

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date/Time of Incident:	March 23, 2014, approximately 10:11 p.m.
Location of Incident:	2011 N. Keystone Avenue, Chicago, Illinois
Date/Time of IPRA Notification:	August 10, 2015, approximately 7:36 a.m.

CPD members apprehended Complainant, Subject 1, after a foot chase. Subject 1 contends that he stopped and surrendered. However, unidentified CPD members, punched and kicked him unnecessarily during the course of his arrest. After Subject 1's arrest, he was transported to a hospital for treatment, where he was diagnosed with a concussion. Subject 1's hospital records and booking photographs document facial abrasions, contusions, and lacerations to Subject 1. CPD members involved in Subject 1's arrest contend that he resisted arrest and deny that they used excessive force in effecting the arrest. There is insufficient evidence to prove or disprove Subject 1's allegations.

II. INVOLVED PARTIES

Involved Member #1:	Officer A Star #XXXX, Employee ID#XXXX Date of Appointment: XX XX, 1996 Rank: Police Officer/Unit: XXX DOB: XX XX, 1970 M/W
Involved Member #2:	Officer B Star #XXXX, Employee ID#XXXX Date of Appointment: XX XX, 2003 Rank: Police Officer/ Unit: XXX DOB: XX XX, 1972 M/API
Involved Member #3:	Officer C Star #XXXX, Employee ID#XXXX Date of Appointment: XX XX, 2003 Rank: Police Officer /Unit: XXX; DOB: XX XX, 1974 M/W

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 recommendation(s) set forth herein are the recommendation(s) of COPA.

Involved Member #4:	Officer D Star #XXXX; Employee #XXXX Date of Appointment: XX XX, 2003 Rank: Police Officer / Unit: XXX DOB XX XX, 1973 M/S
Subject #1:	Subject 1 DOB: XX XX, 1991 M/WWH

III. ALLEGATIONS

Member	Allegation	Finding
Officer A	<p>1. On March 23, 2014, at approximately 10:11 p.m., at or near 2011 North Keystone Avenue, Chicago, Illinois, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>3. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.</p> <p>4. At the above time and place, the accused kicked the Complainant on his side while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.</p> <p>5. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and standing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>6. At the above time and place, the accused said, in reference to the Complainant, "This is probably the little fuck that ran away from me the day before," in violation of CPD Rules of Conduct 8 and 9.</p>	<p>UN-FOUNDED</p> <p>UN-FOUNDED</p> <p>UN-FOUNDED</p> <p>UN-FOUNDED</p> <p>UN-FOUNDED</p> <p>UN-FOUNDED</p>

Officer B	<p>1. At the above time and place, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>3. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.</p> <p>4. At the above time and place, the accused kicked the Complainant on his side while the Complainant was handcuffed and lying face down on the ground in violation of CPD Rules of Conduct 8 and 9.</p>	<p>UN-FOUNDED</p> <p>UN-FOUNDED</p> <p>UN-FOUNDED</p> <p>UN-FOUNDED</p>
Officer C	<p>1. At the above time and place, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>3. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.</p> <p>4. At the above time and place, the accused kicked the Complainant on his side while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.</p> <p>5. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and standing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>6. At the above time and place, the accused said, in reference to the Complainant, "This is probably the little</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>

	fuck that ran away from me the day before,” in violation of CPD Rules of Conduct 8 and 9.	
Officer D	1. At the above time and place, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.	NOT SUSTAINED
	2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.	NOT SUSTAINED
	3. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.	NOT SUSTAINED
	4. At the above time and place, the accused kicked the Complainant on his side while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.	NOT SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

1. CPD Rule of Conduct 8 (prohibiting maltreatment of any person)
2. CPD Rule of Conduct 9 (prohibiting members from engaging in an unjustified altercation)

V. INVESTIGATION²

A. Interviews

Complainant Subject 1 gave a **Digital Audio Recorded Interview** to IPRA investigators via telephone call from the Illinois Department of Corrections’ Sheridan Correctional Center on August 27, 2015.³ The following is a non-verbatim (except where quoted) summary of the pertinent parts of that interview:

Subject 1 acknowledged that he led CPD members in a vehicular chase followed by a foot chase on the date of the incident. He stated that he quit running because his “legs gave up,” and that he then lay face-down, spreading his arms and legs, waiting to be placed in custody. Subject 1 said that several CPD members came upon him as he lay face down. Subject 1 described one officer as a white male with blonde hair and the other as a Hispanic male. Subject

²The following is a summary of the material evidence gathered by IPRA and relied upon by COPA in our analysis.

³Attachment #21 is an audio recording of that interview. Attachment #43 is a transcript.

1 stated that the officers punched his head and kicked his body, saying, “Stop resisting!” CPD members then handcuffed him. Subject 1 stated that a uniformed white male, heavy-set, CPD member with short, blonde hair, appearing to be in his late forties, then punched Subject 1 on the left side of his face. The same officer stated, “This is probably the little fuck that ran from me the other day.” Subject 1 stated that he identified Officers A and B as the officers who beat and kicked him because he obtained their names from his Arrest Report, acknowledging that they might not have been the officers who punched or kicked him.

Accused Police Officer C gave a **Digital Audio Recorded Statement** to IPRA on May 17, 2016.⁴ The following is a non-verbatim (except where quoted) summary of the pertinent parts of that statement.

Officer C stated that on the date and time in question he pursued Subject 1 with other CPD members on foot, and that the pursuit ended when Subject 1 was tackled to the ground. Officer C claimed an inability to recall who tackled Subject 1. Officer C stated that Subject 1 pulled away and balled his body up to resist CPD members’ efforts to handcuff him. Officer C stated that he delivered an open-hand strike to the side of Subject 1’s head to overcome Subject 1’s resistance and to gain Subject 1’s compliance. Officer C said that he did not know how Subject 1 received facial injuries. Officer C denied punching or kicking Subject 1. Officer C denied seeing any other CPD member punch or kick Subject 1. Officer C denied saying, “This is probably the little fuck that ran away from me the day before.”

Accused Police Officer D gave a **Digital Audio Recorded Statement** to IPRA on May 24, 2016.⁵ The following is a non-verbatim (except where quoted) summary of the pertinent parts of that statement:

Officer D stated that on the date in question he pursued Subject 1 on foot to a scene where he observed that one or more CPD members had already apprehended Subject 1. Subject 1 was on the ground and unhandcuffed. Officer D stated that he saw Subject 1 flailing his arms and struggling to get to his feet to continue his flight. Officer D then employed an emergency handcuffing procedure, grabbing Subject 1’s left hand. An unidentified CPD member drew Subject 1’s right hand back to assist Officer D. Officer D stated that Subject 1 placed his hands and arms underneath his prone body attempting to avoid handcuffing. Officer D said that he did not know how Subject 1 received the injuries depicted in photographs. Officer D said neither he, nor any other CPD member, punched or kicked Subject 1 while he lay on the ground. Officer D stated that he did not see Officer C, or any other CPD member, punch Subject 1. Officer D denied that he, Officer C, or any other CPD member, said, “This is probably the little fuck that ran away from me the day before.”

Accused Police Officer A gave a **Digital Audio Recorded Statement** to IPRA on August 9, 2016.⁶ In summary, and in pertinent part, Officer A stated that Subject 1 was in custody at the time that he arrived on the scene of his arrest. Officer A further stated that he had no

⁴Attachment #42 is an audio recording of that interview

⁵Attachment #46 is an audio recording of that statement; Attachment #50 is a transcript.

⁶Attachment #61 is an audio recording of that statement; Attachment #63 is a transcript.

physical contact with Subject 1, and that he did not observe any CPD member punch or kick Subject 1.

Accused Police Officer B gave a **Digital Audio Recorded Statement** to IPRA on August 9, 2016.⁷ In summary, and in pertinent part, Officer B stated that Subject 1 was in custody at the time that he arrived on the scene of the arrest. Officer B further stated that he had no physical contact with Subject 1 and that he did not observe any CPD member punch or kick Subject 1.

B. Digital Evidence

Photographs taken of Subject 1 while he was in custody,⁸ including Figures ## 1 and 2 below, depict facial injuries.



Figure 1



Figure 2

⁷Attachment #62 is an audio recording of that statement; Attachment #64 is a transcript.

⁸ Attachment #6.

C. Documentary Evidence

On August 10, 2015, IPRA received an unsigned handwritten letter, dated August 6, 2015, and reproduced in Figure #3 below, in an envelope indicating that it had been sent by the Complainant, Subject 1, from an Illinois Department of Corrections facility in or near Sheridan, Illinois.⁹

8-6-15

ON 23 OF March 2014 I was Arrest for possession OF a Stolen motor Vehicle, I got out of the car and Start it running I ran A couple of blocks and then I gave up laid on the ground face down, Officer dorsch B badge #4257 and Officer Ramkumar badge #15127 Started beating me and kicking me in my face and body while i was on the ground telling me to Stop resisting. then they hand cuff me pick me up and punch me in the face. I had to go to the hospital. 25th district police station.

Figure #3

An **Arrest Report**¹⁰ dated March 23, 2014, attested to by Officer A, states that at approximately 10:11 p.m. on March 23, 2014, Officers A and B arrested Subject 1 at or near 2011 North Keystone Avenue in Chicago. The report lists charges including Aggravated Possession of a Stolen Vehicle, Resisting Arrest, and several traffic offenses. The report includes Officers C and D as victims. It lists eighteen CPD members (including Officers C and D) as assisting arresting officers. In pertinent part, the report's narrative portion indicates that the arrest followed a vehicle chase followed by a foot pursuit, after which Subject 1 (1) was tackled by unnamed CPD personnel after abandoning his vehicle; and (2) pulled away from arresting officers in attempting to defeat his arrest.

Officer C prepared a **Tactical Response Report**¹¹ stating that Subject 1 was an active resister who fled and pulled away. The TRR further stated that Officer C employed takedown / emergency handcuffing and an open-handed strike in response.

Officer D prepared a **Tactical Response Report**¹² stating that Subject 1 was an active resister who fled and pulled away. The TRR further stated that Officer D employed a takedown / emergency handcuffing in response.

Medical Records show that CPD personnel transported Subject 1 to Our Lady of the Resurrection Medical Center for treatment at 7:20 a.m. on March 24, 2014, and that hospital personnel then diagnosed Subject 1 as having sustained a concussion. The records reflect that

⁹Attachment #4.

¹⁰ Attachment #5.

¹¹Attachment #13.

¹²Attachment #12.

Subject 1 attributed his injuries to an assault by police. CT imaging of Subject 1's head revealed no fractures.

VI. ANALYSIS

Allegations #1-6 against Officer A are UNFOUNDED. There is no evidence to support the allegations, apart from the allegations themselves. Furthermore, Subject 1's credibility is diminished by his admission that he is not certain that Officer A was one of the CPD members who beat and kicked him and by his further admission that he had obtained Officer A's name from an arrest report. By contrast, Officer A credibly denied being present at the time of Subject 1's arrest. The preponderance of the evidence therefore supports the conclusion that the alleged misconduct more likely did not occur.

Allegations #1-4 against Officer B are UNFOUNDED. There is no evidence to support the allegations, apart from the allegations themselves. Furthermore, Subject 1's credibility is diminished by his admission that he is not certain that Officer B was one of the CPD members who beat and kicked him and by his further admission that he had obtained Officer B's name from an arrest report. By contrast, Officer B credibly denied being present at the time of Subject 1's arrest. The preponderance of the evidence therefore supports the conclusion that the alleged misconduct more likely did not occur.

Allegations #1-6 against Officer C are NOT SUSTAINED. There is no evidence to support the allegations, apart from the allegations themselves. Furthermore, Subject 1's credibility is diminished by his initial contention that it was other CPD members who beat and kicked him. Officer C has denied the allegation, admitting that he did use force in effecting Subject 1's arrest, but contending that the force used was reasonable and necessary. However, Officer C's credibility is diminished by his claimed inability to recall who tackled Subject 1, a claim which COPA finds to be implausible. Under the circumstances, there is insufficient evidence to prove or disprove the allegations or to permit COPA to determine whether Subject 1's or Officer C's account is the more likely true.

Allegations #1-4 against Officer D are NOT SUSTAINED. There is no evidence to support the allegations, apart from the allegations themselves, which is that Officer D punched Subject 1 in the face while Subject 1 lay face down on the ground awaiting handcuffing in violation of CPD Rules of Conduct 8 and 9. Officer D has denied the allegation, admitting that he did use force in effecting Subject 1's arrest, but contending that the force used was reasonable and necessary. Subject 1's credibility is diminished by his initial contention that it was other CPD members who beat and kicked him. Under the circumstances, there is insufficient evidence to prove or disprove the allegations or to permit COPA to determine whether Subject 1's or Officer D's account is the more likely true.

VII. CONCLUSION

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

Member	Allegation	Finding
Officer A	1. On March 23, 2014, at approximately 10:11 p.m., at or near 2011 North Keystone Avenue, Chicago, Illinois, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.	UN-FOUNDED
	2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.	UN-FOUNDED
	3. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.	UN-FOUNDED
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	6. At the above time and place, the accused said, in reference to the Complainant, "This is probably the little fuck that ran away from me the day before," in violation of CPD Rules of Conduct 8 and 9	UN-FOUNDED
Officer B	1. At the above time and place, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.	UN-FOUNDED
	2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.	UN-FOUNDED
	3. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.	UN-FOUNDED

	<p>4. At the above time and place, the accused kicked the Complainant on his side while the Complainant was handcuffed and lying face down on the ground in violation of CPD Rules of Conduct 8 and 9.</p>	<p>UN-FOUNDED</p>
<p>Officer C</p>	<p>1. At the above time and place, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>3. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.</p> <p>4. At the above time and place, the accused kicked the Complainant on his side while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.</p> <p>5. At the above time and place, the accused punched the Complainant in the face while the Complainant was handcuffed and standing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>6. At the above time and place, the accused said, in reference to the Complainant, "This is probably the little fuck that ran away from me the day before," in violation of CPD Rules of Conduct 8 and 9.</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>
<p>Officer D</p>	<p>1. At the above time and place, the accused punched the Complainant in the face while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>2. At the above time and place, the accused kicked the Complainant on his side while the Complainant lay face down on the ground awaiting handcuffing, in violation of CPD Rules of Conduct 8 and 9.</p> <p>3. At the above time and place, the accused punched the Complainant in the face while the Complainant was</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>

handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.

4. At the above time and place, the accused kicked the Complainant on his side while the Complainant was handcuffed and lying face down on the ground, in violation of CPD Rules of Conduct 8 and 9.

NOT
SUSTAINED

Approved:

Acting Deputy Chief Administrator A
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Squad #XX
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Acting Deputy Chief Administrator:	Acting Deputy Chief Administrator A