

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 25, 2016
Time of Incident:	Approximately 7:30 pm
Location of Incident:	XXXX N. Washtenaw Avenue Chicago, IL 60618
Date of COPA Notification:	November 25, 2016
Time of COPA Notification:	10:01 pm

On November 25, 2016, off-duty Officer A, driving his personal white Ford Focus, witnessed a hit and run accident involving a grey Hyundai Elantra bearing Illinois registration QXXXXXX at the intersection of Kedzie and Byron. Officer A followed the Hyundai until it stopped in the area of XXXX N. Washtenaw. Officer A approached the vehicle being driven by Subject 1 with his weapon drawn. Officer A removed Subject 1 from the vehicle, placed her on the ground and held her until assisting units arrived.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A; Star #XXXXXX; Employee #XXXXXX; Date of Appointment: XX XX, 2015; Police Officer, Unit of Assignment: XXX, DOB: XX XX, 1989, Male, White
Subject #1:	Subject 1; DOB: XX XX, 1969; Female; Hispanic

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Violated the Chicago Police Departments policy on Force Option when he pointed his weapon at Subject 1, in violation of General Order G03-02-02 Force Options, and Rule 2, and Rule 6 of the	Unfounded

<sup>1</sup> 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.

	<p>Chicago Police Department’s Rules and Regulations Policy.</p> <p>2. Violated the Chicago Police Departments policy on Force Options when he pulled Subject 1 out of her vehicle and pushed her to the ground, in violation of General Order G03-02-02 Force Options, and Rule 2, and Rule 9 of the Chicago Police Department’s Rules and Regulations Policy.</p> <p>3. Violated the Chicago Police Departments policy when he failed to complete the requisite Tactical Response Report (TRR) in violation of General Order G03-02-05 Incidents Requiring the Completion of a Tactical Response Report, and Rule 3, and Rule 22 of the Chicago Police Department’s Rules and Regulations Policy.</p>	<p>Not Sustained</p> <p>Unfounded</p>
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**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 2:** Any action or conduct that impedes the Department’s effort to achieve its policies or goals or brings discredit on the Department.
2. **Rule 3:** Any failure to promote the Department’s effort to implement its policies or accomplish its goals.
3. **Rule 6:** Disobedience of an order or directive, whether written or oral.
4. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off-duty.
5. **Rule 22:** Failure to report to the Department any violation of the Rules and Regulations or any other improper conduct which is contrary to the policy, order or directives of the Department.

General Orders

1. **General Order G03-02-02** Force Options
2. **General Order G03-02-05** Incidents Requiring the Completion of a Tactical Response Report

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

On December 27, 2016, **Subject 1** was interviewed at IPRA<sup>3</sup>. Subject 1 said she was driving her daughter to Addison and Kedzie when a car with “gang bangers” inside pulled next to her. Subject 1 said they were looking “crazy at her car” and “representing” at her husband. Subject 1 sped away because she had her husband in the passenger seat, her daughter in the rear passenger seat and her granddaughter in the rear driver side seat. Subject 1 drove toward Irving Park Rd. until she came to a dead end. Subject 1 said after she parked, a man approached them from a white car, pointed a gun at her, and told her to get out of the car. The man pointed the gun at her granddaughter, opened Subject 1’s car door, pulled Subject 1 out of the car and threw her to the ground, at which time he “stepped on her.”

When Subject 1 was on the ground, the man told her he was an off-duty Chicago Police Officer (now known to be Officer A). Subject 1 asked Officer A how she was supposed to know that he was an off-duty officer, as she thought he was part the group of people that was chasing her. Officer A switched from having his foot on her to his knee.

Subject 1 told Officer A that she knew that she had struck another vehicle during the course of her flight, but that she just wanted to get away from the “gang bangers.” As the responding officers were arriving, Officer A allowed her to get up and sit on the stairs.

Officer A spoke to the uniformed officers that arrived. A female officer asked Subject 1 when Office A identified himself as a police officer. Subject 1 told the female officer that Officer A identified himself as a police officer after he threw her to the ground. Subject 1 told the female officer that she never saw a badge; Subject 1 said the entire situation was “scary” as she started crying during the interview.

Subject 1 explained that she knew she hit a car when she was trying to get away from the people chasing her. Subject 1 said she tried to go around a car and struck the rear bumper, but it was “not that bad.” As soon as the uniformed police officers arrived, she told them she was involved in an accident. Subject 1 said she drove approximately five blocks from where she struck the vehicle. Subject 1 said she was traveling at speeds between 60-65 MPH to get away. Subject 1

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

<sup>3</sup> Att. 30

never knew that the vehicle chasing her was not the same one she initially believed was chasing her.

Subject 1 said after she parked she did not know who pulled up because he came from a different direction than she did. Subject 1 said it was a small white car occupied by Officer A and his girlfriend. Subject 1 described Officer A as a white male, approximately 5' 6" and skinny. After Officer A parked his car, he came toward her car with his gun drawn, holding it in both hands, pointed at her. Subject 1 told him she did not want any problems. Officer A opened her door, grabbed her by her sweater and shirt with his left hand, pulled her out of the car and threw her to the ground. Subject 1 landed on her stomach. Officer A put his foot on her back, between her shoulder blades and then told her he was an off-duty officer. Officer A told Subject 1 not to move and she did not move. Subject 1 said the Officer A was pointing the gun toward the back window where her granddaughter was. Subject 1 said she was on the ground for 25 minutes. Subject 1 said she received no physical injuries, but it made her asthma worse. Subject 1 said she was issued tickets for leaving the scene of an accident, driving on a suspended license, and no insurance.

Subject 1 stated that during the course of her interaction with Officer A, anytime she would say anything or ask questions, Officer A kept telling her to "shut the fuck up." When Subject 1 asked him "how was I supposed to know you were an off-duty Officer," he told her to "shut the fuck up." She said she was on the ground for 15 minutes before Officer A called for the police, and after 10 minutes he switched to placing his knee in the center of her back. About 10 minutes after calling for the police, the uniformed officers arrived. Subject 1 said right before they arrived, Officer A allowed her to sit on the stairs of the townhome. Subject 1 said that when the uniformed officers arrived, there were five white officers that spoke with the Officer A – none of them spoke with her. Two Latino officers arrived on scene and a female Latina officer spoke with her asking her what happened. A Sergeant was called and spoke with both her and the Officer A. She told the Sergeant that the Officer A did not respond to anything she asked.

On November 28, 2017, **Subject 1** was contacted requesting contact information for her daughter Civilian 3, who was living with Subject 1 at the time of the incident. Subject 1 stated that Civilian 3 no longer lived with her and Subject 1 did not have a contact number for Civilian 3. Subject 1 said Civilian 3 stops by the apartment from time to time and Subject 1 would have

Civilian 3 contact COPA if she stopped by. A letter addressed to Subject 1 at sent to the residence at XXXX W Huron was returned as undeliverable<sup>4</sup>. On December 26, 2017, a phone message was left requesting Subject 1 to contact COPA. On January 8, 2018, Subject 1 was contacted by phone. Subject 1 stated she has not had any contact with Civilian 3 in over 3 months and would have Civilian 3 contact the office if Subject 1 did contact her. Subject 1 gave an updated address for herself: XXXX W. 56<sup>th</sup> Street, Chicago, IL 60636. A letter addressed to Subject 1 at XXXX W. 56<sup>th</sup> Street was sent on January 8, 2016, requesting Subject 1 have Civilian 3 contact COPA for an interview<sup>5</sup>. As of January 30, 2018, COPA has not been contacted by either Subject 1 or Civilian 3 and the letter was returned as undeliverable.<sup>6</sup>

On December 27, 2016, **Civilian 1** was interviewed at IPRA<sup>7</sup>. Civilian 1 said he was the passenger in the car driven by Subject 1. Civilian 1's step daughter, Civilian 3, 19 years old, was sitting in the rear passenger side seat and his granddaughter, who is 2 or 3, was sitting in the rear driver's side. They were going to pick up his step daughter's boyfriend. As Subject 1 was driving north on Kedzie toward Byron, Civilian 1 noticed that a car was following them. When Subject 1 tried to go around a stop sign, she did a quick stop and struck a vehicle. The car behind them started chasing them and they got caught in a dead end. A man (now known as Officer A) came up to the car with a gun drawn, pointed it at his granddaughter and Subject 1, opened Subject 1's door, pulled her out by grabbing her shirt and arm near the chest, then pushed her to the ground. Officer A put a knee on Subject 1's back and then switched to his foot. Officer A told her he was an off-duty police Officer. Civilian 1 told Officer A that Subject 1 had asthma. It was about two to three minutes before the marked squad cars arrived. Before the marked units arrived, Officer A let Subject 1 get up and sit on stairs of the townhomes. Civilian 1 thought that the car, occupied by Officer A, was the same vehicle that Civilian 1 originally believed was chasing them.

On January 10, 2017, **Civilian 2** was interviewed at IPRA<sup>8</sup>. Civilian 2 said that she was Officer A's fiancé and she was in his car on the day of the incident. She said she witnessed a hit

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<sup>4</sup> Att. 31

<sup>5</sup> Att. 32

<sup>6</sup> Att. 34

<sup>7</sup> Att. 24

<sup>8</sup> Att. 38

and run accident and Officer A followed the Hyundai. She said the driver of the car they were following drove through an alley, then a fast food restaurant parking lot and back out to the street. The vehicle pulled into a townhouse complex that was dark and attempted to hide in the furthest townhouse parking area. Officer A pulled behind the vehicle, pulled his gun and went to the car. He announced his office and told the driver to get out. Officer A asked the driver to get on the ground and the driver complied. The driver was complaining it was cold. Civilian 2 did not believe Officer A had much of his weight on the driver because he had his knee on her while holding onto the car. The driver complained that Officer A had all his weight on her and Officer A responded stating he did not have all his weight on her, and that if she continued to move he would put all his weight on her. The driver called to the people in her vehicle to tell Officer A to get off her.

Because the driver was complaining about the cold, Officer A sat her up on stairs of the townhome. Officer A asked Subject 1 why she left the accident scene. Subject 1 told Officer A that he was being ignorant, and that she did not know she was running from a cop. Civilian 2 said she called 911 while they were following the vehicle. She said Officer A asked if everyone in the vehicle was OK because they were in an accident, and there was a baby in the car.

Civilian 2 said she heard the crash but did not see it because she was on her phone. Civilian 2 described the car involved in the accident as a grey compact that was directly in front of her fiancé's vehicle. Officer A was driving his personal vehicle and Civilian 2 saw the offending vehicle in the intersection backing up and then going around the vehicle that was struck, then leaving the scene. Civilian 2 said Officer A followed the vehicle at a normal following distance. When the driver of the offending vehicle realized they were being followed, they drove in "weird" ways. The driver tried to drive through an alley and then entered a fast food restaurant lot and immediately exited. Officer A continued to follow at about a cars length behind. Officer A pulled behind the vehicle he was following to block them in. The vehicle he was following parked in a townhome driveway. Civilian 2 said she believed Officer A only pointed the gun at the driver. When asked about Officer A showing his badge, Civilian 2 said Officer A always has his badge, and she did not know if he showed it. Civilian 2 said Officer A put his gun away when he sat Subject 1 on the stairs because she was complaining it was cold. Civilian 2 said the only time anyone exited the vehicle other than Subject 1 was after Officer A had Subject 1 on the stairs; the front seat passenger exited the vehicle.

Civilian 2 said that Officer A had to tell the driver to get out of the car more than once. Officer A also had to tell the driver to get on the ground at least two or possibly three times, but the driver eventually got on the ground of her own will. Subject 1 was sitting on her arms and kept moving even when Officer A told her to stop moving. Subject 1 kept saying it was cold and “why am I here,” Officer A kept one knee on Subject 1’s back.

On November 16, 2017 **Officer A #XXXXXX** was interviewed at COPA<sup>9</sup>. Officer A said he was traveling north on Kimball on the date of incident and was behind a grey 2000 Hyundai Elantra for several blocks when he saw the vehicle attempt to pass another vehicle on the left at the intersection of Kimball and Brainard. The vehicle in front of him (later identified as being driven by Subject 1) struck another vehicle in the intersection, pulled forward, and then started to leave the scene. Officer A glanced at the Scion that was struck to ensure the occupants were unharmed, at which time he started to follow the Hyundai. Officer A followed the Hyundai through an alley. Officer A had his fiancé call 911. The Hyundai made a few turns and he lost sight of the vehicle momentarily, locating it in a KFC lot. The Hyundai pulled out of the lot onto Irving Park. Near Irving Park and California, he saw the Hyundai pull into a newer subdivision development.

The Hyundai turned into the subdivision. Officer A was familiar with the subdivision and knew there was only one entrance/exit. Officer A followed the Hyundai and found it parked in the driveway of a townhouse. While following the Hyundai, Officer A said he was driving the speed limit.

Once Officer A was behind the Hyundai parked in the townhome driveway, Officer A saw movement in the front and rear seat, which he believed were potentially threatening to himself and his fiancé based on his training and experience. Officer A identified himself as a Chicago Police Officer verbally as he exited his vehicle. Officer A drew his weapon and approached the Hyundai while his fiancé remained in Officer A’s vehicle. Officer A stated he was either carrying his Glock 19 duty weapon or a Smith & Wesson M&P Shield. Officer A ordered Subject 1 out of the car 2 or 3 times, eventually Subject 1 complied with his order.

When Subject 1 saw Officer A’s weapon, she complied with the order to go to the ground. Officer A visually checked the front seat telling the passenger to keep his hands on the dash. Officer A opened the back door and “visually checked the rear passengers for weapons.” While

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<sup>9</sup> Att. 30

Officer A was "clearing the vehicle", he asked Subject 1 why she fled and asked for her driver's license. Officer A said Subject 1 told him she would have stopped had she known he was a Chicago Police Officer, and she knew she was wrong for leaving.

Subject 1 told Officer A that the car in front of her was "driving stupid" and that she did not have a driver's license or insurance. Officer A had his knee across her shoulder and was going to conduct emergency handcuffing, because he believed she was going to be under arrest for leaving the scene of an accident and no driver's license. However, he realized he did not have handcuffs with him. Officer A observed the rear passengers to be a young woman and child. Once he was convinced the occupants did not pose a threat, Officer A holstered his weapon. Subject 1 told him it was cold and he allowed her up and he allowed her to sit on stairs of the townhome until the 17<sup>th</sup> District officers arrived.

Officer A said he never had any physical contact with Subject 1 except when he had his knee across her shoulders as he was clearing the vehicle. Officer A described Subject 1's demeanor as being agitated because she was being detained, but she was not combative. Officer A said the only time Subject 1 was offensive was while he was clearing the vehicle and she was on the ground. Subject 1 kept lifting her body when Officer A told her to keep still. Officer A said the only reason he had his weapon drawn was due to the movement in the vehicle and as soon as he cleared the vehicle he holstered his weapon. Officer A said he only had Subject 1 on the ground for 15-30 seconds as he cleared the vehicle. Officer A denied ever telling anyone to "shut the fuck up."

Officer A said he asked several times if anyone was injured and if they needed an ambulance, especially since there was a child in the vehicle who was not secured in a child restraint seat. Everyone in the vehicle stated they were unharmed and did not need an ambulance. Officer A stated he did not see any injuries on Subject 1. Officer A did not complete a tactical response report (TRR) because the only force he used was minimal (using his knee to hold Subject 1) and the supervisor<sup>10</sup> that arrived on scene told him he was not required to complete a TRR.

## **b. Digital Evidence**

### **911 Calls**

The following 911 calls were transcribed from the Office of Emergency Management and Communication (OEMC) by R/I, the time is from the counter at the start of the transmission.

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<sup>10</sup> Officer A did not remember the supervisors name.



The call was received November 25, 2016 at 19 hours 33 minutes and 50 seconds.<sup>11</sup>

00:10 Disp *Chicago Emergency Dispatcher A*

00:11 Caller *Hi, we're following a car from a hit and run which it was at the license plate is QXXXXXX, the accident was on Kimball*

00:23 Disp *You said Q as in queen XXXXXX?*

00:28 Caller *QXXXXXX*

00:31 Disp *And that's an Illinois plate*

00:32 Caller *Illinois plate*

00:33 Disp *What kind of vehicle is it?*

00:34 Caller *Hold on a second*

00:44 Disp *Is it a red SUV, a black*

00:46 Caller *No, it's a compact car*

00:51 Disp *What color*

00:52 Caller *It's heading toward Irving Park*

00:55 Disp *Ok, well I have absolutely no idea where you are and now that I have the license plate I'm going to suggest you stop following the vehicle*

01:02 Caller *She says stop following the vehicle Officer A-(voice) Tell them I'm inaudible-He's and off-duty police officer. If you want him to stop he will.*

01:14 Disp *What kind of vehicle is it?*

01:15 Caller *What kind of vehicle is it Officer A, we're trying to get there.*

01:19 Disp *I just need to know is it like a white sedan, is it a black SUV*

01:23 Caller *It's tan- it's inaudible it's on Irving Park near Burger King, Irving Park and California, going into a KFC parking lot. Did he turn Officer A? It has a white bumper*

01:41 Disp *Ok, you're turning into a KFC parking lot*

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<sup>11</sup> Att. 15

01:44 Caller *Yeah, now we're turning out. It's California and Irving Park*

01:50 Disp *and where inaudible*

01:51 Caller *The accident happened where Officer A on Kimball and what (voice) inaudible  
He's now turning into the Fairfield Townhomes*

02:09 Disp *And that's at Irving Park and California*

02:12 Caller *Yes (voice) inaudible*

02:23 Disp *Ok, can I get his name-inaudible-his first and last name*

02:28 Caller *Officer A*

02:29 Disp *And his star*

02:30 Caller *I don't know his star number off the top of my head. He's getting them now. He's  
got the on the ground. I'm trying to look for the address, I'm sorry. We're in the Fairfield  
like Townhomes off of Irving Park and California in between Rockwell and California if  
that helps any.*

03:11 Disp *Ok um. Watch for the police*

03:14 Caller *Thank you*

03:15 Disp *Welcome*

The call was received on November 25, 2016 at 19 Hours 34 minutes and 28 seconds.<sup>12</sup>

00:08 Disp *Chicago emergency Dispatcher B*

00:11 Disp *Hello 9-1-1*

00:14 Caller *Hi*

00:16 Disp *Hello*

00:17 Caller *Hey, somebody slice me*

00:20 Disp *Excuse me*

00:21 Caller *I had an accident with a car*

00:23 Disp *Ok, is anyone hurt?*

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<sup>12</sup> Att. 14

00:25 Caller *No*

00:26 Disp *Ok, are the cars drivable?*

00:30 Caller *Yeah, it was one minute ago*

00:31 Disp *Ok, but you can drive your car.*

00:34 Caller *Yeah*

00:35 Disp *Ok, you guys need to exchange information*

00:37 Caller *Huh*

00:38 Disp *You guys need to exchange information: names, phone numbers, license plate, insurance information*

00:44 Caller *I don't have nothing because he left*

00:46 Disp *Oh, he left, Ok*

00:49 Caller *Your inaudible*

00:50 Disp *Where are you?*

00:51 Caller *I'm at the right and a 50. Byron and 50*

00:59 Disp *While are*

01:00 Caller *Byron and Kedzie Avenue*

01:03 Disp *Byron and Kedzie. What kind of car was it?*

01:07 Caller *It was a my car is a Scion*

01:11 Disp *No that hit you*

01:11 Caller *Another car, I don't know another car and they and I have an inaudible over here that say we have cameras here*

01:21 Disp *They say what?*

01:22 Caller *They have camera in the shop*

01:27 Disp *I'm sorry I don't understand you, ma'am*

01:32 Caller *Uh huh*

01:33 Disp *Ok, what kind of car are you in?*

01:35 Caller *My car is a Scion*

01:37 Disp *And you're not injured, right?*

01:39 Caller *huh*

01:40 Disp *Are you injured?*

01:42 Caller *No, I'm Ok but my*

01:44 Disp *Ok, what color is your car*

01:46 Caller *My car the bumper it go out*

01:48 Disp *Ok, what color is your Scion?*

01:50 Caller *Blue*

01:51 Disp *Alright, we'll send the police out, Ok. What's your name?*

01:55 Caller *Civilian 4*

01:56 Disp *Alright Civilian 4, what's your phone number*

01:58 Caller *XXX*

Disp *uh huh*

Caller *XXX*

Disp *uh huh*

Caller *XXXX*

2:05 Disp *Ok, we'll send the police Civilian 4*

02:07 Caller *Ok, thank you so much. Can I wait a here?*

02:09 Disp *Yup*

02:10 Caller *Ok*

02:10 Disp *Thank you, bye, bye*

02:12 Caller *Thank you.*

The following radio traffic was transcribed from the OEMC by R/I, the time is from the counter at the start of the transmission. Transmissions not pertaining to this incident were omitted.<sup>13</sup>

00:00 Disp XXXX

00:05 XXXX XX

00:07 Disp *What's up XX can you assist a PO units with an accident, a hit and run. The guy skipped and he's got this guy on the ground over at Irving Park and California in the Fairfield Townhomes lot*

00:27 XXXX *10-4 squad inaudible*

01:23 Disp XXXX

01:28 XXXX XX

01:30 Disp *It's an auto accident Kedzie and Byron, Byron and Kedzie. Civilian 4 said she was hit and the other car fled. She's going to be in a blue Scion, Kedzie and Byron*

04:32 Disp *anybody with that PO at Irving and California yet?*

05:38 XXXX *XXX on that off-duty job, give a slow-down. He's not involved, he observed a hit and run*

05:44 Disp *10-4 units responding to the PO at Irving and California, California and Irving slow it down, slow it down. We got XX on the scene this might be the one that XX has. Do you know where it happened?*

05:50 XXXX *It all happened by Kimball and Bartola area or Kimball and Montrose area right. And the off-duty followed the car. We are here we are at XXXX Irving Park. It's a little townhouse you gotta come through*

06:13 Disp *10-4, XX is on his way*

06:16 Unkn *Turn right at the Fairfield sign*

10:24 XXXX *XXX info*

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<sup>13</sup> Att. 16

10:27 Disp XXX

10:29 XXXX *I might be related to XXXX's accident at Kedzie and Byron. This is the other party. Looks like it.*

10:37 Disp 10-4 XXXX *you copy?*

10:42 XXXX *A I'm copy, I'm a I'm about to talk to the complainant over here*

13:30 XXXX XXXX

13:32 Disp XXXX

13:35 XXXX *Squad where was that traffic crash that came out in the past?*

13:47 Disp *We had one at Kedzie and Byron. Civilian 4 said her car was hit and the offender fled. We got XX on the scene trying to get information.*

13:55 XXXX *Alright squad can you repeat that again? Where was it at?*

14:01 Disp *We have a Civilian 4 that says her car was hit at Kedzie and Byron and the other car fled.*

14:10 XXXX *Alright, that might be what we have here*

14:15 Disp 10-4 XX's *trying to gather information from Civilian 4*

14:21 XXXX XX *yeah so far, she's saying so far, she has no idea what kind if car hit her cause she was already out of the intersection and he just clipped the back of her and took off*

14:31 XXXX *inaudible the subject, inaudible we'll figure it out*

14:48 XXXXXX *what kind of car is the other car they got over there*

14:54 Disp *I think it was a green  
We go a Hyundai over here*

14:59 XXXXA *grey 2000 Hyundai*

16:50 XXXX XXXX

16:51 Disp XXXX

16:54 XXXX *Can you send us a Sergeant over here please*

16:58 Disp 10-4 *available supervisor for XXXX*

17:01 XXXX XXXX *put it on my ticket*

17:08 XXXX XXXX *can you inaudible the Sergeant to enter on Fairfield to go all the way to the end and just make a right-hand turn. We're all here.*

17:19 Disp XXXX *you copy*

17:24 XXXX XX *they're back in there by the townhomes*

17:27 Disp 10-4

17:29 XXXX *That's correct in east of California*

26:57 XXXX XXXX

26:59 Disp XXXX

27:01 XXXX XXXX *Yah I'm over here with this complainant. I'm actually at the corner store. I'm trying to retrieve some video to find out what type of car it was. Does somebody have the gentlemen that witnessed the accident or somebody bring them by?*

27:19 Disp 10-4 XX-XXXX

27:38 Disp XXXX

27:42 XXXX XX

27:43 Disp XXXX *you have the witness that seen the hit and run 10-4*

27:47 XXXX 10-4 *sir*

27:50 Disp XXXX *was wondering if you could bring him over there to check if this was the car or not*

27:55 XXXX *Alright squad, give us a few, we'll get there.*

28:00 Disp 10-4 XXXX *you copy*

28:02 XXXX *Yeah, take your time I'm looking at video footage now so take your time, no rush*

35:49 XXXX XXXX

35:52 Disp XXXX

35:53 XXXX *inaudible this accident*

42:05 XXXX XXXX

42:06 Disp XXXX

42:09 XXXX *inaudible*

42;21 Disp *HZXXXXXX that's HZXXXXXX event XXXXX, that's XXXXX*

43:30 XXXX XXXX

43:32 Disp XXXX

43:34 XXXX *Give me a number for a type B please*

43:38 Disp *10-4 your RD number is going to be HZXXXXXX that's HZXXXXXX event XXXXX, that's XXXXX*

**c. Physical Evidence**

None.

**d. Documentary Evidence**

**Reports**

Report HZXXXXXX is a crash report listing Subject 1 as a striking vehicle in a hit and run accident. The report indicates Subject 1 was cited for leaving the scene of an accident, driving on a suspended license and no insurance.<sup>14</sup>

Report HZXXXXXX is a crash report listing Civilian 4 as the victim of a hit and run accident.<sup>15</sup>

Event query<sup>16</sup> indicated the 9-1-1 call and the units responding to the call of an off-duty officer following a hit and run offender

**e. Additional Evidence**

None.

**VI. ANALYSIS**

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<sup>14</sup> Att. 6

<sup>15</sup> No attachment given

<sup>16</sup> Att. 7



According to General Order G03-02<sup>17</sup>, Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury<sup>18</sup>. The reasonableness of a particular use of force will be judged under the totality of the circumstances viewed from the perspective of a reasonable officer on the scene.<sup>19</sup> At the time of this incident, the Department utilized a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose.<sup>20</sup> According to Department directives, members are ordered to modify their level of force in relation to the amount of resistance offered by the subject.<sup>21</sup>

The Department directives order members to continually assess the situation to determine: 1. if any use of force option is necessary; 2. The appropriate level of force option based on the totality of the circumstances; and 3. If the level of force employed should be modified based upon the subject's actions or other changes in the circumstances.<sup>22</sup> When involved in a potential use of force incident or taking police action requiring the use of force, Department members will determine if the seriousness of the situation requires an immediate response or whether the member can employ other force options, including creating more time and distance between the subject and others<sup>23</sup>. Using time as a tactic may permit the de-escalation of emotions, as well as the arrival of additional Department members and tactical resources.<sup>24</sup>

The totality of the circumstances in this case establishes that Officer A more likely than not improperly escalated the situation and failed to utilize appropriate de-escalation tactics. However, a genuine and material dispute exists regarding whether Officer A grabbed Subject 1's clothing, pulled from her vehicle and pushed her to the ground. Although Officer A engaged in conduct that unnecessarily escalated the situation, both he and Civilian 2 deny that Officer A physically removed Subject 1 from the vehicle. On the other hand, Subject 1 and Civilian 1 state the direct opposite; that Officer A grabbed Subject 1's clothing, pulled her out of the vehicle and pushed her to the ground. Both accounts suffer from the same credibility limitations: heightened state of emotion, bias, motive, etc. Neutral and unbiased evidence (i.e. physical evidence, video, audio,

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<sup>17</sup> Effective Date: 01 October 2002

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> G03-02-01 (Eff. 16 May 2012)

<sup>21</sup> *Id.*

<sup>22</sup> G03-02-02 (Eff. 01 January 2016)

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

etc.) is necessary to resolve the credibility issue. However, no such evidence exists in this case. Therefore, the question of whether Officer A physically pulled Subject 1 from her vehicle and pushed her to the ground cannot be sufficiently resolved.

Officer A became involved in this incident when he witnessed Subject 1 flee the scene of an accident as he was off-duty and driving his personal vehicle. Subject 1 admits to striking a vehicle and driving away. After witnessing the accident, Officer A followed Subject 1's vehicle while his fiancé called 9-1-1 and provided information about the situation. The purpose of Officer A's decision to follow Subject 1 was more likely than not to prevent her escape and attempt to apprehend Subject 1. Subject 1 admitted that she was driving approximately 60-65 mph as she fled the scene because she was afraid of the car following her. In contrast, Officer A stated that he was going about the speed limit or slightly past it. However, Officer A's fiancé said that he followed approximately a car length behind Subject 1's vehicle. Based on Subject 1's admission and Officer A's intent to apprehend Subject 1, the speed of the pursuit was more likely than not more than the speed limit. Since Officer A was not operating an authorized emergency vehicle, his pursuit of Subject 1's vehicle does not directly violate any Departmental orders regarding pursuits<sup>25</sup>. However, chasing Subject 1's vehicle at increased speeds unreasonably escalated the situation. There is no evidence that indicates Subject 1 would have known Officer A to be police during the pursuit. Therefore, Subject 1 did not fail to yield or comply with any lawful police order or action.

Officer A further escalated the situation unreasonably, and unnecessarily, after Subject 1 stopped at the Fairfield Townhomes. Instead of staying in his vehicle with Civilian 2 and waiting for marked units to arrive, Officer A drew his firearm and approached Subject 1's vehicle while pointing his gun at the occupants. At the time Officer A took this action, Civilian 2 had already provided dispatch with Subject 1's license plate, vehicle description and location. The only explanation Officer A gave for drawing his weapon was that he saw movement in the back seat of Subject 1's vehicle that he believed was a possible threat to himself and his fiancé. However, Officer A apparently did not believe the threat was serious or immediate enough to remove himself and his fiancé from the scene. Additionally, Officer A was not responding to or investigating an incident of physical violence. There was no information available to Officer A that would suggest that the occupants of Subject 1's vehicle were armed and dangerous. As Officer A approached Subject 1's vehicle with his gun drawn, there is no evidence that Subject 1, or any passenger in

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<sup>25</sup> Emergency Vehicle Operations - Pursuits G0-03-01

her vehicle, were uncooperative. Officer A and Civilian 2 both stated that Subject 1 complied with an order to exit her vehicle and get on the ground. Therefore, the evidence establishes that Subject 1 was nothing other than a cooperative subject<sup>26</sup>.

Since Subject 1 was a cooperative subject, Officer A was authorized to use social control/police presence and/or verbal control to maintain compliance from Subject 1.<sup>27</sup> As explained above, the evidence in this case is insufficient to determine whether Officer A went beyond the authorized use of force.

Officer A was not required to document his use of force in a Tactical Response Report (TRR). G03-02-05(III)(B) specifically excludes the need for a TRR for incidents involving control holds do not result in injury. The only physical force Officer A used against Subject 1 was placing his foot or knee on her back as he checked the vehicle for safety. This action was meant to temporarily control Subject 1 and falls within the exceptions of the general order. Subject 1 stated that she did not suffer any injury as a result of Officer A’s actions. Therefore, Officer A was not required to complete a TRR.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer A	1. Violated the Chicago Police Departments policy on Force Option when he pointed his weapon at Subject 1, in violation of General Order G03-02-02 Force Options, and Rule 2, and Rule 6 of the Chicago Police Department’s Rules and Regulations Policy.	Unfounded
	2. Violated the Chicago Police Departments policy on Force Options when he pulled Subject 1 out of her vehicle and pushed her to the ground, in violation of General Order G03-02-02 Force Options, and Rule 2, and Rule 9 of the Chicago Police Department’s Rules and Regulations Policy.	Not Sustained
	3. Violated the Chicago Police Departments policy when he failed to complete the requisite Tactical	Unfounded

<sup>26</sup> G0-02-02 defines Cooperative Subject as “a person who is compliant without the need for physical force.”

<sup>27</sup> G0-02-02(IV)

Response Report (TRR) in violation of General Order G03-02-05 Incidents Requiring the Completion of a Tactical Response Report, and Rule 3, and Rule 22 of the Chicago Police Department's Rules and Regulations Policy.

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Approved:

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Deputy Chief Administrator A  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	XXXXXX
<b>Major Case Specialist:</b>	Major Case Specialist A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator A