sup> [REDACTED] mentioned his asthma again while he was being searched, and he said that it was acting up.<sup>34</sup> Officer Moriarty began to search the pockets of the shorts [REDACTED] was wearing underneath his jeans, and [REDACTED] moved his right hand towards his waistband.<sup>35</sup> Officer Dowdell then stepped on [REDACTED] wrist and pinned [REDACTED] arm to the ground with his foot.<sup>36</sup> Officer Moriarty searched [REDACTED] crotch area over his clothes, and he then searched the interior of [REDACTED] pants via a hole at or near the crotch-point seam. While searching the interior of [REDACTED] pants with his right hand, Officer Moriarty's left hand was on [REDACTED] stomach, and [REDACTED] penis was between Officer Moriarty's thumb and index and middle fingers.<sup>37</sup> Officer Moriarty recovered no additional contraband during this search.

The squadrol arrived at approximately 10:07 pm, driven by Officer Christian Otano with Officer Osvaldo Gonzalez as the attendant.<sup>38</sup> Officer Moriarty stopped searching [REDACTED] and Officers Segovia, Edingburg, Rivera, Otano, Gonzalez, and Miguel Maxinez carried [REDACTED] to the squadrol. Once at the squadrol, the officers attempted to put [REDACTED] into the compartment directly

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<sup>25</sup> Att. 3 at 3:54 to 4:01.

<sup>26</sup> Att. 3 at 4:01 to 4:22.

<sup>27</sup> Att. 38 at 3:05 to 3:21; Att. 39 at 3:04 to 3:20.

<sup>28</sup> Att. 38 at 3:21 to 3:29.

<sup>29</sup> Att. 4 at 5:37 to 6:04.

<sup>30</sup> Att. 4 at 5:54.

<sup>31</sup> Att. 4 at 6:12 to 6:47.

<sup>32</sup> Att. 4 at 7:02 to 7:31; Att. 38 at 4:52 to 5:12.

<sup>33</sup> Att. 4 at 7:34 to 7:55; Att. 39 at 5:33 to 5:50.

<sup>34</sup> Att. 4 at 7:53 to 8:03.

<sup>35</sup> Att. 4 at 8:08 to 8:33.

<sup>36</sup> Att. 5 at 8:33 to 8:52.

<sup>37</sup> Att. 4 at 8:36 to 9:18; Att. 5 at 8:52 to 9:21.

<sup>38</sup> Att. 30 at 2:02 to 2:31; Att. 31 at 1:57 to 2:21.

behind the driver's and attendant's seats.<sup>39</sup> The officers rested [REDACTED] upper body on the steps to the compartment, and [REDACTED] attempted to bite Officer Maxinez.<sup>40</sup> While grabbing [REDACTED] by the front of his sweatshirt, Officer Segovia struck [REDACTED] in the face with his flashlight, which he held in the same hand that he used to grip the sweatshirt.<sup>41</sup> Officer Edingburg entered the passenger compartment to lift and pull [REDACTED] inside while Officer Segovia pushed [REDACTED].<sup>42</sup> Once [REDACTED] was fully inside the squadrol, he braced himself against the wall opposite the door and pushed Officer Segovia out of the compartment with his feet, and [REDACTED] fell forward onto the steps into the passenger compartment.<sup>43</sup> Officer Otano entered the passenger compartment and pulled [REDACTED] back into the compartment from the steps.<sup>44</sup> Officers Segovia and Dowdall entered the compartment and assisted Officer Otano in lifting [REDACTED] onto the bench.<sup>45</sup> [REDACTED] complained that he could not breathe while the officers were attempting to strap him in.<sup>46</sup> While the officers were trying to secure [REDACTED] Officer Gonzalez started the ignition of the squadrol and turned on the lights in the rear compartment.<sup>47</sup> The officers ultimately succeeded in strapping [REDACTED] in with a seatbelt and exited the passenger compartment.<sup>48</sup> Officer Rivera closed the door, which turned off the light in the rear passenger compartment.<sup>49</sup> Once closed, [REDACTED] began kicking on the squadrol door.<sup>50</sup>

Officers Otano and Gonzalez drove [REDACTED] to the Fifteenth District police station in the squadrol with their emergency equipment activated. Officer Moriarty, Dowdall, and Segovia met the squadrol in the sallyport at approximately 10:16 pm.<sup>51</sup> Sgt. Vasquez was at the district and responded to the sallyport when the squadrol arrived.<sup>52</sup> Before opening the door to the squadrol passenger compartment, Officer Segovia shined his flashlight through the window and observed [REDACTED] was unbuckled and lying against the door.<sup>53</sup> When Officer Segovia said where [REDACTED] was lying, Officer Gonzalez said that he had attempted to turn on the light in the rear passenger compartment.<sup>54</sup> Officer Otano opened the passenger compartment door, causing [REDACTED] to fall out of the compartment, and he was caught by Officers Moriarty and Segovia.<sup>55</sup> [REDACTED] was awake, but his body was limp. [REDACTED] asked Officer Segovia for his asthma pump, and Officer Segovia told [REDACTED]

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<sup>39</sup> Att. 4 at 9:22 to 9:57; Att. 27 at 3:02 to 3:21; Att. 30 at 2:55 to 3:19; Att. 31 at 2:49 to 3:14; Att. 38 at 7:24 to 7:46; Att. 39 at 7:21 to 7:42.

<sup>40</sup> Att. 3 at 9:34 to 9:43; Att. 27 at 5:57.

<sup>41</sup> Att. 4 at 10:03.

<sup>42</sup> Att. 39 at 7:42 to 8:09.

<sup>43</sup> Att. 4 at 10:18 to 10:27.

<sup>44</sup> Att. 31 at 3:52 to 4:07.

<sup>45</sup> Att. 3 at 10:16 to 10:28; Att. 4 at 10:38 to 10:50; Att. 31 at 4:07 to 4:21.

<sup>46</sup> Att. 31 at 4:21 to 4:39.

<sup>47</sup> Att. 30 at 4:41 to 4:58.

<sup>48</sup> Att. 31 at 4:45 to 4:58.

<sup>49</sup> Att. 38 at 9:23 to 9:48.

<sup>50</sup> Att. 38 at 9:40 to 10:10.

<sup>51</sup> Att. 30 at 5:46 to 9:54; Att. 31 at 5:43 to 9:52.

<sup>52</sup> Att. 22 at 1:56 to 2:11; Att. 26 at 1:56 to 2:12; Att. 29 at 1:51 to 2:08.

<sup>53</sup> Att. 29 at 2:08 to 2:21.

<sup>54</sup> Att. 30 at 10:14 to 10:24.

<sup>55</sup> Att. 26 at 2:23 to 2:40; Att. 29 at 2:21 to 2:36.

that he would get [REDACTED] his asthma pump if he complied with the officers.<sup>56</sup> The officers stood [REDACTED] up on his feet, and [REDACTED] walked with the officers to the juvenile processing room.<sup>57</sup>

In the juvenile processing room, Officer Moriarty conducted a custodial search and recovered one additional plastic bag from [REDACTED] pant leg.<sup>58</sup> During the search, [REDACTED] told the officers that he needed his asthma pump and requested to speak to a supervisor.<sup>59</sup> Once the custodial search was complete, Sgt. Vasquez spoke with [REDACTED] and [REDACTED] complained of an injury to his right wrist.<sup>60</sup> [REDACTED] was subsequently transported to Stroger Hospital via a CFD ambulance at approximately 11:06 pm.<sup>61</sup> [REDACTED] was examined at the hospital and diagnosed with a possible sprained wrist, with swelling and pain limiting his range of motion.<sup>62</sup>

Following the event, Officers Segovia, Moriarty, and Dowdall inventoried twelve blue plastic bags containing suspect crack cocaine, five clear plastic bags containing suspect crack cocaine, and seventeen blue bags with blue tape containing suspect heroin.<sup>63</sup> [REDACTED] was charged with two counts of possession of a controlled substance, aggravated battery to a peace officer, and three counts of resisting or obstructing a police officer.<sup>64</sup> [REDACTED] attorney declined COPA's interview request,<sup>65</sup> and the outcome of the juvenile criminal case is unknown to COPA as juvenile records are confidential.

### III. ALLEGATIONS

#### **Police Officer Kyle Moriarty:**

1. Conducting a strip search of [REDACTED] in violation of G06-01-03
  - Not Sustained
2. Stating words to the effect of "I'm going to break your wrist if you don't stop moving"
  - Sustained; Violation of Rules 2, 3, 6, 8, and 9
3. Grabbing [REDACTED] penis without justification
  - Sustained violation of Rules 2, 3, 6, and 8
4. Failing to immediately request medical aid for [REDACTED] after he alleged an injury
  - Unfounded

#### **Police Officer Matt Segovia:**

1. Participating in a strip search of [REDACTED] in violation of G06-01-03
  - Not Sustained

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<sup>56</sup> Att. 29 at 2:37 to 2:48.

<sup>57</sup> Att. 26 at 2:52 to 4:44; Att. 29 at 2:48 to 4:41.

<sup>58</sup> Att. 26 at 4:53 to 7:17.

<sup>59</sup> Att. 26 at 5:11 and 7:06.

<sup>60</sup> Att. 8.

<sup>61</sup> Att. 40 at 1:23 to 1:58.

<sup>62</sup> Att. 110, pg. 24.

<sup>63</sup> Att. 10.

<sup>64</sup> Att. 2.

<sup>65</sup> See Note CO-1369363.

2. Untimely activating [*sic*] his body worn camera without justification
  - Sustained violation of Rules 2, 3, 5, 6, and 10
3. Striking [REDACTED] with a flashlight without justification
  - Not Sustained
4. Failing to immediately request medical aid for [REDACTED] after he alleged an injury
  - Unfounded

**Police Officer Matthew Dowdall:**

1. Conducting a strip search of [REDACTED] in violation of G06-01-03
  - Sustained; Violation of Rules 1, 2, 3, 6, 8, and 11
2. Untimely activating [*sic*] his body worn camera without justification
  - Sustained violation of Rules 2, 3, 5, 6, and 10
3. Standing on [REDACTED] arm without justification
  - Sustained; Violation of Rules 2, 3, 6, 8, and 9
4. Failing to immediately request medical aid for [REDACTED] after he alleged an injury
  - Unfounded

**Police Officer Osvaldo Gonzalez:**

1. Failing to complete a Tactical Response Report (TRR) when required in violation of General Order G03-02-02
  - Exonerated
2. Failing to monitor the safety of an arrestee during transport in a squadrol and/or ride in the rear compartment of a squadrol with an arrestee during transport
  - Sustained violation of Rules 2, 3, 5, 6, and 10

**Police Officers Jose Rivera, Christian Otano, and Miguel Maxinez:**

1. Failing to complete a Tactical Response Report (TRR) when required in violation of General Order G03-02-02
  - Sustained violation of Rules 2, 3, 5, 6, and 10

**Police Officer Marc Edingburg:**

1. Failing to complete a Tactical Response Report (TRR) when required in violation of General Order G03-02-02
  - Exonerated

**IV. CREDIBILITY ASSESSMENT**

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

The CPD members interviewed during this investigation provided information that was largely consistent with the available video evidence where such evidence was available. However, there were two instances where accused police officers provided information to COPA that was contrary to the available video evidence.

First, in his interview with COPA, Officer Dowdall described ██████ as wearing sweatpants and underwear beneath the sweatpants.<sup>66</sup> Officer Dowdall's BWC video shows that ██████ was wearing jeans and shorts beneath his jeans.<sup>67</sup> Officer Dowdall accurately described his search of ██████ person.<sup>68</sup> Because there is no clear advantage to Officer Dowdall in misrepresenting the nature of ██████ clothing in this way, the conclusion that Officer Dowdall could not accurately recall the specific details of how ██████ was dressed is more likely than not.

In his interview with COPA, Officer Moriarty denied grabbing ██████ penis during the incident.<sup>69</sup> Officer Moriarty provided alternative explanations for the portion of his BWC footage where he appears to be grabbing ██████ penis.<sup>70</sup> Officer Moriarty's explanation was not consistent with the totality of the available video evidence – including other members' BWC footage – which Officer Moriarty was not shown. While Officer Moriarty's assertion appears to be false, there is no evidence available to COPA to indicate that Officer Moriarty made a knowing false statement and that his alternative explanations were not his sincere belief.

## V. ANALYSIS<sup>71</sup>

### a. Strip Search

A strip search is defined by Illinois statute and incorporated through reference into CPD policy as “having an arrested person remove or arrange some or all of his or her clothing as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of such person.”<sup>72</sup> A strip search may only be conducted when factors are present to establish probable cause that the search will uncover a weapon or contraband.<sup>73</sup> Strip searches are to be performed by CPD members of the same gender as the person being searched and in a location outside of the view of others.<sup>74</sup> A CPD member may only perform a strip search after receiving written approval from a supervisor.<sup>75</sup> Strip searches are generally required to be conducted in a CPD lockup facility, but when necessary, a strip search may be conducted in the field if approved by a field supervisor.<sup>76</sup>

<sup>66</sup> Att. 127, pg. 11, lns. 7 to 14, and pg. 14, lns. 7 to 9.

<sup>67</sup> Att. 3 at 2:15.

<sup>68</sup> Att. 127, pg. 14, ln. 10, to pg. 15, ln. 4.

<sup>69</sup> Att. 135, pg. 46, lns. 13 to 15.

<sup>70</sup> Att. 135, pg. 32, ln. 11, to pg. 35, ln. 8.

<sup>71</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>72</sup> 725 ILCS 5/103-1(d); Att. 148, G06-01-03, Conducting Strip Searches (effective December 8, 2017, to present).

<sup>73</sup> Att. 148, G06-01-03(III)(A).

<sup>74</sup> Att. 148, G06-01-03(III)(C).

<sup>75</sup> Att. 148, G06-01-03(IV)(B).

<sup>76</sup> Att. 148, G06-01-03(IV)(F).

After observing █████ conceal potential contraband in his shorts, Officer Dowdall pulled █████ waistband away from █████ body, exposing █████ genitals to search for and to recover the contraband.<sup>77</sup> Officer Dowdall told COPA that his actions did not constitute a strip search because he knew that there was contraband on █████ person, and he was retrieving it.<sup>78</sup> The distinction drawn by Officer Dowdall is not recognized in CPD policy. Officer Dowdall observations were likely sufficient to create probable cause to conduct a strip search, but they do not change the nature of his conduct to something other than a strip search that was required to be conducted consistent with CPD's strip-search policy.

Officer Dowdall's strip search was inconsistent with CPD policy in that he conducted the search without written approval from a supervisor, the search was conducted outside of a CPD lockup facility without approval from a field supervisor, and the search was conducted in the view of others on the street.<sup>79</sup> The discovery of additional suspect narcotics on █████ person when he was searched again at the Fifteenth District police station highlights the shortcomings of conducting this type of search in the field. The discovery of the additional narcotics after the transport also undercuts the justification that a strip search was necessary to prevent █████ from consuming the narcotics. The risk of consumption could have been addressed by properly monitoring █████ during transport rather than conducting an invasive search in an uncontrolled environment. COPA therefore finds by a preponderance of evidence that Officer Dowdall violated Rules 1, 2, 3, 6, 8, and 11, and **Allegation #1 against Officer Dowdall is Sustained.**

The available BWC footage shows that Officer Dowdall conducted the strip search spontaneously during the incident without discussing how to proceed with Officers Moriarty and Segovia, who were holding █████ arm and legs while the search was conducted.<sup>80</sup> Officers Moriarty and Segovia both characterized Officer Dowdall's actions as a recovery rather than a search.<sup>81</sup> However, neither of those officers searched within █████ shorts prior to Officer Dowdall's strip search when they suspected that █████ had narcotics on his person or after when attempting to seize additional narcotics that were on his person.<sup>82</sup>

Officer Moriarty conducted a search of █████ groin area using a hole in █████ pants near the crotch.<sup>83</sup> █████ was wearing shorts beneath his pants, so Officer Moriarty's search was between layers of clothing rather than of █████ undergarments. Because Officer Moriarty's search of

<sup>77</sup> Att. 127, pg. 9, ln. 12, to pg. 10, ln. 12; Att. 3 at 3:31 to 3:43.

<sup>78</sup> Att. 127, pg. 23, ln. 14, to pg. 24, ln. 3.

<sup>79</sup> Att. 4 at 2:10 to 2:46 (Officer Segovia's BWC footage showing █████ calling to a bystander on the street shortly before the strip search was conducted); Att. 5 at 5:23 and 6:44 (Officer Moriarty's BWC footage showing an individual on their porch watching the interaction between the officers and █████ and a woman coming to take █████ dog shortly after the strip search was completed).

<sup>80</sup> Att. 3 at 3:31 to 3:48.

<sup>81</sup> Att. 136, pg. 20, lns. 7 to 12 and Att. 135, pg. 25, ln. 2 to pg. 26, ln. 21.

<sup>82</sup> Att. 4 at 2:16 to 3:48 and Att. 5 at 2:20 to 3:52 (showing Officers Moriarty and Segovia searching the outside of █████ shorts and his pants). Att. 4 at 7:27 to 9:21 and Att. 5 at 7:35 to 9:24 (showing the subsequent search of █████ conducted by Officer Moriarty).

<sup>83</sup> Att. 5 at 8:35 to 9:24.

█████ person utilizing a hole in █████ pants was not a strip search under CPD policy, and because COPA cannot show by a preponderance of evidence that Officer Moriarty and Officer Segovia were aware of the nature of Officer Dowdall's search, **Allegation #1 against Officer Moriarty and Segovia is Not Sustained.**<sup>84</sup>

### b. Verbal Abuse

It is alleged that Officer Moriarty said words to the effect of, "I'm going to break your wrist if you don't stop moving," to █████ CPD members are required to "treat all persons with courtesy and dignity which is inherently due every person and will act, speak, and conduct themselves in a courteous, respectful, and professional manner."<sup>85</sup> CPD members are prohibited from using force to punish or retaliate against an individual for resisting arrest.<sup>86</sup>

The alleged statement by Officer Moriarty is clearly captured on his BWC video footage.<sup>87</sup> Officer Moriarty explained to COPA that he made the statement in conjunction with applying pressure to █████ hand, pushing the hand inwards towards █████ forearm while █████ was lying on the ground being searched by Officer Dowdall.<sup>88</sup> Officer Moriarty denied applying sufficient pressure to break █████ wrist or cause injury. Officer Moriarty said his intention was to give █████ the belief that he would be injured if he continued to resist the officers.<sup>89</sup>

In this circumstance, Officer Moriarty was likely not warning █████ that an injury could result from █████ own actions. The most natural interpretation of Officer Moriarty's words is that he was representing to █████ that he would cause an intentional injury if █████ did not comply with the officers who were searching him. While Officer Moriarty did not follow through with his threat and described it as a scare tactic to gain compliance, the statement was a threat of force that was retaliatory and not proportional to █████ resistance. COPA therefore finds by a preponderance of evidence that Officer Moriarty violated Rules 2, 3, 6, 8, and 9, and **Allegation #2 against Officer Moriarty is Sustained.**

### c. Inappropriate Contact

It is alleged that Officer Moriarty grabbed █████ penis without justification. CPD members are required to treat all persons with the courtesy and dignity which is inherently due every person as a human being, and to act speak, and conduct themselves in a courteous, respectful, and professional manner.<sup>90</sup> In his review of Officer Moriarty's TRR, Lt. Hawkins noted that

<sup>84</sup> This allegation is Not Sustained, rather than Unfounded, because there is not clear and convincing evidence proving that Officer Moriarty and Officer Segovia were unaware of the nature of Officer Dowdall's search.

<sup>85</sup> Att. 145, G03-02((II)(C)(2), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

<sup>86</sup> Att. 145, G03-02((III)(C)(3).

<sup>87</sup> Att. 5 at 4:21 to 4:29.

<sup>88</sup> Att. 135, pg. 27, ln. 18, to pg. 28, ln. 24.

<sup>89</sup> Att. 135, pg. 27, lns. 4 to 17.

<sup>90</sup> Att. 151, G02-01(III)(B)(2)-(3), Protection of Human Rights (effective June 30, 2022, to present).

Officer Moriarty had a grip of something inside █████ shorts while searching █████ and that it was potentially █████ genitalia.<sup>91</sup>

Officer Moriarty explained to COPA that █████ shorts were bunched up such that he was gripping █████ shorts rather than something inside, and he believed the position of his hand, above █████ waistline, was inconsistent with where █████ penis would be positioned.<sup>92</sup> Officer Moriarty's BWC footage shows that the fabric of █████ shorts was pulled tight between Officer Moriarty's thumb and finger.<sup>93</sup> Prior to Officer Moriarty placing his hand in that position, a bunch was present running horizontally across █████ body, but subsequently Officer Moriarty was gripping something within █████ shorts that was oriented vertically.<sup>94</sup> Officer Dowdall's BWC video from earlier in the incident as Officer Dowdall was searching within █████ shorts shows that █████ was wearing no clothing beneath his shorts and that █████ penis was above the waistband of his jeans.<sup>95</sup> The alternative explanation provided by Officer Moriarty, that he was gripping only the fabric of █████ shorts, is inconsistent with the available video evidence. COPA therefore finds by a preponderance of evidence that Officer Moriarty grabbed and held █████ penis (over his shorts) while searching █████ in violation of Rules 2, 3, 6, and 8, and **Allegation #3 against Officer Moriarty is Sustained.**

#### d. Use of Force

CPD members may only use force that is objectively reasonable, necessary, and proportional in light of the totality of the circumstances.<sup>96</sup> Considerations in evaluating the objective reasonableness of the force include: whether the person is posing an imminent threat to the members or others; the risk of harm or level of threat or resistance presented by the person; the person's proximity or access to weapons; whether de-escalation techniques can be employed or would be effective; and the availability of other resources.<sup>97</sup> "Necessary" means "the minimum amount of force needed to provide for the safety of any person or member, stop an attack, make an arrest, bring a person or situation under control, or prevent escape."<sup>98</sup> Responses must be "proportional to the threat, actions, and level of resistance offered by a person."<sup>99</sup>

CPD directives classify a person who fails to comply with verbal directives as a passive resister. Force options authorized for passive resisters include holding techniques, compliance techniques, control instruments, and oleoresin capsicum (OC spray).<sup>100</sup> An active resister is

<sup>91</sup> Att. 19, pg. 8.

<sup>92</sup> Att. 135, pg. 32, ln. 11, to pg. 35, ln. 8.

<sup>93</sup> Att. 5 at 9:04 to 9:20.

<sup>94</sup> Compare Att. 5 at 8:48 (showing █████ shorts prior to Officer Moriarty placing his hand over the shorts) with Att. 5 at 9:05 (showing Officer Moriarty's hand on █████ shorts).

<sup>95</sup> Att. 3 at 3:40.

<sup>96</sup> Att. 145, G03-02(III)(B).

<sup>97</sup> Att. 145, G03-02(III)(B)(1).

<sup>98</sup> Att. 145, G03-02(III)(B)(2).

<sup>99</sup> Att. 145, G03-02(III)(B)(3).

<sup>100</sup> Att. 149, G03-02-01(IV)(B)(1), Response to Resistance and Force Options (effective June 28, 2023, to present).

defined as a person who attempts to create distance between himself or herself and the CPD member's reach with the intent to avoid physical control and/or defeat the arrest. In addition to the force options available for a passive resistor, for an active resistor, CPD members may also use stunning techniques, takedown methods, canines, and tasers. In all uses of force, the goal of a member's response is to resolve the incident "with the foremost regard for the preservation of human life and the safety of all persons involved."<sup>101</sup>

#### i. Restraint of ██████ Wrist

It is alleged that Officer Dowdall stood on ██████ arm without justification. The available video evidence shows that as ██████ was lying on the ground being searched by Officer Moriarty, ██████ reached towards his waistband.<sup>102</sup> Officer Moriarty grabbed ██████ hand and prevented him from retrieving anything.<sup>103</sup> Then Officer Dowdall put his right foot on ██████ wrist, pinning it to the ground.<sup>104</sup> By reaching towards his waistband while officers searched him, ██████ engaged in active resistance, allowing officers to use holding techniques (amongst other force options) to overcome his resistance. During his interview with COPA, Officer Dowdall denied standing on ██████ arm and characterized his conduct as placing his foot ██████ arm, which he believed was a justified use of force to overcome ██████ resistance.<sup>105</sup> The distinction that Officer Dowdall drew between standing on ██████ arm and placing his foot on ██████ arm is purely semantics. With respect to the need for force to overcome ██████ resistance, Officer Dowdall did effectively control ██████ hand and restrict ██████ movement by pinning ██████ arm to the ground with his foot, but this use of force was not necessary and proportionate because it applied excessive pressure to ██████ wrist by using body weight, when a firm grip would likely have been sufficient to overcome ██████ resistance. Because Officer Dowdall used more than the minimum force needed under the circumstances by standing on ██████ arm, COPA finds by a preponderance of evidence that Officer Dowdall violated Rules 2, 3, 6, 8, and 9, and **Allegation #3 against Officer Dowdall is Sustained.**

#### ii. Striking ██████ with Flashlight

It is alleged that Officer Segovia struck ██████ with a flashlight without justification. Officer Segovia's BWC video footage shows that his flashlight contacted ██████ face as the officers were trying to put ██████ into the passenger compartment of the squadrol. Just after this contact, Officer Segovia took hold of ██████ shirt – using the same hand that was holding the flashlight – while attempting to lift ██████ up the steps and into the squadrol.<sup>106</sup> Officer Segovia denied that the contact was intentional.<sup>107</sup> The available video footage shows that the contact was not forceful, ██████ did not appear to react to the contact from the flashlight, and ██████ did not complain about this contact or about any injury to his face. All of these facts support the conclusion that the strike with the

<sup>101</sup> Att. 149, G03-02-01(IV)(B)(2).

<sup>102</sup> Att. 4 at 8:26.

<sup>103</sup> Att. 4 at 8:29.

<sup>104</sup> Att. 4 at 8:30.

<sup>105</sup> Att. 127, pg. 28, ln. 23 to pg. 29, ln. 5.

<sup>106</sup> Att. 4 at 10:02.

<sup>107</sup> Att. 136, pg. 29, lns. 11 to 18.

flashlight was inadvertent and incidental to Officer Segovia seeking a grip on ██████ shirt. COPA therefore finds that there is not a preponderance of evidence to prove that Officer Segovia struck ██████ with a flashlight without justification, and **Allegation #3 against Officer Segovia is Not Sustained.**<sup>108</sup>

**e. Failure to Monitor Safety of Arrestee during Transport**

A CPD member assigned to a squadrol is responsible for the safety, security, and care of persons under their control.<sup>109</sup> A member working as the squadrol attendant is responsible for observing persons being transported through the compartment window and, when necessary, riding in the rear compartment as required for the safety and security of a person being transported in the squadrol.<sup>110</sup>

Officer Gonzalez was acting as the attendant when he rode in the front passenger seat of the squadrol while ██████ was transported to the Fifteenth District.<sup>111</sup> At the scene of ██████ arrest, Officers Moriarty and Dowdall discussed riding in the rear of the squadrol but chose not to while Officer Gonzalez was present.<sup>112</sup> Officer Gonzalez told COPA that he was unable to recall if he ever looked through the window behind him to check on ██████ condition during the transport,<sup>113</sup> and there is no discernible movement on Officer Gonzalez' BWC video footage during the transport to indicate that he turned to look to the passenger compartment.<sup>114</sup>

During the transport, the squadrol's emergency equipment was activated and Officer Otano drove at speeds greater than forty miles per hour.<sup>115</sup> ██████ was strapped into his seat when the door to the squadrol passenger compartment was closed, but he appeared to be reaching towards the buckle to release himself.<sup>116</sup> When the squadrol arrived at the Fifteenth District station, ██████ was unbuckled and lying on the floor of the passenger compartment.<sup>117</sup> It is unclear from the available video footage when or how ██████ unbuckled himself, but Officer Otano told COPA that the seatbelts in the squadrol are easy to remove and that ██████ was likely unbuckled in order to be able to kick the door.<sup>118</sup> ██████ likely unbuckled himself prior to the officers departing from the scene, and much of the uncertainty around this is due to the failure to properly monitor ██████ during the transport.

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<sup>108</sup> This allegation is Not Sustained, rather than Unfounded, because there is not clear and convincing evidence proving that Officer Segovia's conduct was unintentional; the flashlight did contact ██████ face, and it is possible that the contact was intentional.

<sup>109</sup> Att. 147, S03-06(IV)(A), Squadrol Operating Procedures (effective November 15, 2017).

<sup>110</sup> Att. 147, S03-06(IV)(D)(2) and (4).

<sup>111</sup> Att. 30 at 5:46 to 9:51.

<sup>112</sup> Att. 3 at 11:08 to 11:39, Att. 5 at 11:29 to 12:16, and Att. 30 at 5:03 to 5:22.

<sup>113</sup> Att. 130, pg. 17, lns. 10 to 18, and pg. 22, ln. 3, to pg. 23, ln. 21.

<sup>114</sup> Att. 30 at 5:46 to 9:51.

<sup>115</sup> Att. 143.

<sup>116</sup> Att. 38 at 9:30

<sup>117</sup> Att. 29 at 2:09 to 2:26.

<sup>118</sup> Att. 129, pg. 27, ln. 23, to pg. 28, ln. 12 and pg. 27, lns. 13 to 18.

█████ did not allege any injury linked to his transportation in the squadrol. However, considering the requirements of the above-discussed CPD directive, and considering that █████ was restrained with his hands behind his back, unsecured by a seat belt, Officer Gonzalez should have recognized a significant risk of injury and should have monitored █████ during the transport. COPA therefore finds by a preponderance of evidence that Officer Gonzalez failed to monitor the safety of an arrestee during transport in a squadrol and/or ride in the rear compartment of a squadrol with the arrestee during transport, in violation of Rules 2, 3, 5, 6, and 10, and **Allegation #2 against Officer Gonzales is Sustained.**

#### f. Failure to Request Medical Aid

CPD members must immediately request appropriate medical aid for anyone who is injured or complains of an injury after securing a scene.<sup>119</sup> At times during the incident, █████ complained of pain and made statements to the officers present that he suffered from asthma.<sup>120</sup> However, █████ pain reactions were not persistent. █████ breathing was labored at times, but he did not appear to be in distress as he continued his efforts to resist officers' attempts to control him. Medical assistance was requested for █████ promptly after he alleged an injury to his wrist.<sup>121</sup> COPA therefore finds that there is clear and convincing evidence that the allegation of failing to immediately request medical aid for █████ after he alleged an injury is not factual, and **Allegation #4 against Officers Dowdall, Segovia, and Moriarty is Unfounded.**

#### g. BWC

It is alleged that Officers Segovia and Dowdall failed to timely activate their BWCs during this incident. CPD members must use their BWC to record all law-enforcement-related activities.<sup>122</sup> Where exigent circumstances make the activation of a BWC unsafe, impracticable, or impossible, CPD members must activate their BWC as soon as practicable.<sup>123</sup>

Here, the officers first observed █████ crossing the street and decided to engage with █████ after he spontaneously lifted his shirt, and they observed potential contraband in his waistband.<sup>124</sup> While still in the squad car, Officer Segovia gave █████ an order to lift his shirt again, and █████ complied.<sup>125</sup> Officer Segovia and Dowdall both exited the squad car, took hold of █████ and handcuffed him.<sup>126</sup> Then, Officers Dowdall and Segovia both began searching █████ pockets.<sup>127</sup>

<sup>119</sup> Att. 145, G03-02(V)(A)(1).

<sup>120</sup> Att. 4 at 2:54 to 3:19, at 4:03 to 4:27, at 7:53 to 8:03, at 8:31 to 9:06, at 9:47 to 10:25, and at 10:53 to 11:28.

<sup>121</sup> Att. 69 at 41:36 to 42:02.

<sup>122</sup> Att. 146, S03-14(V)(A)(1), Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

<sup>123</sup> Att. 146, S03-14(V)(A)(3).

<sup>124</sup> Att. 127, pg. 9, lns. 8 to 12; Att. 135, pg. 8, lns. 14 to 19; Att. 136, pg. 8, lns. 12 to 18.

<sup>125</sup> Att. 4 at 1:42 to 1:49; Att. 127, pg. 10, lns. 18 to 24; Att. 135, pg. 9, lns. 1 to 4.

<sup>126</sup> Att. 3 at 1:25 to 1:53; Att. 4 at 1:50 to 2:15.

<sup>127</sup> Att. 3 at 1:53 to 2:14; Att. 4 at 2:15 to 2:35.

Officer Segovia activated his BWC while ██████ was being handcuffed, which was approximately twenty seconds after taking his first law-enforcement action by directing ██████ to lift up his shirt.<sup>128</sup> Officer Dowdall activated his BWC after he began searching ██████ pockets, which was approximately thirty-five seconds after taking his first law-enforcement action by placing his hands on ██████ and beginning to handcuff him.<sup>129</sup> Officer Segovia justified the delay in activating his BWC because the event began spontaneously and he needed to act quickly to ensure that ██████ did not flee.<sup>130</sup> Officer Dowdall explained that he believed that he activated his BWC when he exited the squad car, and he then immediately activated the BWC upon observing that it was not recording.<sup>131</sup>

The circumstances presented at the inception of this incident did not make the activation of Officer Dowdall's or Officer Segovia's BWC unsafe, impracticable, or impossible. The officers' assertion that ██████ posed a flight risk if they delayed taking physical control of him to activate their BWCs is unavailing. Officer Segovia should have activated his BWC while still sitting in the squad car and issuing a directive to ██████ and Officer Dowdall should have activated his BWC as he was exiting the squad car to engage with ██████ was compliant with the initial order issued by Officer Segovia and made no movements to distance himself from the squad car as the officers were exiting.<sup>132</sup> There is no indication from the immediate circumstances of this event that ██████ was preparing to flee. Therefore, COPA finds by a preponderance of evidence that there were no exigent circumstances excusing the delay in BWC activation, and Officers Dowdall and Segovia violated Rules 2, 3, 5, 6, and 10. **Allegation #2 against Officers Dowdall and Segovia is Sustained.**

#### **h. Failure to Submit a TRR**

It is alleged that Officers Gonzalez, Edingburg, Otano, Rivera, and Maxinez failed to complete TRRs when required. CPD members are required to complete a TRR for all use of force incidents involving a person who is injured or alleges injury resulting from the member's use of force or the active resistance of a person who is the subject of the member's force.<sup>133</sup> A CPD member is not required to complete a TRR when an individual's only act of resistance is fleeing from officers, the member's only actions towards the individual are verbal directives or control holds used in conjunction with handcuffing or searching, and the individual is not injured or alleging injury from the member's use of force.<sup>134</sup>

Officers Edingburg and Rivera arrived as the initial transport vehicle and observed, but did not directly participate, when Officers Segovia and Dowdall attempted to place ██████ in the rear of

<sup>128</sup> Att. 4 at 1:39 to 2:01; Att. 127, pg. 10, lns. 18 to 24; Att. 135, pg. 9, lns. 1 to 4.

<sup>129</sup> Att. 3 at 1:25 to 2:01.

<sup>130</sup> Att. 136 at pg. 31, lns. 7 to 18.

<sup>131</sup> Att. 127, pg. 11, ln. 17, to pg. 12, ln. 12, and pg. 29, ln. 22, to pg. 30, ln. 6.

<sup>132</sup> Att. 4 at 1:46; Att. 127, pg. 10, lns. 16 to 24; Att. 135, pg. 9, ln. 1 to 7.

<sup>133</sup> Att. 144, G03-02-02(III)(A)(1)(a) and (b), Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present).

<sup>134</sup> Att. 144, G03-02-02(III)(A)(1)(b)((1)) to ((3)).

their squad car.<sup>135</sup> Officers Segovia and Dowdall ceased these efforts and called for a squadrol.<sup>136</sup> Officer Segovia then pulled [REDACTED] from the squad car so that he was laying on the ground and began to search him.<sup>137</sup> Officer Edingburg held [REDACTED] shoulder and arm during the search to defeat [REDACTED] attempts to get to his feet, to turn away from the officers searching him, and to reach for his waistband.<sup>138</sup> When Officers Gonzalez, Otano, and Maxinez arrived on scene, [REDACTED] was on the ground being searched by Officers Segovia and Moriarty.<sup>139</sup> Officer Otano approached and held [REDACTED] head to the ground while the search was completed.<sup>140</sup>

[REDACTED] resisted the officers' attempts to transport him to the squadrol by going limp, which constitutes passive resistance. Officers Gonzalez, Edingburg, Otano, Rivera, and Maxinez lifted [REDACTED] and carried him towards the squadrol in response to this passive resistance.<sup>141</sup> However, once they reached the steps to the squadrol passenger compartment, [REDACTED] attempted to bite Officer Maxinez's leg.<sup>142</sup> Officers Otano and Rivera entered the squadrol passenger compartment after [REDACTED] kicked Officer Segovia out of the compartment and fell onto the steps, and Officers Otano and Rivera then assisted with lifting [REDACTED] onto the seat and strapping him in while [REDACTED] was stiffening and twisting his body to avoid the officers' efforts.<sup>143</sup>

[REDACTED] notified Officers Moriarty, Dowdall, and Segovia of an injury to his wrist after he was transported to the Fifteenth District and his arrest was being processed. The officers accused of failing to complete a TRR were not present when [REDACTED] alleged the injury to his wrist and there was no apparent deformity to [REDACTED] wrist indicating the injury.<sup>144</sup> So, they were not required to complete a TRR on the basis that [REDACTED] had sustained an injury because there is no evidence that the accused officers were aware of the injury.

The exception to the TRR requirement regarding fleeing subjects is not applicable in this circumstance. [REDACTED] level of resistance varied during this encounter, but when he was an active resistor his actions included stiffening, pulling away from officers, kicking off objects, and reaching towards his waistband potentially to retrieve contraband before it was discovered by officers. [REDACTED] did not flee at any point, so the officers were required to complete a TRR to the extent that they used force to overcome [REDACTED] active resistance. Because Officers Gonzalez and Edingburg only assisted in carrying [REDACTED] to the squadrol when [REDACTED] was passively resisting, COPA finds by clear and convincing evidence that **Allegation #1 against Officers Gonzalez and Edingburg is Exonerated**. Because [REDACTED] assaulted Officer Maxinez by trying to bite him and

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<sup>135</sup> Att. 38 at 3:05 to 3:54; Att. 39 at 3:04 to 3:53.

<sup>136</sup> Att. 4 at 5:54.

<sup>137</sup> Att. 4 at 7:02 to 7:31; Att. 38 at 4:52 to 5:12.

<sup>138</sup> Att. 39 at 5:32 to 7:20.

<sup>139</sup> Att. 27 at 1:14 to 1:29; Att. 30 at 2:01 to 2:41; Att. 31 at 1:58 to 2:23.

<sup>140</sup> Att. 31 at 2:27 to 2:51.

<sup>141</sup> Att. 4 at 9:22 to 9:57; Att. 27 at 3:02 to 3:21; Att. 30 at 2:55 to 3:19; Att. 31 at 2:49 to 3:14; Att. 38 at 7:24 to 7:46; Att. 39 at 7:21 to 7:42.

<sup>142</sup> Att. 3 at 9:34 to 9:43; Att. 27 at 5:57.

<sup>143</sup> Att. 31 at 3:46 to 4:59.

<sup>144</sup> Att. 99, pg. 11, ln. 7, to pg. 13, ln. 1; Atts. 83 to 87.

because Officers Rivera and Otano used force to defeat ██████ active resistance while securing ██████ in the squadrol, COPA finds by a preponderance of evidence that these officers violated Rules 2, 3, 5, 6, and 10, and **Allegation #1 against Officers Maxinez, Rivera, and Otano is Sustained.**

## VI. DISCIPLINARY RECOMMENDATION<sup>145</sup>

### a. Police Officer Kyle Moriarty

#### i. Complimentary and Disciplinary History

Officer Moriarty has received four Superintendent's Honorable Mentions, nine Department Commendations, one hundred and fifty Honorable Mentions, and at least seven other awards and commendations. Officer Moriarty was reprimanded once for an October 2019 incident involving operational or personnel violations.

#### ii. Recommended Discipline

COPA has found that Officer Moriarty violated Rules 2, 3, 6, 8, and 9 by stating words to the effect of "I'm going to break your wrist if you don't stop moving" to ██████ and Rules 2, 3, 6, and 8 by grabbing ██████ penis without justification. Officer Moriarty had nearly five years of experience as a CPD member at the time of this incident, and he should have been more mindful of his words and his actions. There is no evidence to suggest that Officer Moriarty grabbed ██████ penis for purposes of sexual gratification, and it appears that he likely grabbed it simply to hold it out of the way while he quickly searched the area around ██████ groin. ██████ did not complain about Officer Moriarty's action, and COPA acknowledges that Officer Moriarty was attempting to search ██████ under difficult conditions while ██████ continued to struggle, and Officer Moriarty was motivated to find and remove potentially dangerous contraband. Nevertheless, Officer Moriarty could have used other methods to assure ██████ safety and the safety of other CPD members, and he could have completed the search at a secure facility under more controlled conditions. Officer Moriarty's threat to break ██████ wrist if ██████ did not stop moving was unnecessary and had the tendency to impede CPD's goal of promoting respect between law enforcement and the community. Considering these factors, and also considering Officer Moriarty's extensive complimentary history and lack of serious or recent disciplinary history, COPA recommends that **Officer Moriarty be suspended for two days.**

### b. Police Officer Matt Segovia

#### i. Complimentary and Disciplinary History

Officer Segovia has received four Superintendent's Honorable Mentions, four Department Commendations, one hundred Honorable Mentions, and at least nine other awards and

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<sup>145</sup> See Atts. 152 to 159 for the complimentary and disciplinary histories of the accused CPD members.

commendations. Officer Segovia was suspended for ten days for a December 2020 incident involving a traffic pursuit.

## **ii. Recommended Discipline**

COPA has found that Officer Segovia violated Rules 2, 3, 5, 6, and 10 by untimely activating his BWC. Officer Segovia had almost five years' experience as a CPD member at the time of this incident, and he should have been more attentive to the requirements of CPD's BWC directive. Albeit late, Officer Segovia did activate his BWC and record the majority of this incident, and COPA has found no evidence indicating that Officer Segovia intended to hide his actions or obstruct a potential investigation. BWC recordings are important tools used to document police interactions with members of the public, and failure to capture the entirety of an encounter, as required by CPD directives, tends to undermine public trust in CPD. BWC recordings can be used both to prevent misconduct and to exonerate CPD members where they are wrongfully accused, and to ensure that the true circumstances of incidents involving CPD members are known. Considering these factors, and taking into account Officer Segovia's extensive complimentary history and lack of recent or similar disciplinary history, COPA recommends that **Officer Segovia receive a reprimand.**

## **c. Police Officer Matthew Dowdall**

### **i. Complimentary and Disciplinary History**

Officer Dowdall has received the Life Saving Award, four Superintendent's Honorable Mentions, five Department Commendations, one-hundred-and-seven Honorable Mentions, and at least twelve other awards and commendations. Officer Dowdall has no sustained complaint registers, but he was reprimanded through the summary punishment process for an April 2023 preventable accident.

### **ii. Recommended Discipline**

COPA has found that Officer Dowdall violated Rules 1, 2, 3, 6, 8, and 11 by conducting an unauthorized strip search, Rules 2, 3, 5, 6, and 10 by untimely activating his BWC, and Rules 2, 3, 6, 8, and 9 by standing on [REDACTED] arm without justification. Officer Dowdall had nearly five years' experience as a CPD member at the time of this incident, and he should have been more mindful of his actions and the requirements of CPD directives. Officer Dowdall's actions did not cause any documented serious injury to [REDACTED] and COPA acknowledges that Officer Dowdall was attempting to control and search [REDACTED] under difficult conditions while [REDACTED] continued to struggle, and Officer Dowdall was motivated to find and remove potentially dangerous contraband. Nevertheless, Officer Dowdall could have used other methods to assure [REDACTED] safety and the safety of other CPD members, and he could have completed the search at a secure facility under more controlled conditions. Albeit late, Officer Dowdall did activate his BWC and record the majority of this incident, and COPA has found no evidence indicating that Officer Dowdall intended to hide his actions or obstruct a potential investigation. BWC recordings are important

tools used to document police interactions with members of the public, and failure to capture the entirety of an encounter, as required by CPD directives, tends to undermine public trust in CPD. BWC recordings can be used both to prevent misconduct and to exonerate CPD members where they are wrongfully accused, and to ensure that the true circumstances of incidents involving CPD members are known. Considering these factors and taking into account Officer Dowdall's extensive complimentary history and lack of serious or similar disciplinary history, COPA recommends that **Officer Dowdall be suspended for two days.**

**d. Police Officer Osvaldo Gonzalez**

**i. Complimentary and Disciplinary History**

Officer Gonzalez has received ten Honorable Mentions, one complimentary letter, and at least six other awards and commendations. Officer Gonzalez was suspended for one day for a January 2016 incident involving operational or personnel violations.

**ii. Recommended Discipline**

COPA has found that Officer Gonzalez violated Rules 2, 3, 5, 6, and 10 by failing to monitor the safety of an arrestee during transport. Officer Gonzalez had more than ten years' experience as a CPD member at the time of this incident, and he should have been more mindful of his obligation to safeguard an arrestee in his custody or control. Fortunately, Officer Gonzalez's omission did not result in any serious documented injury to ██████████. Considering these factors and taking into account Officer Gonzalez's complimentary history and lack of serious or recent disciplinary history, COPA recommends that **Officer Gonzalez receive a reprimand.**

**e. Police Officer Jose Rivera**

**i. Complimentary and Disciplinary History**

Officer Rivera has received three Department Commendations, the Problem Solving Award, fifty-one Honorable Mentions, five complimentary letters, and at least fourteen other awards and commendations. Officer Rivera has no sustained complaint registers, but he was reprimanded through the summary punishment process for an August 2024 incident involving the license plate or city sticker associated with his personal vehicle.

**ii. Recommended Discipline**

COPA has found that Officer Rivera violated Rules 2, 3, 5, 6, and 10 by failing to complete a TRR when required. Officer Rivera had more than ten years' experience as a CPD member at the time of this incident, and he should have been more attentive to his obligation to document an incident involving the use of force or assaultive behavior. Based on the facts and circumstances presented during this incident, COPA does not believe that Officer Rivera intended to obscure the details of his involvement, and his omission appears to have been based on either inattentiveness

or a misunderstanding of policy. Considering these factors and taking into account Officer Rivera's extensive complimentary history and lack of serious or similar disciplinary history, COPA recommends that **Officer Rivera receive a reprimand.**

**f. Police Officer Christian Otano**

**i. Complimentary and Disciplinary History**

Officer Otano has received two Department Commendations, seventeen Honorable Mentions, and at least eleven other awards and commendations. Officer Otano was suspended for five days for an October 2019 incident involving a lost or stolen weapon.

**ii. Recommended Discipline**

COPA has found that Officer Otano violated Rules 2, 3, 5, 6, and 10 by failing to complete a TRR when required. Officer Otano had more than ten years' experience as a CPD member at the time of this incident, and he should have been more attentive to his obligation to document an incident involving the use of force or assaultive behavior. Based on the facts and circumstances presented during this incident, COPA does not believe that Officer Otano intended to obscure the details of his involvement, and his omission appears to have been based on either inattentiveness or a misunderstanding of policy. Considering these factors and taking into account Officer Otano's complimentary history and lack of recent or similar disciplinary history, COPA recommends that **Officer Otano receive a reprimand.**

**g. Police Officer Miguel Maxinez**

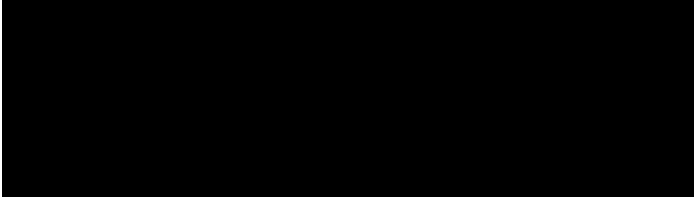
**i. Complimentary and Disciplinary History**

Officer Maxinez has received two Department Commendations, twenty-two Honorable Mentions, and at least three other awards and commendations. Officer Maxinez was suspended for three days for an October 2020 incident involving neglect of duty.

**ii. Recommended Discipline**

COPA has found that Officer Maxinez violated Rules 2, 3, 5, 6, and 10 by failing to complete a TRR when required. Officer Maxinez had more than five years' experience as a CPD member at the time of this incident, and he should have been more attentive to his obligation to document an incident involving the use of force or assaultive behavior. Based on the facts and circumstances presented during this incident, COPA does not believe that Officer Maxinez intended to obscure the details of his involvement, and his omission appears to have been based on either inattentiveness or a misunderstanding of policy. Considering these factors and taking into account Officer Maxinez's complimentary history and lack of recent disciplinary history, COPA recommends that **Officer Maxinez receive a reprimand.**

Approved:



3-18-2025

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Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix ACase Details

Date/Time/Location of Incident:	September 17, 2023 / 10:01 pm / 4937 W Congress Pkwy., Chicago, IL 60644
Date/Time of COPA Notification:	September 18, 2023 / 3:48 am
Involved Member #1:	Police Officer Matt Segovia, Star #12678, Employee ID # [REDACTED] DOA: December 27, 2018, Unit: 015, Male, White
Involved Member #2:	Police Officer Kyle Moriarty, Star #7513, Employee ID # [REDACTED] DOA: October 29, 2018, Unit: 015, Male, White
Involved Member #3:	Police Officer Matthew Dowdall, Star #4039, Employee ID # [REDACTED] DOA: December 27, 2018, Unit: 015, Male, White
Involved Member #4:	Police Officer Osvaldo Gonzalez, Star #13688, Employee ID # [REDACTED] DOA: July 15, 2013, Unit: 015, Male, Hispanic
Involved Member #5:	Police Officer Marc Edingburg, Star #19349, Employee ID # [REDACTED] DOA: November 18, 2019, Unit: 015, Male, Hispanic
Involved Member #6:	Police Officer Jose Rivera, Star #14928, Employee ID # [REDACTED] DOA: August 31, 2012, Unit: 015, Male, Hispanic
Involved Member #7:	Police Officer Christian Otano, Star #17253, Employee ID # [REDACTED] DOA: May 1, 2013, Unit: 015, Male, White
Involved Member #8:	Police Officer Miguel Maxinez, Star #17253, Employee ID # [REDACTED] DOA: May 1, 2013, Unit: 015, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.

**Applicable Policies and Laws**

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- G02-01: Protection of Human Rights (effective June 30, 2022, to present)
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present)
- G03-02-01: Response to Resistance and Force Options (effective June 28, 2023, to present)
- G03-02-02: Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 2023, to present)
- G06-01-03: Conducting Strip Searches (effective December 8, 2017, to present)
- S03-14: Body Worn Cameras (effective April 30, 2018, to December 29, 2023)
- S03-06: Squadrol Operating Procedures (effective November 15, 2017, to present)

## Appendix B

### **Definition of COPA's Findings and Standards of Proof**

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.<sup>146</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>147</sup>

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<sup>146</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

<sup>147</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C****Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation