

I. INTRODUCTION¹

On February 26, 2017, Chicago Police Department (CPD) officers arrested Subject 1 after they conducted a traffic stop because Subject 1 drove a stolen vehicle. Upon stopping Subject 1, officers discovered Subject 1 took the vehicle during a domestic disturbance the previous night. Subject 1's interaction with the officers who arrested him gave rise to this log number.

II. ALLEGATIONS

It is alleged that on February 26, 2017, at approximately 2:48 PM, at XXX E. 79th St., Chicago, IL 60619, **accused Officer A #XXXXX, employee #XXXXX, unit XXX**, while on duty:

1. Punched Subject 1 on the right side of his head while inside a police wagon.

III. INVESTIGATION

COPA gathered relevant documentary evidence associated with this incident, but did not obtain a sworn affidavit.² Summaries of this evidence follow.

A. Initiation Report

On February 26, 2017, Sergeant (Sgt.) A submitted an initiation report documenting Subject 1's³ complaint that Officer A punched Subject 1 in the head as he placed Subject 1 into the transport vehicle. According to the Report, Subject 1 advised Sergeant A he had been drinking, was epileptic, and his head didn't feel right. Based on these complaints, Subject 1 was transported to the hospital. Sergeant B responded to St. Bernard Hospital and Subject 1 made a statement on Body Worn Camera (BWC).⁴ (Attachment 4)

B. CPD Reports

A copy of the Original Case Incident Report and the Arrest Report were obtained. The reports documented the following:

On the evening of February 25, 2017, Chicago Police Department (CPD) officers responded to a domestic battery call. Upon arrival at the location, Civilian 1 advised that the father of her children, Subject 1, had become upset during a verbal argument and struck Civilian 1 about

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. Thus, 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.

² COPA proceeded with a preliminary investigation and determined it prudent to lay out the evidence showing Subject 1's allegation unfounded on its face. COPA made this determination to avoid reopening the case.

³ Attempts were made to contact Subject 1. The number he had on record was for his mother, who advised that she would have Subject 1 return the COPA investigator's call; however, no returned call was ever received. The certified letter sent was returned as not claimed.

⁴ Sergeant A and Lieutenant A reviewed the BWC from the time of the alleged incident. They believed the BWC footage contradicted Subject 1's statement.

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the face with a closed fist. Subject 1 then grabbed Civilian 1's keys and took off with her 2001 Chevy Tahoe. In the afternoon on February 26, 2017, officers were patrolling and equipped with a plate reader which resulted in a positive read on a stolen vehicle. The vehicle, a Chevy Tahoe, was pulled over and Subject 1 was arrested on signed complaints made by Civilian 1. During the stop, additional traffic charges were also issued to Subject 1 for possession of open alcohol and driving on a suspended license. (Attachments 5 & 6)

C. Body Worn Camera (BWC)

BWC footage depicts the entire incident from multiple angles. Upon removing Subject 1 from the vehicle, Subject 1 is handcuffed. During Subject 1's interaction with the officers, he is uncooperative and admits he has been drinking. The officers attempt to de-escalate his behavior, but he continues to say, "whoop me" as he refuses to let go of the keys in his hands. Officer B assists with placing Subject 1 into the CPD transport vehicle, and Subject 1 continues to yell profanities at the officers. He is seated and placed in a seat belt, at which point Officer B and Officer A exit from the back of the CPD transport vehicle and close the door.⁵

There is also BWC footage from the district as officers interact with Subject 1 in lock-up. Subject 1 is heard saying he wants to get his head checked because he is epileptic to a sergeant. When asked by the sergeant if Subject 1 took his medicine that day, Subject 1 responds towards Officer A, "You hit me. You hit me." As officers prepare to transport Subject 1 to the hospital, he continues to yell and threaten officers.⁶ (Attachments 20 to 29 & 33 to 35)

D. Medical Records for Subject 1

EMS records and Medical records from St. Bernard Hospital were obtained. The EMS records documented that Subject 1 was "agitated and yelling at police," and "very disrespectful towards crew." The report documented that Subject 1 refused to be placed on the stretcher, answer any questions or allow vital signs to be taken. Subject 1 admitted to drinking alcohol that day, but denied any other symptoms.

The medical records documented that Subject 1 complained of a headache and was hit with a fist by a police officer. Subject 1's CT scan came back normal, and he was diagnosed with a head contusion, history of a seizure disorder, and sinusitis. (Attachments 18 to 19)

Investigator A

⁵ At no point during the video does it appear that Subject 1 is struck by any officer, including Officer A as he is placed into the CPD transport vehicle. There is also no audio indication that Subject 1 may have been hit.
⁶ Sergeant B is present at the hospital and Subject 1 again states that as he is placed into the transport vehicle Officer A punches him on the right side of his head. The BWC footage from the transport vehicle shows that Officer A is on Subject 1's left side, and Officer A is never seen striking Subject 1.

Supervising Investigator A

IV. ANALYSIS AND CONCLUSION

Subject 1's allegation was not consistent with the video evidence reviewed in this case. The BWC footage showed Subject 1 uncooperative during his arrest, resisting at times. It also showed that Subject 1 was placed into the vehicle by Officer A and Officer B, and was not hit at any point. Furthermore, it showed CPD officers using de-escalation techniques, ignoring the threats and insults yelled at them by Subject 1.

Therefore, COPA recommends a finding of **Unfounded** for **Allegation #1** against **Officer Officer A**, in that at no time while placing Subject 1 into the transport vehicle did he strike Subject 1.

Deputy Chief Investigator A