

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	November 25, 2016
Time of Incident:	4:02 a.m.
Location of Incident:	XXXX N. Milwaukee
Date of COPA Notification:	November 25, 2016
Time of COPA Notification:	7:12 a.m.

On 25 February 2016, at approximately 0425 hours, the complainant, Subject 1, was brought to the 016th District Police Station by Officer A after he was involved in a domestic dispute. Subject 1 was placed in a sitting area of the 016th District police station. Subject 1 walked back and forth near the front desk area until he ultimately sat on the floor. Subject 1 was told several times to get up and sit in the waiting area. Subject 1 finally stood to his feet and went into an office designated for State Police Officers. During this time, Subject 1 tore a map off the wall. Officers B and C entered the room and told Subject 1 that he had to leave the police station. Subject 1 refused to leave and was subsequently placed under arrest. As Officer B escorted Subject 1 to the lockup area, he attempted to headbutt Officer B. During Subject 1’s attempt to headbutt Officer B, Officer B struck Subject 1 on the side of the head with an open. Subject 1 alleged that a supervisor called him a “bitch” during the incident.

II. INVOLVED PARTIES

Involved Officer #1:	Officer B, Star# XXXXX, Employee ID# XXXXX, DOA: XXXXXX, Officer, Unit XXX, DOB: XXXXXX, Male, Hispanic
Involved Officer #2:	Sergeant A, Star# XXX, Employee ID #XXXXXX, DOA: XXXXXX, Lt., Unit XXX, DOB: XXXXXX
Subject #1:	Subject 1, DOB: XXXXXX, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer B	1.Struck Subject 1 on the nose with an open hand.	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 recommendation(s) set forth herein are the recommendation(s) of COPA.

Sergeant A	1.Called Subject 1 a “bitch.”	Not Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

V. INVESTIGATION²

a. Interviews

COPA interviewed Complainant Subject 1³, on February 25, 2016. Subject 1 stated that on 25 February 2016, at approximately 0425 hours, he got into a verbal altercation with his girlfriend at the location of XXXX. Subject 1 believed that one of the neighbors called the police. When the officers⁴ arrived on the scene, he asked the officers to take him away from the area. The officers placed him in the squad car and drove him to the 016th District because he didn’t any have any other place to go. While at the 016th District Police Station, he was placed in a room by Officer A, who told him that he was going to get Subject 1 some food to help him sober up.

During this time, Subject 1 began talking to the officers (NFI) at the front desk. After speaking with the officers, he went back to the room but accidentally went into the wrong room. When Subject 1 entered the room, he ripped a map off the wall, because he was mad about his current situation. At this time, several police officers (Now known to be Officers B and C and Sergeant A) entered the room. Officer B approached Subject 1, and he believes he said, “Why the fuck did you rip down the map.” Subject 1 also indicated that Sergeant A called him a “bitch.” Subject 1 stood up aggressively because he felt disrespected. The officers tried to hold Subject 1 down so he wouldn’t stand up, but he resisted the officers by pulling away and attempting to walk towards the door. Subject 1 described himself going toward the door as a “lunge.” According to Subject 1, when he attempted to pull away and go toward the door, Officer B struck him on the face with the palm of his hand or fist. Subject 1 indicated that he didn’t remember exactly what

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 Atts. 7, 22

⁴ One of the officers is now identified as Officer A.

Officer B did because he was intoxicated. Subject 1 indicated that Officer B wrongfully accused him of trying to bite him.

Subject 1 said he sustained a bloody nose and swelling to his lips. Subject 1 never requested medical treatment and the officers never offered him medical treatment. At the end of Subject 1's interview, he said that he did not recall how he was struck on the mouth, he just knows that the officer touched him in some form or fashion and he had blood on his shirt.

COPA Interviewed the accused Officer B #XXXXX⁵, on November 09, 2016. Officer B reported that on 25 February 2016, at 0425 hours, he was at the 016th District Police Station, near the front desk area having a conversation Officer C, when he observed Subject 1 talking to Sergeant A. Subject 1 appeared to be intoxicated and very talkative. Subject 1 then began crawling on the floor and disturbing the officers at the front desk. During this time, Officer C told Subject 1 to get up from the floor and go into the waiting room area. Subject 1 began walking toward the waiting room, but instead, he walked into a report/processing room. While Subject 1 was in the report/processing room, Officer B heard the ripping of paper from inside the room. Officers B and C immediately went into the report/processing room, at which time they observed Subject 1 ripping the maps off the wall.

Officers B and C told Subject 1 to stop and to go into the waiting room, but he refused. Subject 1 was then told that he had to leave the police station since he would not leave the report/processing room. Subject 1 told the officers that he was not leaving the police station and asked the officers "What are you going to do about it." Officers B and C then attempted to place Subject 1 into custody for trespassing. When they tried to place him in handcuffs, he pulled away and refused to follow their verbal commands. By this time Sergeant A and Officer A entered the room, but Officer B did not pay attention to what they were doing during his struggle with Subject 1. Officer B was finally able to place Subject 1 in a wristlock, which allowed them to handcuff Subject 1.

Officer B escorted Subject 1 to the processing room which is located in the back of the police station. Officer B indicated that Officer A was on the other side of Subject 1, but he could not see the interaction between Subject 1 and Officer A. As they walked toward the processing room, Subject 1 moved from side to side and attempted to pull away, which caused an injury to Officer B's hand. Subject 1 then pulled his head back and moved in such a motion, that it appeared that he was attempting to headbutt Officer B. Officer B immediately used an open hand strike to the top of Subject 1's forehead, to prevent him from headbutting him. Officer B specified that he struck Subject 1 on the top of the forehead and not the nose. Subject 1 was placed in the processing room, and Officer B went to Resurrection Hospital where he received a tetanus shot for the injury to his hand. Officer B did not have any further contact with Subject 1. Officer B never heard any conversation between Sergeant A and Subject 1.

⁵ Att. 37

COPA Interviewed the accused ⁶Sergeant A #XXXX⁷, on November 02, 2016. Sergeant A stated that on February 25, 2016, at approximately 4:25 a.m., he was assigned to the 016th District Police Station as the station supervisor. Sergeant A was working at the front desk when Subject 1 came from the waiting area of the police station and began walking back and forth near the front desk area. Sergeant A explained that Officer A brought Subject 1 into the police station after he got into an incident on the street because he had nowhere else to go. According to Sergeant A, Subject 1 appeared to be highly intoxicated or under the influence of drugs. Sergeant A indicated that Subject 1 continued to pace back and forth and to have small talk with him, but Subject 1 began crawling on the floor and then laid on the floor in front of the entrance of the 016th District. Sergeant A told Subject 1 that he had to move, at which time he complied and walked toward the waiting area.

Sergeant A continued working when he observed Subject 1 walk into the office next to the waiting area and started tearing maps off the wall. Sergeant A along with Officers B and C went into the office and told Subject 1 to stop and that he had to leave the office. Subject 1 refused to leave the office, at which time he was told to leave the police station. Subject 1 then said to Officer B, “No, what are you going to do about it.” Officers B and C attempted to place Subject 1 into custody, but he resisted by pulling away and stiffening his body. Eventually, Officer B was able to get Subject 1 under control and placed him in handcuffs. Sergeant A went back to the front desk to start the paperwork, and Officer B took Subject 1 to the back of the police station to the processing room. Sergeant A indicated that he heard excessive movement emitting from the area where Officer B and Subject 1 were located. When Sergeant A turned to see what had occurred, he observed a lot of movement between Officer B and Subject 1, but then he lost sight of them once they entered the processing room. Officer B secured Subject 1 in the processing room and then reported to Sergeant A that he had to apply an open hand strike on Subject 1 because he attempted to headbutt him.

Sergeant A denied calling Subject 1 a “Bitch.” Sergeant A indicated that he did not observe any injuries to Subject 1, nor did he complain of any injuries. Sergeant A denied having any physical contact with Subject 1.

COPA Interviewed the witness Officer A #XXXXX⁸, on January 20, 2017. Officer A related that on February 25, 2016, he brought the complainant, Subject 1, into the 016th District because he was intoxicated and needed to calm down. Officer A reported that Subject 1 was involved in a domestic incident. Officer A placed Subject 1 in the sitting area of the 016th District, provided him with some food and went upstairs to his locker. While Officer A was at his locker, he was called to come downstairs. When he arrived downstairs, he observed Officers B and C attempting to handcuff Subject 1 who was moving his hands around to keep from being

⁶ Sergeant A was a sergeant at the time of the incident.

⁷ Att. 33

⁸ Att. 41

handcuffed. Officer A assisted the officers, in that he grabbed his free hand, which allowed the officers to complete the handcuffing procedure to Subject 1. Officer A indicated that while he was present, Subject 1 was not compliant with the officers' verbal commands.

Officers B and C stood Subject 1 to his feet and escorted him to the lockup area. Officer A explained that when he and Officer B escorted Subject 1 to the lockup area, Subject 1 appeared to be calm. When they entered the lockup, they were in the process of removing the handcuffs off of Subject 1, during this time Officer B administered an open strike to Subject 1's head. According to Officer A, he was on the left side of Subject 1, and Officer B was the right side. Based on where Officer A was positioned, he did not observe Subject 1's actions that forced Officer B to perform an open hand strike. Officer A was later told by Officer B that Subject 1 attempted to headbutt Officer B, but Officer A did observe the attempted headbutt.

COPA interviewed the witness Officer C #XXXXX⁹, on October 28, 2016. Officer C stated that on February 25, 2016, he was in the 016th District assigned to the desk when he observed Subject 1 pacing back and forth in front of the front desk. Officer C indicated that Officer B and Sergeant A was also at the front desk. Officer C explained that Officer A had brought Subject 1 into the station because he had nowhere else to go. Subject 1 paced back and forth until he eventually began lying on the floor, during which time he urinated on himself. Sergeant A told Officer C that Subject 1 couldn't lie on the floor. Officer C approached Subject 1 and informed him that he had to get off the floor. Subject 1 was unable to stand up by himself, so Officer C assisted him to his feet and told him to sit down in the area designated as a warming center.

Officer C went back to his seat, at which time he heard paper being ripped. Officer C noticed that Subject 1 was not in the area where he was supposed to be, at which time he observed that the light in the State Police processing room had been turned on. Officers C and B entered the room and observed that one of the maps was torn. Subject 1 was seated quietly inside the room, and he was nonresponsive to the officers. At this time, Officer B told Subject 1 if he continued the actions that he would have to leave the station. Subject 1 attempted to rip the map again, but Officer C blocked his hand. Officer B continued to tell Subject 1 to stop ripping the maps, and Subject 1 said, "What you going to do about it." Subject 1 was placed under arrest, and he and Officer B began walking Subject 1 toward the processing room. Eventually, Officer A took over for Officer C, because Subject 1 stiffened his body and Officer C was unable to handle him physically¹⁰. Officer C walked to the front desk as Officers B and A escorted Subject 1 to the processing room. During this time, Subject 1 was moving side to side as the officers walked him to the processing room. Officer C described Subject 1 as "becoming difficult to move." At this time, Officer B performed an open hand strike to the side of Subject 1's head, to stop Subject 1's aggressive movement towards him. Officer C was 40 to 50 feet away when the incident occurred.

⁹ Att. 32

¹⁰ Officer C sustained a cramp to his body.

When Officer C attempted to assist the officers, Officers B and A regained control of Subject 1, and they proceeded into the processing room.

Officer C denied hearing Sergeant A called Subject 1 a bitch. Subject 1 never complained of any injuries. Officer C indicated that Officer B sustained an injury to his hand, but he did not know the source of the injury.

b. Digital Evidence

The **mugshot photographs**¹¹ of Subject 1 did not depict any visible injuries.

The **evidence technician photographs**¹² of Subject 1 depicted small traces of blood on his face and his white T-Shirt. The photographs did not depict any visible injuries. The photographs also depicted a map that was torn.

The **evidence technician photographs**¹³ of Officer B depicted a small cut on the knuckle area of his left index finger.

c. Documentary Evidence

The **initiation report**¹⁴ completed by Sergeant B #XXXX, indicated that the complainant, Subject 1, reported that earlier in the evening he was involved in a disturbance with his girlfriend at XXXX. When the police arrived on the scene, Subject 1 was transported to the police station, because he had nowhere else to go. Subject 1 admitted that he had been drinking earlier in the night and while at the police station he became angry and began tearing posters off the wall of the police station. Following the disturbance, Subject 1 said he was struck on the mouth with a closed fist by Officer B, who then arrested him. Subject 1 refused medical treatment.

The **arrest and case (RD #XXXX) report**¹⁵ of Subject 1 indicated that he was arrested for Criminal Trespass to Property, Aggravated Assault to an Officer, Resisting Arrest and Disorderly Conduct, by Officers B and C. The narrative of the report indicated that Subject 1 was placed in custody after he was observed entering a police writing room and tearing maps that were hanging on the wall. Subject 1 was given verbal commands to leave the 016th District Police Station, and he refused. Officer B gave Subject 1 further commands to leave the police station, and he replied, "No, what are you going to do about it."

Officers B and C attempted to place Subject 1 into custody, at which time he began to pull his hands away and stiffen. Subject 1 was then handcuffed and then escorted to the processing

¹¹ Att. 16

¹² Att. 23

¹³ Att. 24

¹⁴ Att. 4

¹⁵ Atts. 10, 11, 13

room. As Subject 1 was being led to the processing room, he pulled away from Officers B and A, causing a laceration to the left index finger of Officer B and attempted to put his weight down to make it difficult for the arresting officers to escort him to the processing room. As they walked toward the processing room, Subject 1 thrashed his body and headed towards Officer B, placing him in fear of being battered by a head-butt. Officer B gave an open hand strike to the top of the right side of the forehead to prevent from being head-butted.

The **Tactical Response Report**¹⁶ completed by Officer B indicated that Subject 1 did not follow verbal direction, stiffened (Described as dead weight), pulled away, and imminent threat of battery. Officer B responded with member presence, verbal commands, escort holds, open hand strikes, and take down/ emergency handcuffing.

The **Lieutenant or Above/OCIC Review** indicated that Lieutenant A interviewed Subject 1. Subject 1 reported that he was fighting with his girlfriend on the street and “now he was in the lockup.” Lieutenant A inquired about what occurred between him and the officers, and he said that he tore up some maps and then the police hit him. Subject 1 was unable to provide any additional information.

The **OEMC Event Query**¹⁷ indicated that two calls from the locations of XXXX W. Byron and XXXX W. Byron were made to 911, reporting that a male (Believed to be Subject 1) in a white T-Shirt was pushing a woman around in the alley. It was also reported that the same two people were arguing and were possibly about to fight. (Att. #17 – 19)

¹⁶ Att. 14

¹⁷ Atts. 17 - 19

VI. ANALYSIS

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.

It is alleged that Officer B: (1) struck Subject 1 on the nose with an open hand.

a. Allegation 1: Struck Subject 1 on the nose with an open hand

Subject 1 admitted in his interview that he was intoxicated and did not recall any details of what occurred between him and Officer B. Subject 1 estimated that Officer B struck him in the nose because he had blood on his shirt. The evidence technician and mugshot photographs did not depict Subject 1 bleeding from the nose. Subject 1 also admitted that he tore a map that belonged to the 016th District Police Station and that he was uncooperative with the arresting officers. Officer B denied striking Subject 1 on the nose with an open hand, but he reported and documented that he applied an open hand strike to the top of Subject 1's forehead, when Subject 1 attempted to headbutt Officer B.

Officer C supported Officer B's account of the incident. Officer A observed the open hand strike, but never observed Subject 1 attempt to headbutt Officer B. Subject 1 did not require any medical treatment as a result of the incident. The blood that Subject 1 saw on his shirt is believed to be from Officer B, who injured his hand during the struggle with Subject 1. There were no independent witnesses to support or refute Subject 1's account of the incident.

It is alleged that Sergeant A: (1) Called Subject 1 a "bitch."

b. Allegation 1: Called Subject 1 a "bitch."

The evidence revealed that Subject 1 admitted to being intoxicated and that he could not articulate keys aspects of the incident. Subject 1 indicated that a sergeant called him a "bitch," but he could not identify the sergeant and he consistently changed various details of the incident. Sergeant A denied calling Subject 1 a "bitch." Officers B, C, and A never heard Sergeant A call Subject 1 a "bitch." There were no witnesses to support or refute Subject 1's account of what occurred.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer B	1. Struck Subject 1 on the nose with an open hand.	Not Sustained

Officer	Allegation	Finding
Sergeant A	1. Called Subject 1 a “bitch.”	Not Sustained

Approved:

Deputy Chief Administrator – Chief Investigator A

 Date

Appendix A

Assigned Investigative Staff

Squad#:	X
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A