

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 20, 2014
Time of Incident:	11:49 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	September 29, 2016
Time of COPA Notification:	11:33 a.m.

[REDACTED] alleged that on August 20, 2014, Officer [REDACTED] arrested him without probable cause; improperly handcuffed him causing injury; struck him in his right arm; and struck him in the back his head causing injury to his right ear.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Jr., star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED], 1992, Police Officer, Unit [REDACTED] DOB: [REDACTED], 1967, Male, White
Individual #1:	[REDACTED] DOB: [REDACTED], 1970, Male, Black
Individual #2:	[REDACTED] DOB: [REDACTED] 1968, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on August 20, 2014, at [REDACTED] Street, at approximately 23:49, accused Officer [REDACTED] improperly applied [REDACTED] handcuffs.	Unfounded
	2. It is alleged that on August 20, 2014, at [REDACTED] Street, at approximately 23:49, accused Officer [REDACTED] struck [REDACTED] on the head causing injury to his right ear.	Not Sustained

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendations set forth herein are the recommendations of COPA.

3. It is alleged that on August 20, 2014, at [REDACTED] Street, at approximately 23:49, accused Officer [REDACTED] struck [REDACTED] on his right arm.

Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person.

General Orders

1. General Order G03-02, “Use of Force Guidelines,” Effective October 1, 2002 through October 15, 2017
 2. General Order, G03-02-01, “The Use of Force Model,” Effective May 16, 2012 through October 15, 2017
 3. General Order G03-02-02, “Force Options,” Effective May 16, 2012 through March 10, 2015
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V. INVESTIGATION²

According to the **Initiation Report** a civil suit, 16 C [REDACTED] where [REDACTED] alleges that on August 20, 2014, at 23:49 hours, Officer [REDACTED] # [REDACTED] had no probable cause to arrest him, and that while handcuffed Officer [REDACTED] used excessive force by striking him to the back of his head causing a laceration to his ear.

a. Interviews³

interview with IPRA [REDACTED] (“[REDACTED] stated that on August 20, 2014, his car was legally parked on [REDACTED] street in front of [REDACTED] for about ten to fifteen minutes. [REDACTED] brother, [REDACTED] and a friend, [REDACTED] (“[REDACTED] had walked across the street to use the restroom. A white male approached [REDACTED] car with a long flashlight, asking [REDACTED] who owned the car. [REDACTED] thought the male was admiring his car, which was a classic eighties car, and might ask to buy it. [REDACTED] responded that the car was his. The male told [REDACTED] to “put your fucking hands on the car.” [REDACTED] asked the male why because, at this point, the male had not identified himself as a police officer and

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Officer [REDACTED] (“Officer [REDACTED] and Lieutenant [REDACTED] (“Lt. [REDACTED] retired from the Chicago Police Department before COPA could interview them. Officer [REDACTED] (“Officer [REDACTED] was called to active military duty and took a leave of absence from the Chicago Police Department before COPA could interview him. See Attachments 58-60.

█████ did not know the male was a police officer. The male showed █████ a gold badge.⁴ █████ complied, but continued to question why. █████ faced his car, and Officer █████ placed handcuffs on his right wrist. The handcuffs were so tight that it caused an abrasion to his wrist. █████ instinctively pulled away due to the discomfort. Officer █████ told █████ that he would loosen the handcuffs, so █████ moved his left hand behind his back to be handcuffed. █████ felt a blow to the back of his head by an unknown hard object.⁵ As a result of the force, █████ fell onto his car and his right ear was partially separated from his head. █████ stated that after he fell, an officer grabbed the handcuffs and pulled his arm in an upward motion. An unknown officer, had his hand around █████ neck and held █████ down. █████ was struck a second time, on his right arm, after he was in handcuffs. █████ believed another officer arrived and picked him up by the back of the shirt and moved him off the car. As █████ was being pulled up, █████ walked up asking what happened. Officer █████ partner said, “you should have stayed where the fuck you at.”⁶ █████ was arrested for being with █████ and █████ were transported to the police station, separately.

█████ told the two officers that transported him to the station that “this was bogus,” they saw what Officer █████ did to him, and he was bleeding from the ear. █████ stated that one officer seemed compassionate and asked the other officer what they should do. The other officer said, “fuck him, he’s just talking shit.” █████ was asked if he needed medical attention and taken to St. Joseph’s Hospital. For personal reasons, █████ refused to be treated at St. Joseph’s. █████ was later taken to Illinois Masonic Hospital. At Illinois Masonic, █████ stated that he told the doctor that the police caused his injuries. █████ explained that his ear lobe was about a half inch severed from his head, and that that doctor said that a portion could not be stitched and would have to heal on its own.

At the police station, █████ stated that the lockup keeper told him he had been arrested for driving under the influence (“DUI”). █████ reported that he did drink that evening, but his friend █████ was driving because █████ had a suspended license. Additionally, █████ explained he drank a couple of shots of vodka, there was no open alcohol containers in the car, and he did not have a forty ounce can of beer. █████ explained that the court threw out the DUI charge because Officer █████ did not ask █████ to take a sobriety test.

█████ learned at court that he had been charged with aggravated battery to a police officer. █████ stated that he did not struggle with any officer, not once, and he did not believe he was charged with resisting arrest. Additionally, █████ stated that Officer █████ testified at court that █████ did not come toward him and that █████ did not touch him.

█████ believed there were approximately four to five officers on scene, and that the incident lasted about thirty to forty minutes. █████ believed that █████ saw █████ get hit and moved away, so he would not get involved. █████ was not arrested and did not go to the police station. █████ stated that the police reports contradict what happened that night. █████

⁴ █████ later, identified the white male as Officer █████ Officer █████ will be identified by name for the remainder of this interview. █████ described Officer █████ as a white male, blondish color hair, about mid-forties, short (about 5’6” 5’7”), small frame weighing 150-160, wearing an army fatigue jacket, and no hat.

⁵ █████ stated that he never saw Officer █████ pull out a weapon.

⁶ █████ could not provide a description of the partner. █████ did not get a good look at the partner because he approached from behind.

was upset that he received 30 months of probation and 300 hours of community service because officers lied, but [REDACTED] was grateful that the situation was not worse.⁷

On May 2, 2016, [REDACTED] filed a **Complaint** against Officers [REDACTED] and [REDACTED]. [REDACTED] indicated that officers arrested or seized him without probable cause, used excessive force, conspired to violate one or more of his civil rights, and caused bodily harm. [REDACTED] documented that Officer [REDACTED] testified that he never touched [REDACTED] and that [REDACTED] injuries were sustained when [REDACTED] fell getting into a squad car. However, [REDACTED] alleges that, while he was in handcuffs, Officer [REDACTED] hit him towards the rear of his head, causing injury to [REDACTED] ear that required stitches.⁸

In his **Amended Complaint** against the Chicago Police Department, 18th District, Officer [REDACTED] and Officers [REDACTED] 1-10, filed on August 19, 2016, [REDACTED] (“[REDACTED] stated that on or about August 21, 2014, on or near [REDACTED] Street, [REDACTED] crossed the street to find a garbage can to throw away items. When [REDACTED] returned to [REDACTED] he saw his brother, [REDACTED] in handcuffs and surrounded by several plain-clothed officers. After [REDACTED] spoke to [REDACTED] arresting officer, an unidentified officer placed [REDACTED] under arrest without explanation. [REDACTED] and [REDACTED] were placed into separate police vehicles and transported to the Eighteenth District Police Station.⁹

In an **interview with COPA**, on June 25, 2018, Officer [REDACTED] (“Officer [REDACTED] # [REDACTED] stated, on August 20, 2014, she was in uniform working with field training officer, Sergeant [REDACTED]. Officer [REDACTED] stated that she was never at the arrest location, [REDACTED] Street. Officer [REDACTED] did not recognize [REDACTED] or [REDACTED] and Officer [REDACTED] could not recall interacting with either individual. Officer [REDACTED] believed she was called to this incident because Sgt. [REDACTED] was breath tech certified and proficient in processing DUI arrests. Officer [REDACTED] did not have any independent recollection of the incident.¹⁰

In an **interview with COPA**, on June 26, 2018, Officer [REDACTED] (“Officer [REDACTED] # [REDACTED] stated, on August 20, 2014, he was in uniform working on [REDACTED] Street when he heard, over the radio, Sgt. [REDACTED] call for assistance at [REDACTED]. When Officer [REDACTED] arrived, he observed [REDACTED] standing in front of Sgt. [REDACTED] in a bladed stance, fists clenched and cursing. The two were located in the triangle shaped park area located between [REDACTED] and [REDACTED] referred to as the [REDACTED]. Sgt. [REDACTED] and Officer [REDACTED] attempted to handcuff [REDACTED] when Officer [REDACTED] arrived to assist. Initially, [REDACTED] had his arms stiff in front of his body but began flailing his arms as officers attempted to handcuff him. Officer [REDACTED] grabbed [REDACTED] right arm and eventually got it behind his back. Sgt. [REDACTED] was standing behind [REDACTED] in the middle and Officer [REDACTED] was to the left. Eventually, [REDACTED] was handcuffed by either Officer [REDACTED] or Sgt. [REDACTED]. Several officers had arrived on scene and [REDACTED] was taken to a vehicle for transport. Officer [REDACTED] did not recall who escorted [REDACTED] or to which vehicle he was taken. Officer [REDACTED] did not observe Sgt. [REDACTED] strike [REDACTED] or observe any injury to [REDACTED]. Officer [REDACTED] went back to the police station but did not have any further interaction with [REDACTED].¹¹

⁷ Attachment 22.

⁸ Attachment 18.

⁹ Attachment 27.

¹⁰ Attachment 41.

¹¹ Attachment 44.

In an interview with COPA, on July 13, 2018, Officer ██████ (“Officer ██████ # ██████ stated, on August 20, 2014, he was working an entertainment car, dealing with issues related to bars. Officer ██████ stated he responded to the scene to provide transport for one of the individuals.¹² The incident was over before he arrived. Officer ██████ did not see Sgt. ██████ use any physical force against ██████. Officers¹³ placed ██████ in his vehicle. Officer ██████ did not recall ██████ falling inside his vehicle, did not recall seeing any injury on ██████ and did not know why ██████ was being transported to the hospital. Officer ██████ accompanied ██████ inside the hospital, where ██████ was refused service because he cussed, yelled and screamed at the hospital staff. Officer ██████ transported ██████ to St. Joseph’s Hospital, where ██████ continued to cuss at police and hospital staff but calmed down enough to be treated.¹⁴

In an interview with COPA, on July 20, 2018, Officer ██████ (“Officer ██████ # ██████ stated, on August 20, 2014, he was working with his partner, Officer ██████ on the wagon, where he was assigned jobs by the district to transport individuals or handle incidents. Although Officer ██████ stated he rarely transported individuals when he was on the wagon, Officer ██████ did not recall this incident and did not know which individual he transported on this evening. Officer ██████ did not recognize ██████ and did not recall observing Sgt. ██████ interact with ██████.¹⁵

In an interview with COPA, on October 10, 2018, Sergeant ██████ (“Sgt. ██████ # ██████ stated, on August 20, 2014, he was assigned to the entertainment venue team, handling issues related to bars in the 018th district. He wore jeans, t-shirt, his duty belt, and his vest that displayed his name, star number and Chicago Police star.

Sgt. ██████ observed ██████ driving a trans am that pulled up in front of ██████ Park, across from ██████ a restaurant. As ██████ pulled up, Sgt. ██████ observed ██████ and ██████ who was in the passenger seat, drinking alcohol.¹⁶ Sgt. ██████ approached ██████ who had exited the vehicle and sat on a nearby bench. Sgt. ██████ requested ██████ license and proof of insurance. ██████ refused. Sgt. ██████ stated ██████ moved from being passive to aggressive, when he stood up, faced Sgt. ██████ and bladed his stance.¹⁷ Sgt. ██████ used his radio to call for assistance. Sgt. ██████ placed his radio on a table, occupied by a young couple, because he did not want it lost if a struggle ensued. Additional officers arrived within moments.

Sgt. ██████ related to approaching officers that ██████ was going to be placed under arrest. Sgt. ██████ believed ██████ attempted to avoid being handcuffed because he moved from his bladed stance into locking his arms in front of his chest. Sgt. ██████ indicated there was a struggle,¹⁸ but eventually Sgt. ██████, Officer ██████ and unknown officer(s) were able to control and

¹² Officer ██████ could not recall who he transported, but Event Queries and medical records determined he transported ██████. See Attachments 33 and 47.

¹³ Officer ██████ could not recall what officers were on scene, or who placed ██████ in his vehicle.

¹⁴ Attachment 45.

¹⁵ Attachment 50.

¹⁶ Sgt. ██████ stated, although the bottle was covered with brown paper, in his experience, based on the bottle’s shape and exposed top portion, he knew it was a 40-ounce bottle of alcohol, which was inventoried.

¹⁷ ██████ stood with his left foot forward, right foot back, right arm back, and both hands clenched in fists.

¹⁸ Sgt. ██████ stated he could not recall details of the struggle because it happened four years ago.

handcuff ██████ Sgt. ██████ could not recall who handcuffed ██████ Sgt. ██████ stated that he and Officer ██████ escorted ██████ to the police vehicle, a Tahoe, for transport. ██████ resisted, dragging his feet and leaned back, while walking to the police vehicle and refused to get inside. Officers opened the door and attempted to place ██████ into driver's side back seat. ██████ with his right buttocks on the seat, started to flop and limp causing him to spin and slide off the plastic seat, where he fell between the seat and partition and cut his right ear. Officers stood ██████ up outside of the police vehicle and waited for a wagon to transport him. Sgt. ██████ did not observe any injury to ██████ on scene. Sgt. ██████ indicated that he had been on the job long enough to ascertain what injury may need immediate medical attention, but Sgt. ██████ stated he never observed any injury on ██████ Sgt. ██████ stated he saw ██████ placed in a holding room at the station but did not have any further contact with him. An unidentified officer told Sgt. ██████ at the 018th District Station that ██████ was injured. Sgt. ██████ and Lt. ██████ decided ██████ should be transported to the hospital.

Sgt. ██████ denied all allegations. Sgt. ██████ did not believe he was the officer who applied the handcuffs to ██████ Additionally, he stated based on the demographics, he is size 5 feet 4 inches and ██████ is 6 feet 4 inches, he did not believe it was possible for him to have struck ██████ in the head causing injury to his ear. Additionally, in his closing statement, Sgt. ██████ stated the Department of Law informed him that the civil case related to this incident was dismissed.

b. Digital Evidence

████████ provided **photographs**¹⁹ depicting injury to his ear and wrist. However, there is no indication as to the date, time, or who took the photographs.²⁰



Figure 1. Photograph of ██████ wrist (left) and his ear (right).

c. Physical Evidence

According to the **medical records**, in the early morning of August 21, 2014, ██████ was taken to Presence Saint Joseph Hospital for evaluation of his right ear laceration, which occurred while being placed into police vehicle. According to medical notes, ██████ was uncooperative

¹⁹ ██████ stated that the photographs were taken after the stitches were removed. See Attachment 22.

²⁰ Attachments 24-26.

and appeared to be intoxicated. ██████ allowed staff to clean and dress his wound, but he refused a CT Scan of his head. According to CFD and the CT technician, ██████ became aggressive and yelled at the technician.²¹

Later in the day, ██████ was taken to Advocate Illinois Masonic Medical Center, where he was diagnosed with a laceration to the ear and multiple contusions. According to medical notes, ██████ complained of a laceration to his ear from being “grabbed” the night before and wrist pain from wearing handcuffs during an altercation with police. The hospital repaired the laceration to the ear and ordered radiographs for ██████ left and right hands. No fracture or dislocation was found.²²

d. Documentary Evidence

According to **Department Reports** documented under RD #HX ██████, on August 20, 2014, Sgt. ██████ observed a car pull up to the curb with ██████ in the driver’s seat, the car engine on, the key in the ignition, and ██████ drank from a 40 oz. bottle of Budweiser beer. When ██████ exited the vehicle, Sgt. ██████ approached and ordered ██████ to produce a driver’s license and proof of insurance. ██████ refused and attempted to walk away. ██████ who was seated in the front passenger seat, exited the car with a white plastic bag and placed the bag behind a concrete construction barrier on State Street. Officer ██████ recovered the bag, which contained a partially consumed 40 oz. bottle of Budweiser beer, inventoried under # ██████ ██████ was placed into custody for obstruction.

Officers told ██████ he was being placed under arrest for driving under the influence (“DUI”). ██████ responded, “Fuck you, come here!”²⁴ and set himself in a fighting stance with balled up fists, placing Sgt. ██████ in apprehension of receiving a battery. When officers, including assisting units, approached ██████ to affect an arrest, ██████ locked his arms together in front of his body, stiffened his body, and, began to pull his arms away. ██████ was placed into custody but continued to resist by refusing to walk or get into the police vehicle. ██████ was partially inside the vehicle, when he began flailing his body, causing him to fall between the seat and the divider inside the car, and receive injury to his right ear. ██████ and ██████ were transported to the Eighteenth District for processing.

At the station, a name check revealed that ██████ driver’s license was revoked due to a previous DUI. ██████ refused to submit to sobriety tests. ██████ was transported to Illinois Masonic for his injuries. The hospital refused to treat ██████ because he became belligerent with hospital staff and refused to cooperate. ██████ was transported to St. Joseph’s Hospital. ██████ was charged with driving under the influence (“DUI”) of alcohol, driving on a suspended license, transport or carrying alcohol or liquor, aggravated assault of a police officer, operating a motor vehicle without insurance, aggravated DUI, and resisting or obstructing a peace officer.²⁵

Sergeant ██████ completed both a **Tactical Response Report** and an **Officer Battery Report** documenting that ██████ did not follow verbal direction, stiffened, pulled away,

²¹ Attachment 34.

²² Attachments 33.

²³ Attachment 62.

²⁴ Attachment 10, page 3.

²⁵ Attachments 5-10.

locked his arm, made a fighting stance, and balled up his fists presenting an imminent threat of battery. Officer ██████ responded with member presence, verbal commands, and performed an emergency take down / emergency handcuffing. Officer ██████ reported no injury.²⁶

VI. ANALYSIS

██████████ alleged Sgt. ██████ arrested him without probable cause. A peace officer may arrest a person when she has reasonable grounds to believe that the person has committed an offense.²⁷ In Illinois, an individual shall not drive or be in physical control of a vehicle while under the influence of alcohol.²⁸ Additionally, an individual shall not drive or physically control a motor vehicle without a valid license²⁹ or insurance.³⁰ Sgt. ██████ stated he observed ██████ driving, and when ██████ pulled up to park on the street, Sgt. ██████ observed ██████ drinking alcohol from a 40 ounce bottle. Sgt. ██████ approached ██████ who had exited the vehicle at this time, and asked for ██████ driver's license and proof of insurance. ██████ admitted he had a couple of shots of vodka before his encounter with Sgt. ██████. ██████ admitted his license was suspended at the time of this incident but denied driving the vehicle, indicating his friend ██████ was driving that night. There are no witness statements or video to corroborate the incident as described by ██████ or Sgt. ██████. However, it was noted in ██████ medical records that ██████ appeared intoxicated.

Furthermore, it is a misdemeanor offense for a person, who knowingly resists or obstructs the performance of a known peace officer of any authorized act within his official capacity.³¹ Sgt. ██████ stated ██████ refused to cooperate with his request for license and insurance and moved into a bladed stance. Sgt. ██████ stated he called for assistance and told approaching officers he was placing ██████ under arrest, and ██████ resisted being handcuffed. Officer ██████ confirmed Sgt. ██████ account that ██████ resisted being handcuffed.³² In his interview with COPA, ██████ admitted, after Sgt. ██████ showed ██████ his police badge, ██████ resisted Sgt. ██████ attempt to place him into handcuffs. ██████ Arrest Report indicated he was charged with resisting a peace officer.

Based on the foregoing, Sgt. ██████ had probable cause to arrest ██████. Since the allegation was clearly exonerated it was not necessary that Sgt. ██████ address it in any way, thus COPA did not find it appropriate to serve the allegation to Sgt. ██████.

COPA's finding is **Exonerated** for Allegation #1 that Sgt. ██████ improperly applied ██████ handcuffs. An officer is prohibited from mistreating any individual.³³ Here, it is clear ██████ experienced injury to his wrist. The question is whether Sgt. ██████ improperly applied his handcuffs.

²⁶ Attachments 13, 14.

²⁷ 725 ILCS 5/107-2(1)(c).

²⁸ 625 ILCS 5/11-501(a)(2).

²⁹ 625 ILCS 5/6-303(a).

³⁰ 625 ILCS 5/3-707(a).

³¹ 720 ILCS 5/31-1(a).

³² According to Department reports and Sgt. ██████ and Officer ██████. Officer ██████ was a witness to ██████ actions in resisting arrest. Officer ██████ retired from the Department before COPA could interview him.

³³ Resources, "Rules and Regulations of the Chicago Police Department," V. Rules of Conduct, Rule 8.

According to [REDACTED] he was injured when Sgt. [REDACTED] placed handcuffs too tight on his right wrist. [REDACTED] admitted he reacted to being handcuffed by pulling away but when Sgt. [REDACTED] said he would loosen the handcuffs, [REDACTED] submitted his other hand to be cuffed. [REDACTED] made no additional complaints after being handcuffed. According to Sgt. [REDACTED] and Officer [REDACTED] [REDACTED] initially had both of his hands in front of his body and attempted to evade handcuffing. It took two to three officers to place [REDACTED] in handcuffs. Sgt. [REDACTED] TRR indicated he performed emergency handcuffing because [REDACTED] pulled away. [REDACTED] medical records showed, within 24 hours of his arrest, his wrists were examined due to complaints of pain from wearing handcuffs during an altercation with police.

Handcuffs were designed to restrict movement, not to be comfortable. [REDACTED] admitted he struggled after being handcuffed, he did not complain after Sgt. [REDACTED] said he would loosen the handcuffs, and he submitted to further handcuffing. [REDACTED] photo depicts a possible injury from handcuffs consistent with resisting. The medical report also acknowledges [REDACTED] had bruising to his wrists. Based on the foregoing, a preponderance of the evidence establishes, it is more likely that [REDACTED] wrist injury was a result of a struggle while wearing the handcuffs than Sgt. [REDACTED] improperly applying the handcuffs. Therefore, this allegation is **Exonerated**.

COPA's finding is **Not Sustained** for Allegation #2 that Sgt. [REDACTED] struck [REDACTED] on the head causing injury to his right ear. An officer will use the reasonable force necessary, based on the totality of the circumstances, to ensure control of an individual. An officer must escalate or de-escalate the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control over the subject.³⁴ Medical records confirmed [REDACTED] experienced an injury to his right ear. The question is whether Sgt. [REDACTED] struck [REDACTED] to cause the injury.

According to [REDACTED] he sustained injury to his right ear after Sgt. [REDACTED] hit him with an object. Sgt. [REDACTED] admitted, he and other officers, struggled to place [REDACTED] in handcuffs, but denied hitting him. Sgt. [REDACTED] indicated [REDACTED] injury was a result of [REDACTED] own actions that caused him to fall inside a police vehicle. None of the officers³⁵ interviewed recalled [REDACTED] falling inside the police vehicle. None of the officers interviewed observed Sgt. [REDACTED] strike [REDACTED]. None of the officers interviewed recall observing any injury on [REDACTED].

Considering there is no video evidence or witness statements to corroborate the incident as described by [REDACTED] or Sgt. [REDACTED] there is insufficient evidence to determine, by a preponderance of the evidence, whether Sgt. [REDACTED] struck [REDACTED] on the head causing injury to his right ear. Therefore, this allegation is **Not Sustained**.

COPA's finding is **Not Sustained** for Allegation #3 that Sgt. [REDACTED] struck [REDACTED] on his right arm. An officer will use the reasonable force necessary, based on the totality of the circumstances, to ensure control of an individual. An officer must escalate or de-escalate the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control over the subject.³⁶

³⁴ General Order G03-02-01.

³⁵ According to Department reports and Sgt. [REDACTED] and Officer [REDACTED] Officer [REDACTED] was a witness to [REDACTED] actions in resisting arrest. Officer [REDACTED] retired from the Department before COPA could interview him.

³⁶ General Order G03-02-01.

As discussed above, [redacted] alleged Sgt. [redacted] struck him in the arm, and Sgt. [redacted] denied the allegation. Officer [redacted] confirmed there was a struggle when placing [redacted] into handcuffs, but he did not observe Sgt. [redacted] strike [redacted]. None of the officers³⁷ interviewed observed Sgt. [redacted] strike [redacted]. Considering there is no video evidence or witness statements to corroborate the incident as described by [redacted] or Sgt. [redacted] there is insufficient evidence to determine, by a preponderance of the evidence, whether Sgt. [redacted] struck [redacted] on his right arm. Therefore, this allegation is **Not Sustained**.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer [redacted]	1. It is alleged that on August 20, 2014, at [redacted] Street, at approximately 23:49, accused Officer [redacted] improperly applied [redacted] handcuffs. 2. It is alleged that on August 20, 2014, at [redacted] Street, at approximately 23:49, accused Officer [redacted] struck [redacted] on the head causing injury to his right ear. 3. It is alleged that on August 20, 2014, at [redacted] Street, at approximately 23:49, accused Officer [redacted] struck [redacted] on his right arm.	Unfounded Not Sustained Not Sustained

Approved:

[Redacted Signature]

Deputy Chief Administrator – Chief Investigator

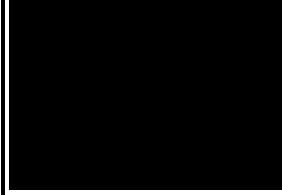
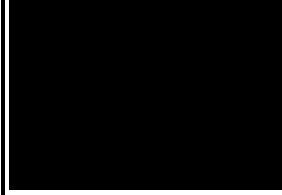
February 24, 2019

Date

³⁷ According to Department reports and Sgt. [redacted] and Officer [redacted] Officer [redacted] was a witness to [redacted] actions in resisting arrest. Officer [redacted] retired from the Department before COPA could interview him.

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	