

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	April 12, 2016
Time of Incident:	10:50 am
Location of Incident:	XXX, Chicago, IL 60628 (High School)
Date of COPA Notification:	April 15, 2016
Time of COPA Notification:	9:00 am

The complainant, Subject 1 alleged that on April 12, 2016, Officer A pushed him into lockers, spat on him, and pointed a taser in his face. On April 13, 2016, Subject 1 notified Principal 1, the Principal of High School, of the encounter with Officer A. Additionally, Subject 1 reported the incident to CPD Sergeant A. Sergeant A completed an Initiation Report and notified IPRA.

During this investigation, Chicago Public Schools (CPS) provided a copy of their Investigative Report. Because Subject 1 never responded to requests to provide a statement, IPRA sought and obtained an Affidavit Override from the Chicago Police Department.

II. INVOLVED PARTIES

Involved Officer #1:	Police Officer A Star #XXXXXX / Employee ID#XXXXXX Appointed XXX, 2004 Unit XXX Born XXX, 1978 Male / Hispanic
Subject #1:	Subject 1 Born XXX, 1998 Male / Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that Officer A used a Control Tactic on Subject 1 without justification, in violation of Rules 6 and 9.	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.

	<p>2. It is alleged that Officer A pushed Subject 1 into the lockers without justification, in violation of Rules 6 and 9.</p> <p>3. It is alleged that Officer A spat in Subject 1's face, in violation of Rule 9.</p> <p>4. It is alleged that Officer A pointed a Taser at Subject 1's face/neck while stating, "Resist so I can use this. Hit me, go ahead and hit me," in violation of Rules 6, 9.</p>	<p>Unfounded.</p> <p>Not Sustained.</p> <p>Not Sustained.</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
2. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. General Order: G03-02-02 – Force Options – effective January 1, 2016 through October 15, 2017

V. INVESTIGATION²

a. Interviews³

In an **interview with a CPS investigator**,⁴ on April 29, 2016, **Subject 1**,⁵ stated that on April 12, 2016, he was at High School when the fire alarm activated, and he attempted to exit via the southeast door to exit the building.⁶ As Subject 1 walked towards the exit, Officer A stopped him. Officer A instructed Subject 1 to turn around and exit the building using the southwest doors. Subject 1 turned around and began walking towards the exit doors.

As Subject 1 walked toward the exit doors, Officer A grabbed him by his shirt and slammed him into lockers. Officer A ordered Subject 1 to turn around and place his hands behind his back. Subject 1 did not comply. Officer A escorted Subject 1 towards the bathroom. Subject 1 resisted

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 COPA obtained a statement from Officer B; however, she was not able to recall any of the interaction between Subject 1 and Officer A.

⁴ Att. 8. (It is unknown if this statement was recorded or provided under oath or affirmation.)

⁵ Subject 1 never responded to COPA's numerous requests to provide a statement.

⁶ The classroom Subject 1 exited was only 10 feet away from the southwest doors.

and pushed back against Officer A. Officer A drew his taser, placed it on Subject 1's neck/face and stated, "resist so I can use this. Hit me, go ahead and hit me." As Subject 1 continued to resist,⁷ he was escorted to the "police room."⁸ Once at the police room, Officer A slammed Subject 1 into the door and pinned him against the wall. After several minutes, Subject 1 was released without further incident.

In a **statement to COPA**⁹ on April 4, 2018, **Principal 1** stated that on April 13, 2016, Subject 1 informed her of an encounter he had with Officer A that placed him in fear for his safety. After speaking to Subject 1, Principal 1 reviewed High School surveillance footage, completed a Verify.Net report,¹⁰ and reported the incident to CPS Safety and Security Personnel, Civilian 1 and Civilian 2. Civilian 1 and Civilian 2 informed Principal 1 they would investigate the incident and notify CPD, and suggested that she contact the CPD School Sergeant. On April 13, 2016, Principal 1 contacted a CPD Sergeant¹¹ and relayed Subject 1's concerns. On April 14th or 15th, a white male CPD officer wearing a white shirt¹² arrived at High School and interviewed Principal 1. Principal 1 was clear that, while she reviewed the surveillance footage, she did not witness the interaction between Subject 1 and Officer A.

In an **interview with COPA**¹³ on January 19, 2017, **Officer A** advised that on April 12, 2016, he was in uniform and assigned to High School when the fire alarm was activated. He was ushering students to the nearest exits when he observed Subject 1 walking away from the nearest exit. Officer A approached Subject 1, blocked his path, and verbally directed him to exit a different door. Subject 1 complied and walked towards the exit. As Subject 1 walked away, he stated something to the effect of: "quit being a [REDACTED] bitch." Feeling disrespected and upset, Officer A approached Subject 1 and stated, "you are not going to talk to me like that" while placing his hand on Subject 1's mid/lower back to shepherd him from the building. Subject 1 responded by clenching his fists, pulling away, and stating, "get the [REDACTED] away from me." Concerned that Subject 1 was going to strike him, Officer A grabbed Subject 1 and escorted him towards the police room, all the while Subject 1 attempted to pull away.

Once at the police room, Subject 1 pushed off the wall and again attempted to pull away. Officer A directed Subject 1 towards a set of lockers and pinned him against them. Simultaneously, Officer A drew his Taser and informed Subject 1 that if he continued to resist, Officer A would deploy his Taser. Officer A admitted that he did raise the Taser towards Subject 1's head but insisted that he never pointed the Taser at Subject 1. Once Subject 1 stopped resisting, Officer A holstered his Taser. Officer A advised Subject 1 that his behavior was improper and that upon graduation from school it will be less likely that his actions would be tolerated. Officer A was adamant that he never spat on Subject 1. Officer A stated that he believed the fire alarm to be a false alarm and more likely an attempt by students to disrupt the school day.

⁷ The report states that Subject 1 was resisting Officer A but there is no description of the resisting.

⁸ The "police room" is the CPD office located within the school.

⁹ Att. 44.

¹⁰ Verify.Net is the CPS online reporting system.

¹¹ Principal 1 was unable to recall which sergeant she spoke to.

¹² Principal 1 could not recall this officer's name or rank.

¹³ Atts. 34 & 35.

In an **interview with COPA**¹⁴ on December 7, 2017, **Civilian 3**, advised that she could only recall Subject 1 being “very [verbally] aggressive” with Officer A.

b. Digital Evidence

Surveillance footage from High School¹⁵ depicts the fire alarm activating, students walking towards the southwest door, and Subject 1 walking in the opposite direction. Officer A stops Subject 1 and points toward the southwest doors while speaking with Subject 1. Initially, Subject 1 does not comply and appears to argue with Officer A. Based on body language, Officer A appears to continue to instruct Subject 1 to walk towards the exit doors. Subject 1 turns around, walks towards the doors, and leaves the view of the camera. Officer A follows Subject 1 and is seen shaking his head “no” while speaking to someone off camera.

Less a minute later, Officer A is shown escorting Subject 1 and detaining him against the wall outside of the police room. Subject 1 pushes off the wall with both hands. Officer A draws his Taser, but keeps it pointed towards the ground. Simultaneously, Subject 1 turns to his right, pulls away from Officer A, and walks towards a set of lockers. Officer A directs Subject 1 toward the lockers and pins him against the lockers. Officer A’s Taser is still pointed towards the ground at this point. Sixteen seconds after Officer A detains Subject 1 against the lockers, he lifts the Taser towards Subject 1’s body; however, view of the Taser is obscured by Officer A’s body. Thirteen seconds later, Officer A lowers his Taser and points it towards the ground. Eighteen seconds later, Officer A holsters his Taser. After Officer A holsters his Taser, Subject 1 continues to attempt to escape his control. Officer B arrives and assists in escorting Subject 1 across the hall to the police room. Officer A detains Subject 1 against the police room door for two minutes, during which he is face-to-face with Subject 1 and appears to be leaning his body into Subject 1. Officer A releases Subject 1 and both walk towards the exit. Officer A detained Subject 1 for a total of three minutes forty-three seconds.

c. Documentary Evidence

Sergeant A’s Initiation Report¹⁶ details Subject 1’s above listed allegations.

A **CPS Investigative Report**,¹⁷ details that on April 12, 2016, at approximately 11:00 am, Subject 1 was present at High School and, during a fire alarm, attempted to exit the building via an incorrect door. The report also details that Officer A instructed Subject 1 to exit through the correct doors. Subject 1 complied but was detained by Officer A. During his detention Subject 1 resisted Officer A. According to Subject 1, Officer A pushed Subject 1, spat on him,¹⁸ put a taser to his neck/face, and made remarks about Subject 1’s lack of respect. Officer A eventually released Subject 1.

¹⁴ Att. 26.

¹⁵ Atts. 9, 10 & 28.

¹⁶ Att. 4.

¹⁷ Att. 8.

¹⁸ There is no mention of spitting in the summary of Subject 1’s statement to CPS. The relevant portion of the report is on pages 8-10 of Attachment 8.

Subject 1 informed his mother of the incident. She contacted High School Administration and CPD to report the incident. There is no indication that Subject 1 suffered any injuries during the incident. The report details a conversation with Principal 1, during which Principal 1 informed CPS that she had contacted CPD Lieutenant A¹⁹ to report the incident. The report is unclear when Principal 1 reported the incident to Lieutenant A.

CPS determined that Officer A may have engaged in physical abuse of a CPS student. Based on this determination, CPS contacted the Illinois Department of Children and Family Services to report the possible abuse²⁰ and forwarded a copy of its investigation to IPRA.

An **Affidavit Override**²¹ was received on February 22, 2017 from CPD Bureau of Internal Affairs. The override authorized an investigation into the allegations detailed above.

VI. ANALYSIS

COPA recommends a finding of **Sustained** for the allegation that Officer A used a control tactic on Subject 1 without justification. G03-02-02(IV)(B)(1) permits a member to use holding²² and compliance techniques²³ to address passive resistance, and defines a “passive resister” as “a person who fails to comply with verbal or other direction.” Additionally, G03-02-02 IV(A) defines a “cooperative subject” as “a person who is compliant without the need for physical force” and limits a member’s response to presence and verbal control/commands.

Here, Subject 1 initially presented as a passive resister when he failed to comply with Officer A’s orders to exit the building. However; as soon as Subject 1 turned around and began walking towards the exit identified by Officer A, he was cooperative with Officer A’s verbal instructions and was a cooperative subject. Therefore, Officer A was required to deescalate his use of force to presence and verbal control/commands. Officer A admitted that he felt disrespected and upset immediately prior to using what he described as a “shepherding” on Subject 1, despite Subject 1’s compliance with his verbal instructions.

Based on Officer A’s own admissions, COPA determined that Subject 1 was a cooperative subject when Officer A attempted to escort Subject 1 out of the building with the “shepherding” motion. Therefore; Officer A’s use of force was improper and did not comply with General Order G03-02-02 – Force Options.

COPA recommends a finding of **Unfounded** for the allegation that Officer A pushed Subject 1 against the lockers without justification. G03-02-02 IV(B)(2) defines an “active resister” as “a person whose actions attempt to create distance between [himself] and the member’s reach with the intent to avoid physical control,” and permits a member to use holding techniques and a

¹⁹ Lieutenant A is referred to in the CPS report as a Sergeant. Additionally, according to Attendance and Assignment Records Lieutenant A was on leave from April 2, 2016 until April 26, 2016. Att. 45.

²⁰ DCFS did not investigate because Subject 1 was eighteen at the time of his interaction with Officer A.

²¹ Atts. 21-23.

²² Holding techniques are described as “a firm grip, grabbing an arm, wristlocks, and come-along holds,” which are “escort holds that are not elevated to pain compliance techniques.”

²³ Pain compliance techniques are described as those “designed to amplify nonimpact pressure and pain in order to increase the potential for controlling a subject,” such as applying pressure to pain sensors.

Taser. Additionally, G03-02-02 IV(C) defines an “assailant” as “a [person] who is using or threatening the imminent use of force against ... another person,” and permits a member to use holding techniques and a Taser.

Here, when Subject 1 pulled away from Officer A, and clenched his fists, his actions caused Officer A to be in fear of a battery. Therefore, Subject 1 was an assailant. Officer A’s use of holding techniques and drawing of his Taser was a proper response to Subject 1’s actions. Even as Subject 1 calmed, he was still an active resister as he attempted to escape Officer A’s control by pushing off the wall and attempting walk away. These actions are clearly visible on the video. Despite Subject 1’s active resistance, Officer A was able to maintain some physical control of him and ultimately pinned him against a set of lockers. Additionally, Subject 1 admitted to the CPS investigator that he resisted Officer A and refused commands to place his hands behind his back.

Based on all the evidence, COPA determined that Subject 1 was an assailant and an active resister when Officer A used a holding technique and Taser to gain compliance. Therefore, COPA determined that Officer A’s use of force was a proper response to Subject 1’s resistance during this portion of the incident.²⁴

COPA recommends a finding of **Not Sustained** for the allegation that Officer A spat in Subject 1’s face. During this investigation, COPA located references to the alleged spitting; however, the allegation is not contained in the summary of Subject 1’s statement to CPS. Further, it is unclear if the alleged spitting was an intentional act or a result of the close face-to-face conversation between Subject 1 and Officer A. Finally, Officer A denied spitting on Subject 1. Therefore, without additional information from Subject 1, COPA is unable to determine if the alleged spitting occurred.

COPA recommends a finding of **Not Sustained** for the allegation that Officer A pointed a Taser at Subject 1’s face/neck while stating, “resist so I can use this. Hit me, go ahead and hit me.” During this investigation, COPA determined that Officer A’s removal of a Taser from his holster was permissible because Subject 1 was actively resisting his detention. However, as Officer A raised the Taser it is obscured. Thus, COPA is unable to determine where the Taser was pointed and therefore cannot determine if the alleged conduct occurred.

VII. CONCLUSION

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

²⁴ However, while COPA determined that the detention of Subject 1 at this point was proper, COPA finds it highly concerning the Officer A elected to detain Subject 1 inside a building where a fire alarm was active, especially considering Officer A’s reason for interacting with Subject 1 was to get him to exit the building. COPA believes that Officer A’s decision to detain Subject 1 inside the building was based in part on his belief that Subject 1 had disrespected him. The mere fact that Officer A believed the alarm was false did not lesson the need for the occupants to exit the building swiftly. Officer A should have detained Subject 1 outside of the building. This would have ensured the safety of Subject 1 while still allowing Officer A to address Subject 1’s conduct.

Officer	Allegation	Finding
Officer A	<p>1. It is alleged that Officer A used a Control Tactic on Subject 1 without justification, in violation of Rules 6 and 9.</p> <p>2. It is alleged that Officer A pushed Subject 1 into the lockers without justification, in violation of Rules 6 and 9.</p> <p>3. It is alleged that Officer A spat in Subject 1’s face, in violation of Rule 9.</p> <p>4. It is alleged that Officer A pointed a Taser at Subject 1’s face/neck while stating, “Resist so I can use this. Hit me, go ahead and hit me,” in violation of Rules 6, 9.</p>	<p>Sustained.</p> <p>Unfounded.</p> <p>Not Sustained.</p> <p>Not Sustained.</p>

Approved:

 Acting Deputy Chief Administrator A
Acting Deputy Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

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