

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	January 27, 2017
Time of Incident:	2:04 AM
Location of Incident:	XXX N. California
Date of COPA Notification:	January 27, 2017
Time of COPA Notification:	2:16 AM

On January 27, 2017, the complainants, Subject 1 and Subject 2, were arrested by Chicago Police Department (CPD) officers responding to a battery in progress and a report of 30-40 individuals fighting at XXX N. California after an individual named Civilian 1 called 911 to report she had been battered. Subject 1 and Subject 2 accused the arresting officers of using excessive force, tasing both men without justification, and being too aggressive. After reviewing relevant Body Worn Camera (BWC) footage, COPA also brought allegations related to unnecessary verbal altercations by officers on scene. Interviews were completed with Subject 1, witness officers, and accused officers. COPA’s findings are discussed in this report.

Commented [JL1]: Where did the evidence that she called 911 to report a battery come from? I know she mentions it on BWC footage, but I don't think I saw it anywhere else in the SR?

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXX, Employee #XXXX, Date of Appointment: XX XX, 2005, Police Officer, X District, Date of Birth: XX XX, 1975, Female, Asian
Involved Officer #2:	Officer B, Star #XXXX, Employee #XXXX, Date of Appointment: XX XX, 2007, Police Officer, X District, Date of Birth: XX XX, 1980, Female, Hispanic
Involved Officer #3:	Officer C, Star #XXXX, Employee #XXXX, Date of Appointment: XX XX, 2015, Police Officer, X District, Date of Birth: XX XX, 1989, Male, White
Involved Officer #4:	Officer D, Star #XXXX, Employee #XXXX, Date of Appointment: XX XX, 2013, Police Officer, Unit XXX (Special Weapons and Tactics), Date of Birth: XX XX, 1983, Male White

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.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1083847

Involved Officer #5:	Sergeant A, Star #XXXX, Employee #XXXX, Date of Appointment: XX XX, 1998, Sergeant of Police, X District, Date of Birth: XX XX, 1972, Male, Hispanic
Involved Officer #6:	Officer E, Star #XXXX, Employee #XXXX, Date of Appointment: XX XX, 2015, Police Officer, X District, Date of Birth: XX XX, 1988, Male, Hispanic
Involved Officer #7:	Officer F, Star #XXXX, Employee #XXXX, Date of Appointment: XX XX, 2005, Police Officer, X District, Date of Birth: XX XX, 1974, Male, Hispanic
Involved Civilian #1:	Subject 1, Date of Birth: May 20, 1996, Male, Black
Involved Civilian #2:	Subject 2, Date of Birth: March 23, 1996, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Failed to investigate by not getting a description of the offender or a statement from Civilian 1 before entering the upstairs apartment, in violation of Rule 2 and Rule 11.	Sustained
Officer B	1. Used excessive force by tasing Subject 1, in violation of Rule 6 and Rule 9.	Not Sustained
	2. Engaged in an unnecessary verbal altercation by shouting at Subject 1 that all the officers had cameras on, in violation of Rule 8 and Rule 9.	Sustained
	3. Used unnecessary force by using Subject 1's handcuffs for pain compliance while he was escorted out of the apartment, in violation of Rule 6 and Rule 9.	Exonerated
	4. Failed to provide her name to Subject 1 when asked and responded, "you'll find out later," in violation of Rule 8, Rule 9, and Rule 37.	Sustained
	5. Engaged in an unnecessary verbal altercation by shouting at Civilian 1 on the street after Civilian 1 criticized the CPD response to her report of a battery, in violation of Rule 8 and Rule 9.	Sustained

<p>Officer C</p>	<p>1. Failed to investigate by not getting a description of the offender or a statement from Civilian 1 before entering the upstairs apartment, in violation of Rule 2 and Rule 11.</p> <p>2. Used excessive force against Subject 1 in the form of a chokehold, in violation of Rule 6 and Rule 9.</p> <p>3. Used excessive force against Subject 1 with an emergency takedown, in violation of Rule 6 and Rule 9.</p> <p>4. Used excessive force by twisting Subject 1's arms while escorting him out of the apartment after he was handcuffed, in violation of Rule 6, Rule 8, and Rule 9.</p> <p>5. Used excessive force by grabbing Subject 1's mouth/chin/jaw area while escorting him out of the apartment, in violation of Rule 6, Rule 8, and Rule 9.</p> <p>6. Used excessive force by pushing Subject 1 down the stairs while escorting him out of the apartment, in violation of Rule 6, Rule 8, and Rule 9.</p>	<p>Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p>
<p>Officer D</p>	<p>1. Used unnecessary force against Subject 1 to make entry to the apartment, in violation of Rule 6 and Rule 9.</p> <p>2. Provided a false report stating that Subject 1 grabbed his arm and pulled him into the apartment, in violation of Rule 14.</p>	<p>Exonerated</p> <p>Unfounded</p>
<p>Sergeant A</p>	<p>1. Failed to investigate by not getting a description of the offender or a statement from Civilian 1 before entering the upstairs apartment, in violation of Rule 2 and Rule 11.</p> <p>2. Inattention to duty in that he did not apprehend Civilian 2, the man Civilian 1 accused of hitting her, in violation of Rule 2 and Rule 10.²</p>	<p>Sustained</p> <p>Sustained</p>

Commented [JL2]: When you say he was identified via Facebook, what do you mean? Did Civilian 1 ID him on Facebook? Did you? How do we know he's the one Civilian 1 accused of hitting her? We need to be careful about identifying him on our own if none of the witnesses do.

² Civilian 2's identity was determined through Facebook. Source: <https://www.facebook.com/XXXXXXXXXXXX>

Officer E	1. Exhibited disrespect to Subject 1 by pulling down his pants and exposing his buttocks, in violation of Rule 8 and Rule 9.	Not Sustained
Officer F	1. Engaged in an unnecessary verbal altercation by telling Civilian 1 to “put in an application by the end of the month and you can do our job too,” in violation of Rule 8 and Rule 9. 2. Engaged in an unnecessary verbal altercation by asking Civilian 1 if random men on the street were the individual who hit her, in violation of Rule 8 and Rule 9.	Sustained Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty
5. **Rule 10:** Prohibits inattention to duty.
6. **Rule 11:** Prohibits incompetency or inefficiency in the performance of duty.
7. **Rule 14:** Prohibits making a false report, written or oral.
8. **Rule 37:** Prohibits failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

General Orders

1. **General Order G03-02:** Use of Force Guidelines³
2. **General Order G03-02-02:** Force Options⁴

³ The version of General Order 03-02 referenced in this report was effective from October 2002 until October 2017. (Att.57)

⁴ The Force Options policy referenced in this report was effective from January 2016 until October 2017. (Att. 58)

3. General Order G03-02-07: Other Weapons Discharge Incidents⁵

V. INVESTIGATION⁶

a. Interviews

COPA conducted an interview with **Subject 1** on January 18, 2018.⁷ Subject 1 related that on January 27, 2017, he and his friends rented an Airbnb to have a party. Subject 1 denied being under the influence during this incident. While the party was occurring, Subject 1 heard a knock on the door, answered it, and saw the police. An officer (identified as Officer D) put his hand on the door. Subject 1 stated that Officer D put his foot near the door so it could not be closed. Subject 1 tried to close the door because the officer did not say anything to him and was trying to enter. Officer D yanked the door open, told Subject 1 not to touch him, approached Subject 1, and forced his way in. An officer (identified as Officer C) grabbed Subject 1's neck and multiple police officers grabbed Subject 1. Subject 1 stated that he was grabbed around his neck and shoulders and he had difficulty breathing. Subject 1 specified that his neck was in the crook of an officer's elbow with the officer pulling Subject 1 back. Subject 1 denied grabbing Officer D, touching Officer D, or pulling Officer D into the apartment. Subject 1 asked the officers why they were present and detaining him, but they gave no response.

Subject 1 reported that he ended up on the ground, where he was tased and felt approximately four knees on his back. Subject 1 recalled having taser wire wrapped around his arm and being tased in his palm. Subject 1 related that because he was face down on the ground, he could not see which officers had their knees on him. Subject 1 did not understand the situation, and a close friend of his had previously been killed by an officer with a taser.⁸ Subject 1 stated that an officer was trying to get him to put his hands behind his back, but Subject 1 was being held by two officers and could not move his arm behind his back. Subject 1 acknowledged that he did not want to get handcuffed because he did not understand why the officers were being aggressive. Subject 1 stated that after he was tased, officers tried to place him into handcuffs and an officer pulled down his pants, in what Subject 1 believed was an attempt to make Subject 1 uncomfortable. Subject 1 continued to feel others' knees on his legs, placing pressure on Subject 1.

Once Subject 2 approached and asked what was happening, officers proceeded to grab Subject 2 and bring him to the ground. Subject 1 related that he was on the ground and did not see Subject 2's initial interactions with the officers. Per Subject 1, Subject 2 was tased two times. Subject 1 believed the officers were trying to make him uncomfortable, including by putting Subject 1's face on Subject 2's buttocks. After Subject 1 was placed into handcuffs, the officers

⁵ The Other Weapons Discharge Incidents policy referenced in this report was effective from October 2014 until October 2017. (Att. 59)

⁶ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁷ Att. 46

⁸ Subject 1's friend was identified as Civilian 3 On May 7, 2014, Civilian 3 was tased by a CPD officer, causing Civilian 3 to fall into a light pole and then onto the ground. Civilian 3 died on May 20, 2014. Source: <http://articles.chicagotribune.com/XXX-XX-XX/news/XXXXXXXXXXXXXXXXXXXXXXXXXXXX>.

escorted him out of the apartment and were pushing him. Subject 1 stated that an officer (believed to be Officer C) pushed him down the stairs. Subject 1 reportedly told the officers he could not see because he had lost his glasses and he ended up falling down the stairs. Subject 1 also related that he had difficulty walking because an officer had previously pulled his pants down. Subject 1 stated that when he was falling, he hit a police officer, which was the basis of his criminal charge. He denied hitting the officer intentionally. Subject 1 denied being aggressive or trying to fight any officers. Subject 1 acknowledged that he had seen BWC footage of the incident.

On January 27, 2017, IPRA went to the District X Lock-up to interview **Subject 2**.⁹ Subject 2 refused to be interviewed but provided the name of his attorney, Civilian 4. Additional attempts by COPA to interview Subject 2 were unsuccessful.¹⁰

COPA interviewed **Officer G** on February 22, 2018.¹¹ After reviewing his BWC video from this event, Officer G related that he went to the upstairs apartment and saw officers on the ground with Subject 1 and Subject 2 while officers were trying to handcuff Subject 1 and Subject 2.

Sergeant B was interviewed by COPA on February 27, 2018.¹² The sergeant stated he went to the upstairs apartment at XXX N. California, where two subjects (Subject 1 and Subject 2) were already on the ground and “quite a few” officers were trying to handcuff the men. According to Sergeant B, the incident was a “high stress situation” with “a lot of screaming and yelling.” Sergeant B recalled seeing Officer C grabbing Subject 1’s mouth area on BWC video, but did not know what triggered this action from Officer C.

On March 2, 2018, COPA interviewed **Sergeant C**.¹³ Sergeant C recalled being at XXX N. California on January 27, 2018.¹⁴ Sergeant C saw an individual in the apartment not engaged with officers, so the sergeant attempted to be a guard officer. Sergeant C related that it was difficult to see exactly what was occurring with the arrestees due to the number of officers surrounding them. Sergeant C described both Subject 1 and Subject 2 as antagonistic and intoxicated. Sergeant C described the arrestees as “trying to get a rise out of some officers.” According to Sergeant C, he helped Subject 2 stand up, stood with Subject 2 on top of the stairs, and tried to calm down Subject 2. Sergeant C related that it was a dangerous situation on the stairs with the arrestees, due to their aggressive behavior. Sergeant C did not remember seeing Subject 1 falling down the stairs. Sergeant C could not recall why he took Subject 1 and Subject 2 to the hospital.

COPA interviewed **Officer A** on March 8, 2018.¹⁵ Per Officer A, on January 27, 2017, she was partnered with Officer C and responded to XXX N. California to a call of “battery in progress” with “about 30 to 40 people fighting.” Officer A did not see anyone fighting when she arrived. Civilian 1 approached and related she had been hit by a male. Officer A asked Civilian 1 if she needed medical attention, which Civilian 1 denied. Officer A did not obtain a description of the

⁹ Atts. 30

¹⁰ Att. 101

¹¹ Att. 60

¹² Att. 62

¹³ Att. 64

¹⁴ Sergeant C was a police officer on the date of Subject 1’s allegations.

¹⁵ Att. 66

offender because Civilian 1 told the officers people were fighting upstairs and Officer A's priority changed to addressing the alleged battery in progress. Civilian 1 was told to stay outside and Officer A went upstairs. Officer A related there were several officers between herself and Officer D, so she did not clearly see Officer D make entry into the apartment. Therefore, Officer A did not see the initial physical contact between Subject 1 and Officer D. Once the officers entered, a "melee" ensued.

Officer B was interviewed by COPA on March 9, 2018.¹⁶ On January 27, 2017, Officer B was on duty and responded to XXX N. California. Officer B had heard via Dispatch that 30 to 40 people were fighting. Officer B followed Sergeant A to the upstairs apartment. Officer B stated Officer D and Subject 1 were talking. She then saw Officer D being jerked and telling Subject 1 to stop touching him. Officer B did not see Subject 1's hands, but she saw Officer D's body being jerked towards the apartment. Once in the apartment, Officer B deployed her taser because Subject 2 was trying to defeat Subject 1's arrest and was being an assailant. Officer B targeted Subject 2 with her taser but did not recall if Subject 1 was also tased. Immediately after the incident, Officer B thought she had tased both men but after watching her BWC video, she thought only Subject 2 had been tased. Officer B related her arm was injured when she tried to handcuff Subject 1 because he pulled his arm away and she and Subject 1 were engaged in a "tug of war" with the handcuff. Officer B related that she told Subject 1 that all the officers' cameras were on because Subject 1 was asking to see the cameras. According to Officer B, she did not tighten Subject 1's handcuffs while he was walking out of the apartment. Rather, Officer B claimed she was holding onto Subject 1's handcuffs to walk him out of the apartment. Officer B stated Subject 1 was resisting and she was trying to get control. Officer B stated that Subject 1 had to be double-cuffed because he would not give officers his hands. Officer B saw Subject 1 fall backwards. She believed Subject 1 stiffened up and threw himself back. She did not see an officer push Subject 1. Officer B told Subject 1 he would find out her name later because Subject 1 had asked all the officers for their names but had not asked Officer B directly. Per Officer B, there were many officers present and since Subject 1 would be able to get their names later, she was focused on getting out of the apartment. Officer B related that she engaged in conversation with Civilian 1 to explain what had occurred.

On March 13, 2018, COPA interviewed **Officer C**.¹⁷ Officer C stated that on January 27, 2017, he was present at XXX N. California after receiving a call through Dispatch of a battery in progress with about 30 – 40 individuals fighting. When Officer C arrived, he spoke with Civilian 1 who told the officer she was punched in the face twice and people were fighting upstairs. Officer C did not get a description of the offender from Civilian 1 because he believed a fight was occurring inside. Officer C related that he and other Department members did not make a plan prior to going to the upstairs apartment. Officer C saw Officer D gain entry to the apartment and recalled Officer D stating something to the effect of "get your hands off me." Due to where he was positioned, Officer C could not see if Subject 1 was physically engaged with Officer D.

When Officer C entered the apartment and placed his hand on Subject 1. Subject 1 stiffened his arms, pulled away, and ignored verbal commands. When shown Officer B's BWC video from approximately 2:02 AM with Subject 1's neck in the crook of Officer C's elbow, Officer C related

¹⁶ Att. 71

¹⁷ Att. 76

that he was moving to put his arm around Subject 1's shoulder when Subject 1 moved himself into that position. Officer C stated that an emergency takedown was performed on Subject 1 because Subject 1 "put hands" on Officer D and ignored verbal commands. Officer C did not know exactly how Subject 1 physically engaged Officer D. While Subject 1 was on the ground "fighting and resisting," other officers came to assist and Subject 1 was handcuffed. Officer C believed he put one handcuff on Subject 1 while another officer placed a handcuff on the other, with Subject 1 eventually double-cuffed.

Officer C did not see a taser deploy but believed Subject 2 had been tased, not Subject 1. Officer C did not recall seeing Officer E holding Subject 1's legs, nor did he recall seeing an officer pulling down Subject 1's pants or seeing Subject 1's exposed buttocks. After viewing Officer B's BWC at about 2:05 AM – 2:06 AM, which depicted Officer C escorting Subject 1 out of the apartment, Officer C stated he had Subject 1's arms positioned at an uncomfortable angle because Subject 1 was pushing and pulling away. Officer C elaborated that he had his arm in Subject 1's back to keep Subject 1 close and since Subject 1 was double-cuffed, he was still able to pull away. Officer C related that he had his hand on Subject 1's mouth because Subject 1 was being combative and the officer wanted to prevent Subject 1 from spitting on or head-butting him. Officer C denied seeing Officer B grabbing Subject 1's handcuffs while Subject 1 was escorted out of the apartment. According to Officer C, Subject 1 fell down the stairs because he went limp and "threw himself down the stairs." Officer C denied that either himself or another officer pushed Subject 1.

Officer D was interviewed on March 15, 2018.¹⁸ Officer D stated that on January 27, 2017, he arrived at XXX N. California and was met by an individual who stated she had been battered. Officer D did not recall speaking to Civilian 1 outside and had not gotten a description of the offender because Civilian 1 stated a fight was occurring upstairs. Per Officer D, no strategy was made before entering the upstairs apartment. When Subject 1 opened the door, Officer D put his arm on the door so Subject 1 could not close it on the officer. Next, Subject 1 placed his hand on Officer D to push away the officer's arm. Officer D told Subject 1 not to touch him and the two men met in the doorway because the officer tried to enter and Subject 1 tried to stop him. Subject 1 put his other hand on Officer D's vest and gave a "little pull." Officer D elaborated that Subject 1 did not "forcibly" drag the officer into the apartment. Rather, it was a "minor pull" that threw off the officer's balance. Officer D stated that Subject 1 battered him by pushing him out of the door and pulling his vest, so Subject 1 was an assailant. Officer D related that Officer C wrote in Subject 1's arrest report that Subject 1 dragged Officer D into the apartment because that was Officer C's "interpretation." Officer D did not think Subject 1 was trying to drag Officer D into the apartment. Officer D did not see Subject 1's takedown because he was focused on Subject 2. Officer D did not know if Subject 1 had been tased at the time, but after watching BWC it appeared Subject 1 got in the way of Officer B tasing Subject 2 and Subject 1 may have "caught a prong." Once Subject 2 was in custody, Officer D assisted in holding down Subject 1, along with additional officers. Officer D stated that Subject 1 was resisting the officers. Officer D did not remember seeing Officer E holding Subject 1's legs, nor did she recall seeing an officer pull down Subject 1's pants or Subject 1's exposed buttocks. Officer D believed Subject 1 went limp on the stairs and did not believe an officer pushed Subject 1. However, Officer D did not see Subject 1 until after he had fallen.

¹⁸ Att. 81

On March 15, 2018, COPA interviewed **Sergeant A**.¹⁹ Sergeant A related that on January 27, 2017, he was working as a sector sergeant and responded to XXX N. California. Sergeant A did not believe he directly spoke with Civilian 1, but recalled she reported a male had struck her. Sergeant A did not get a description of the offender, aside from a male in the upstairs apartment. Per Sergeant A, the officers did not develop a strategy before entering the upstairs apartment, but went upstairs because that was where the offender may have been located and he believed there was fighting occurring upstairs. When Subject 1 opened the apartment door, Officer D attempted to enter and speak to the occupants. Subject 1 then committed a battery against Officer D. Sergeant A did not see Subject 1 grab the officer, but saw pushing and pulling between Subject 1 and Officer D. When officers made entry, Subject 1 became an active resister. Sergeant A kept a white male from joining the “fray” while officers struggled with Subject 1 and Subject 2. Sergeant A stated that Subject 1 was resisting while officers tried to handcuff him. Sergeant A heard a taser deploy and believed just one offender was tased. Sergeant A did not remember seeing Officer E holding Subject 1’s legs, he did not see an officer pull down Subject 1’s pants, and he did not recall seeing Subject 1’s exposed buttocks. When shown his BWC from the incident, Sergeant A was not aware that he had spoken with Civilian 2, the man Civilian 1 accused of battering her. Sergeant A related that Civilian 2 was allowed to leave because the sergeant focused on the chaos. Additionally, Sergeant A was unaware of the fact that he was speaking to the offender. Sergeant A stated that had the fight not occurred, he would have identified Civilian 1’s batterer because other officers spoke with Civilian 1. Sergeant A described Subject 1’s demeanor while leaving the apartment as upset, angry, profane, and belligerent. Sergeant A recalled one of the arrestees (identified as Subject 1) resisted and went limp down the stairs. Sergeant A did not know if an officer pushed Subject 1 or if he fell on his own.

Officer E was interviewed by COPA on March 15, 2018.²⁰ When Officer E arrived at XXX N. California on January 27, 2018, Civilian 1 told the officers she was punched in the face. Officer E went to the upstairs apartment after he heard officers needed assistance. When he approached the hallway, Officer E heard people yelling. Officer E entered the apartment and Officer C was on the ground with Subject 1, so Officer E helped detain Subject 1. Officer E tried to cross Subject 1’s legs and bend them back while Subject 1 was face down on the ground. Officer E related that Subject 1 was resisting and not following verbal commands. Officer E stated that Subject 1 was holding his arms in front of his chest to avoid being handcuffed and he tried to kick Officer E. Officer E denied pulling down Subject 1’s pants. Officer E stated that while he was struggling with Subject 1, he did not see Subject 1’s exposed buttocks. Officer E did not know how Subject 1’s pants were pulled down. After watching Officer B’s BWC, Officer E believed just Subject 2 was tased. Officer E was inside the apartment when Subject 1 fell down the stairs, so he did not see him fall or know how Subject 1 fell.

COPA interviewed **Officer F** on March 16, 2018.²¹ On January 27, 2017, Officer F responded to XXX N. California following an OEMC call for a battery in progress. When he arrived, Officer F saw civilians “milling about” and several marked police vehicles. Officer F was not certain if he entered the upstairs apartment because he was performing crowd control outside. After watching his BWC, Officer F related that when he saw Subject 1 on the stairs, Subject 1 was

¹⁹ Att. 86

²⁰ Att. 91

²¹ Att. 96

already on the ground. Officer F stated that his conversation with Civilian 1 started when he heard a woman yelling at the police. Officer F related that since he came on the scene later, he thought the men in custody may have been the original offender(s) towards Civilian 1. Officer F told Civilian 1 to put in a CPD job application because officers have difficult jobs and she did not understand what the officers experienced in this situation. Officer F did not believe Civilian 1 was accurate in stating the officers were not doing their job. Officer F pointed out different men on scene because he could not arrest anyone without knowing who to arrest. Officer F stated he was trying to be direct with Civilian 1 because intoxicated individuals can ramble and he wanted to know who hit her. Officer F acknowledged he was “short” with Civilian 1. Officer F denied he was trying to antagonize Civilian 1 and he did not believe he was unprofessional.

b. Digital Evidence

Body Worn Camera (BWC) footage was obtained pertaining to the January 27, 2017 arrests of Subject 2 and Subject 1.^{22 23} That footage showed the following with respect to each officer.

Sergeant A

Sergeant A arrived on scene at approximately 1:59 AM²⁴, at which point Civilian 1 told Officer C people were fighting inside the apartment. Sergeant A walked upstairs and knocked on the apartment door at approximately 2:00 AM. At 2:01 AM, Subject 1 opened the door and Officer D moved towards Subject 1. Some sort of interaction occurred between Subject 1 and Officer D, but the officer’s body prevented seeing what happened. At 2:02 AM, Officer D entered the apartment, followed by Officer B, Officer C, and then Sergeant A. At 2:02 AM, Officer C was seen grabbing Subject 1. Sergeant A stayed out of the struggle with Subject 1 and Subject 2 and detained a white male (identified as Civilian 5) in the kitchen.²⁵ At 2:05 AM, a black male with dread locks and glasses (later identified as 2²⁶) is seen walking into the apartment (See Photo 11). Civilian 2 told Sergeant A he was getting his girlfriend and then leaving. Sergeant A said they could not leave and Civilian 5 said, “Civilian 2, Civilian 2 don’t worry about it.” Civilian 2 then exited the apartment without further conversation with Sergeant A. Sergeant A stayed upstairs while Subject 1 and Subject 2 were escorted downstairs.

Officer D

At approximately 1:59 AM, Officer D approached the scene and shortly after, walked up to the apartment. At roughly 2:00 AM, Sergeant A knocked on the door and announced, “Chicago Police.” At about 2:01 AM, Subject 1 opened the door and Officer D engaged him with a greeting (See Photo 1). At about 2:02 AM, Officer D appeared to enter the apartment with Subject 1

²² Att. 32

²³ Per Lieutenant A’s Initiation Report, Officers A and E were not assigned BWCs on January 27, 2017. (Att. 4)

²⁴ Times listed are Central Standard Time (CST) however as seen below on the screen shots the BWC records Greenwich Mean Time (GMT)

²⁵ Civilian 5 was identified via Facebook. Source: <https://www.facebook.com/XXXXXXXXX>

²⁶ Civilian 1 gave Officers a description of the subject who hit her after Officers descend from the apartment with Subject 1 and Subject 2. The individual matching the description of Civilian 2 and referred to as “Civilian 2” is seen on Sgt. A’ BWC.

Commented [JM3]: We need to add where Civilian 1 gave the description of Vic to Officers so we can tie up that we conclude Vic is the guy Sergeant A saw. Then add in footnote where

standing in his way. Shortly after, Subject 1's arm was seen extended towards the officer but it is unclear what Subject 1 was doing (See Photo 2). Officer D then grabbed Subject 1 and a struggle ensued with Subject 1, Officer D, and additional officers. Shortly after, also at 2:02 AM, Subject 2 approached Subject 1 and the officers. Officer C took Subject 1 to the ground. At about 2:02 AM, a taser laser dot was seen on Subject 2's body. Subject 2 attempted to stop officers from struggling with Subject 1 and at 2:02 AM, Officer B deployed her taser at Subject 2. Officer D then grabbed Subject 2 and took him to the ground. At approximately 2:02 AM, Officer D's BWC fell off, causing the image to go dark. At roughly 2:04 AM, the image was restored and Officer D apparently re-attached his BWC. Officer D then assisted in cuffing Subject 1, who had taser wire on his hands. At about 2:05 AM, Officer C escorted Subject 1 out of the apartment and Subject 1's arm was at an odd angle (See Photo 15). Subject 2 appeared to be resisting as officers walked him downstairs. At approximately 2:06 AM, a white or Hispanic male was shouting about Subject 1's arrest and trying to talk to or touch Subject 1. Officer H responded by pushing this male (believed to be named "Civilian 6") into a corner of a room and shouted at him for obstructing Subject 1's arrest. Officer D also shouted at Civilian 6 for antagonizing the police and asked if he wanted to go to jail.²⁷ Officer D assisted in escorting Subject 1 out of the apartment at about 2:07 AM. Officer D brought Subject 1 to the squadrol at about 2:08 AM. At 2:11 AM, Officer D told officers that he put his arm in the door, but Subject 1 tried closing the door on Officer D and pushed officers. At roughly 2:15 AM, Officer D searched Subject 1 and collected his property for inventory. At 2:16 AM, Officer D loosened Subject 1's right handcuff, after Subject 1 said it was too tight. Subject 1's pants appeared to be pulled down past his groin area at the time Officer D searched him.

Officer B

Per Officer B's BWC, she arrived on scene at approximately 1:59 AM. Officer B followed Sergeant A and Officer D to the apartment, after Civilian 1 stated the man who hit her was upstairs. Officer D was talking to Subject 1 in the doorway at roughly 2:04 AM. Shortly after, also at 2:04 AM, there was a jerking motion between Officer D and Subject 1, but it was not clearly visible in the video. Officer B told Subject 1 to get his "fucking hands" off of Officer D at about 2:02 AM. Shortly after, also at roughly 2:02 AM, Officer C had his right hand around the back of Subject 1's neck and his left hand holding Subject 1's left arm (See Photo 3). At roughly 2:02 AM, Officer C had the crook of his right arm around Subject 1's neck, as Subject 1's glasses were knocked off (See Photo 4). Subject 1 was jerked back shortly after. At the same approximate time, Subject 2 entered the living room and approached Subject 1 and Officer C. Officer C, and possibly additional officers, then took Subject 1 to the ground. At about 2:02 AM, Officer B discharged her taser at Subject 2, as Subject 2 attempted to intervene with Subject 1 (See Photo 5). Officer B appeared to discharge her taser at Subject 2 a second time, seconds later (See Photo 6). Officer D then grabbed Subject 2 and Subject 2 was brought to the ground. Officers, including Officer B, attempted to get Subject 1 in handcuffs and were struggling with the arrestees. At 2:04 AM, Subject 1's buttocks were exposed while Officer C was on top of Subject 1's torso (See Photo 9). At about 2:05 AM, Officer B shouted at Subject 1 that all the officers have their cameras on. At 2:05 AM, Officer C escorted Subject 1 out of the apartment while Subject 1's arms are at an awkward angle (See Photos 13 and 14). At 2:06 AM, Subject 1 appeared to try and reenter the apartment and Officer C grabbed Subject 1's bottom jaw/neck/mouth with his right hand (Photo 16). At about 2:06 AM, Officer B

²⁷ No allegation were brought against Officer D or Officer H for their interactions with Civilian 6. However, both officers could have better de-escalated the situation and found a way to detain Civilian 6 in a more civil manner.

grabbed Subject 1's handcuffs and twisted them (Photo 18). At approximately 2:06 AM, Subject 1 fell backwards down the stairs while Officer C was escorting Subject 1. At about 2:07 AM, Officer B asked Subject 1 for her name and she replied, "you'll find out later." At about 2:10 AM, Officer B began shouting at Civilian 1 while Civilian 1 and her friend were upset. Officer B again attempted to talk to Civilian 1 at roughly 2:11 AM, to explain why Subject 1 and Subject 2 were arrested. At roughly 2:15 AM, and then at about 2:16 AM, Officer B stated she tased each arrestee one time.

Officer C

Officer C's BWC began at approximately 1:59 AM, with the officer asking Civilian 1 what happened and Civilian 1 telling him she got hit by "a dude." Officer C proceeded to the apartment with additional officers. Sergeant A pounded on the door and said, "Chicago Police." At 2:02 AM, the apartment door opened and Officer D greeted the person who opened it (known to be Subject 1). The officers entered the apartment. At approximately 2:02 AM, Officer C was struggling with Subject 1 and grabbed one of Subject 1's hands. An unidentified officer was heard telling Subject 1 to get on the ground. At approximately 2:02 AM, Officer C took Subject 1 to the ground. Officer C's BWC fell off shortly after and nothing could be seen until roughly 2:05 AM. While there was no image, officers were heard struggling with Subject 1 and Subject 2. At about 2:05 AM, an officer picked up Officer C's BWC and image was restored. At about 2:10 AM, the BWC was returned to Officer C. At 2:15 AM, Officer C began searching Subject 2 and taking items out of his pockets. Subject 2 told Officer C that the officer put his knee in Subject 2's neck and slammed Subject 2 into the floor. However, it was unclear if Subject 2 was referring to Officer C specifically or to the CPD presence in general.

Officer H

At approximately 1:59 AM, Officer H arrived on scene. Officer H told Civilian 1 to point the offender out once he came outside. Officer H remained outside while other officers entered the apartment. Officer H entered the apartment at approximately 2:03 AM, while Subject 2 was yelling and a struggle could be heard. Officer H was heard at approximately 2:03 AM stating, "taser, taser, taser! You wanna get tased?" while his taser was out and pointed at Subject 2 (See Photo 7). Officer H re-holstered his taser at approximately 2:04 AM. At approximately 2:04 AM, Officer H assisted in handcuffing Subject 1, along with Officer D (See Photo 10). At approximately 2:05 AM, Subject 1's exposed buttocks were seen, after he had been handcuffed (See Photo 12). At about 2:06 AM, Officer H detained Civilian 6 after Civilian 6 tried to interfere with Subject 1's arrest. Officer H pushed Civilian 6 into a corner of the apartment and held him there briefly. At 2:08 AM, Officer H again spoke with Civilian 1, who complained "Civilian 2" had not been arrested. At approximately 2:13 AM, Officer B was talking to Officer H, claiming the man who attacked Civilian 1 was one of the arrestees.

Officer I

At about 2:02 AM, Officer I arrived and went upstairs to the apartment. When Officer I entered at about 2:03 AM, Subject 1 and Subject 2 were both on the ground and struggling with officers. Officer I stayed out of the situation until he assisted in escorting Subject 2 out of the

apartment. Officer I stood with Subject 2 on top of the stairs. The image was then mostly obstructed by what is believed to be Officer I's arm. Officer I eventually escorted Subject 2 downstairs and into the squadrol. Officer I, as the passenger in squadrol, transported the arrestees. They arrived at the hospital at approximately 2:36 AM. Officer I escorted Subject 1 inside while additional officers escorted Subject 2. Taser wire could be seen on Subject 1's hand as Subject 1 was walking inside (See Photo 19). Subject 1 told Officer I that the tasing "tickled like a XXXXX XXXXX." Officer I was patient, respectful, and answered Subject 1's questions. At about 2:54 AM, Subject 1 told a nurse that his chest hurt and the officers "tased the shit outta me." Subject 1 was unsure where he was tased, but told the nurse it may have been near his heart.

Officer G

Officer G's BWC began at approximately 2:02 AM. Officer G was outside before walking up to the apartment at roughly 2:03 AM. Officer G filmed Officer E holding down Subject 1's legs, while additional officers were in a clump, struggling with both arrestees (See Photo 8). At about 2:05 AM, Officer G assisted in detaining Subject 1 while other officers handcuffed Subject 1. At about 2:06 AM, Officer C was seen grabbing Subject 1's mouth area while Subject 1 was trying to shout to a civilian inside the apartment (See Photo 17).

Sergeant D

Sergeant D arrived on scene at roughly 2:03 AM. After walking around outside for several minutes, Sergeant D entered the apartment through the alley. Once Sergeant D entered the unit, Subject 2 was escorted out and could be heard yelling. Sergeant A told Sergeant D that when he and other officers first arrived, Civilian 1 told them she was battered in the apartment upstairs. Sergeant A related that eventually the door was opened, the officers tried to "talk to the people involved," and a fight occurred.

Officer J

At approximately 2:03 AM, Officer J entered the apartment to approximately 8 – 12 officers huddled over Subject 2 and/or Subject 1. Subject 2 was kicking his legs and yelling. Once Subject 2 and Subject 1 were handcuffed, they were taken out of the apartment. Subject 2 was pulling his handcuffed arms away as officers escorted him downstairs. At about 2:22 AM, Officer B told a supervisor that she "used both" of her taser cartridges from one taser on both men.

Sergeant B

Sergeant B's BWC initiated at approximately 2:03 AM. Officer B followed an officer up a flight of stairs into the apartment. A commotion was heard, with Subject 2 yelling for officers to get off him. There were multiple officers inside the apartment, a white male civilian seated in the living room (identified as "Civilian 6"), and a second white male civilian (identified as Civilian 5) standing near the living room. Subject 2 was yelling at officers and saying he hoped they died. There were multiple officers over either Subject 1 or Subject 2, engaged in some sort of struggle. Eventually, both men were detained. At approximately 2:05 AM, Officer C grabbed Subject 1's face.

Sergeant C

Sergeant C approached the apartment at approximately 2:03 AM. When Sergeant C entered the dwelling, both arrestees were on the ground. At about 2:05 AM, Sergeant C attempted to escort Subject 2 down the stairs, when Subject 2 started yelling about how Subject 1 was being grabbed. After Subject 1 was brought downstairs, Sergeant C walked with Subject 2. Subject 2 was irate and appeared to be resisting. At approximately 2:36 AM, Sergeant C arrived at St. Mary's Hospital. Sergeant C, and at least three additional officers escorted the arrestees into the hospital.

Officer F

At about 2:05 AM, Officer F arrived outside of XXX N. California. Officer F walked up to the apartment, while Subject 2 could be heard shouting that Subject 1 was being abused. At about 2:06 AM, Officer F assisted Officer C in carrying Subject 1 down the stairs and Subject 1 was laying limp on the stairs. At roughly 2:08 AM, Officer F approached Civilian 1, who was upset that Civilian 2 was not arrested, and Officer F told Civilian 1 to "put an application in by the end of the month and you can do our job too." Officer F proceeded to ask Civilian 1 where the offender was and ask her if every man on the street was the man they were looking for.

Officer K

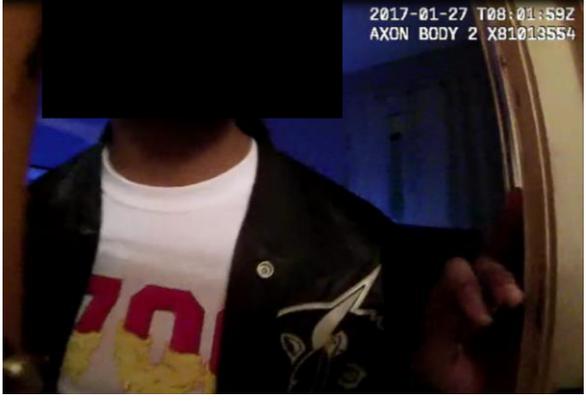
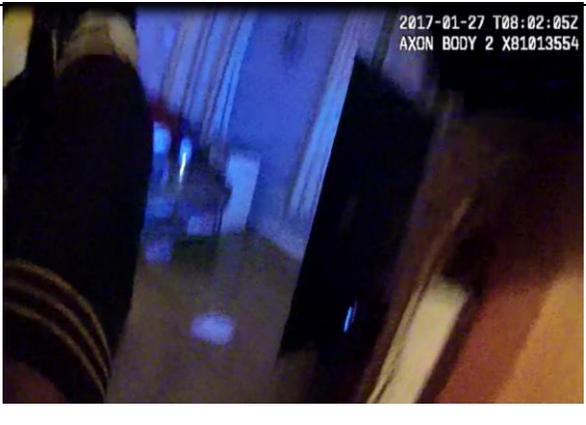
At about 2:10 AM, Officer K made a comment about Civilian 1 and her friends being "women yelling about nothing."²⁸

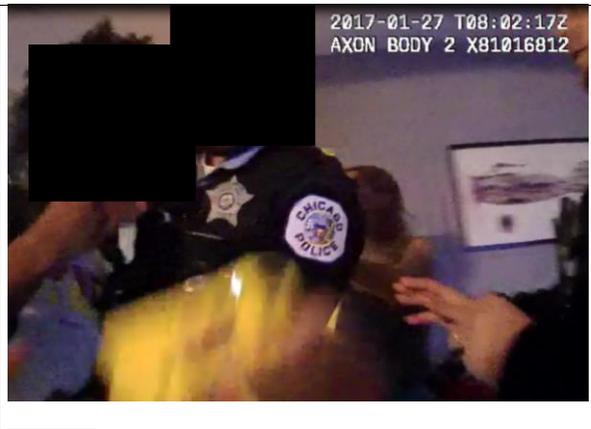
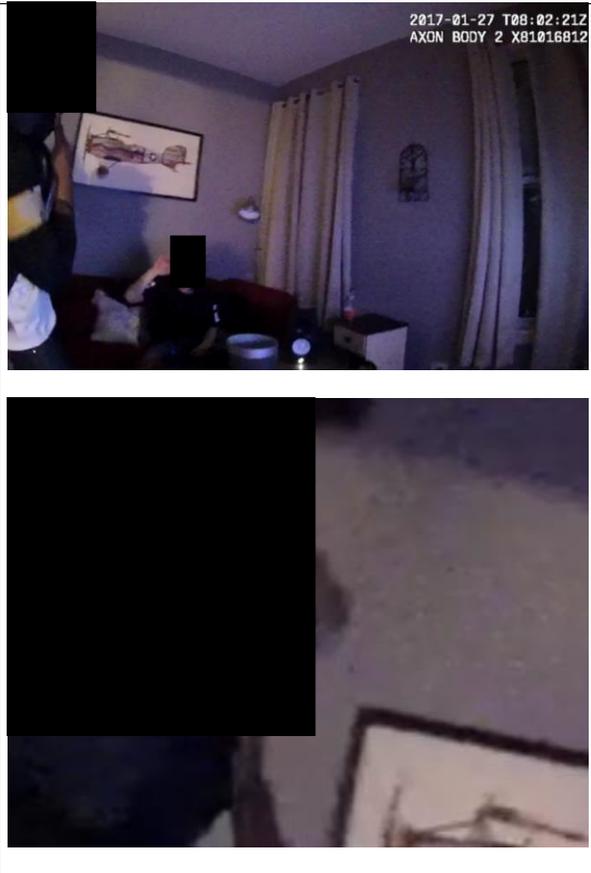
The following chart depicts key moments from the respective officers' BWC videos.

²⁸ An allegation was not brought against Officer K for making this comment, as it was made out of civilian ear shot. However, this comment is problematic as it belittles Civilian 1's experience and could be perceived as Officer K exhibiting gender bias.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1083847

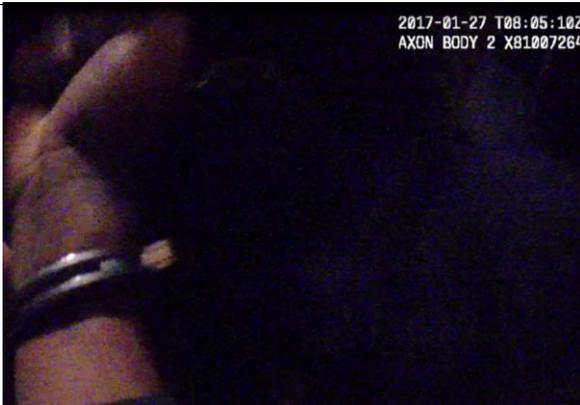
Photo Number	Approx. Time	Officer's BWC	Image
1	2:01 AM	Officer D	
2	2:02 AM	Officer D	

3	2:02 AM	Officer B	
4	2:02 AM	Officer B	

5	2:02 AM	Officer B	
6	2:02 AM	Officer B	
7	2:03 AM	Officer H	

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1083847

8	2:03 AM	Officer G	
9	2:04 AM	Officer B	
10	2:05 AM	Officer H	

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1083847

11	2:05 AM	Sergeant A	 <p>2017-01-27 T08:05:14Z AXON BODY 2 X81012763</p>
12	2:05 AM	Officer H	 <p>2017-01-27 T08:05:16Z AXON BODY 2 X81007264</p>
13, 14	2:05 AM	Officer B	 <p>2017-01-27 T08:05:54Z AXON BODY 2 X81016812</p>

			
15	2:05 AM	Officer D	
16	2:06 AM	Officer B	

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1083847

17	2:06 AM	Officer G	 A body camera view from Officer G. The camera is pointed towards a person whose face is obscured by a black redaction box. The person is wearing a dark jacket with a circular patch on the back that says "CHICAGO POLICE". The scene is indoors, possibly a hallway or room, with a door visible in the background. Metadata in the top right corner reads: "2017-01-27 T08:06:04Z AXON BODY 2 X81016070".
18	2:06 AM	Officer B	 A close-up body camera view from Officer B. A hand is holding a pair of handcuffs, which are being applied to a person's wrist. The person's face is obscured by a black redaction box. Metadata in the top right corner reads: "2017-01-27 T08:06:20Z BODY 2 X81016812" and includes a yellow triangle icon.
19	2:37 AM	Officer I	 A body camera view from Officer I. The camera shows a person's hands and arms. The person is wearing a purple jacket with yellow and white stripes on the sleeves. The person's face is obscured by a black redaction box. The scene is indoors, with a white door and a blue metal railing visible in the background. Metadata in the top right corner reads: "2017-01-27 T08:37:54Z AXON BODY 2 X81012658".

c. Physical Evidence

Per St. Mary's Hospital, there were no records located for either Subject 2 or Subject 1 from January 27, 2017.²⁹

d. Documentary Evidence

An **Arrest Report** was located for **Subject 2** from January 27, 2017 with **RD #JA12XXXX**.³⁰ According to this report, officers responded to a battery in progress at XXX N. California. Once the officers entered the apartment, Subject 2 "charged" at the officers while "shouting in a loud voice." Subject 2 also tried to stop Officer C from arresting Subject 1 "by pushing and grabbing" Officer C's "left arm while continuing to shout in a loud manner." When Officer D attempted to push Subject 2 back from Officer C, Subject 2 responded by charging at Officer B. Officer B then "discharged two taser [cartridges] with no effect." Officer D performed an emergency takedown on Subject 2, during which Subject 2 struck Officer A on "the nose and mouth area." Subject 2 continued to resist officers and ignored verbal commands until he was eventually placed into custody. Subject 2 was transported to St. Mary's Hospital. Subject 2 was reportedly under the influence of alcohol.

According to **court records**, Subject 2 pled guilty to misdemeanor battery and aggravated battery to a police officer in case number 17 CR 026XXXX.³¹

A January 27, 2017 **Arrest Report** was obtained for **Subject 1**, also with **RD #JA12XXXX**.³² After officers responded to XXX N. California, Subject 1 became "physically aggressive," pushed Officer D, and dragged Officer D into the residence by the arm. Subject 1 then resisted "arrest by stiffening up and pulling his arms away." Subject 1 was given verbal commands and an emergency takedown was performed. Officer B got one handcuff on Subject 1, who continued to stiffen and pull his arms away. While pulling his arms away, Subject 1 yanked Officer B's "right arm away from her torso and injur[ed] said arm." Subject 1 was eventually placed into custody and officers tried to "relocate arrestee to the squadrol for transport." However, while on the stairs Subject 1 "went limp and fell, at which time P.O. Officer B attempted to hold arrestee up thus injuring P.O. Officer B's [sic] right arm." A bag believed to contain cannabis was found on Subject 1. Subject 1 was transported to St. Mary's Hospital and then to the XXth District.

According to **court records**, Subject 1 pled guilty to misdemeanor battery in case number 17 CR 02XXXX.³³

A **CPD Incident Report** was identified for **RD #JA12XXXX** for an aggravated battery to a peace officer with hands and no/minimal injury.³⁴ The responding officers saw the original

²⁹ Atts. 36, 37

³⁰ Att. 5

³¹ Atts. 42-46

³² Att. 6

³³ Atts. 42-46

³⁴ Att. 33

complainant, Civilian 1, who related that the man who punched her in the face was upstairs, where multiple people were fighting.³⁵ The officers heard bottles breaking and pounding feet as they went to the upstairs apartment, in addition to smelling cannabis. Subject 1 eventually opened the apartment door. Officer D, “placed his hand/arm against the door so that it would not be closed and he could complete the investigation.” Subject 1 then reportedly “impeded the investigation by standing in the way of R/O Officer D then pushed [Officer D] with his left arm and then began to drag Officer D [...] by the arm into the apartment.” Subject 1 attempted to defeat arrest and Subject 2 tried to intervene by pushing Officer C “in the chest and grabbing his arm.” When Officer A attempted to assist, Subject 2 struck her “in the face with a closed fist.” Next, Officer B tased Subject 2 two times to no effect and “a large scum ensued.” While officers were escorting Subject 1 downstairs, he “went limp and proceeded to act as if he had passed out” which “caused severe stress to A/O Officer B and injured her right arm.”

A **Detective Supplementary Report** was found for **RD #JA12XXXX**.³⁶ The report related that Officer B sustained injuries to her arm and wrist. Officer A reportedly sustained injuries to her face including “minor redness and swelling.” Per this report, Subject 1 “shoved” Officer D and “grabbed him by the arm in an insulting/provoking manner, as to pull him into the apartment.” Further, when Officer B attempted to assist in handcuffing Subject 1, he “pulled his arm away with one cuff thereby yanking [Officer B’s] right arm (as she then held the un-applied handcuff in her right hand) away from her torso.” It was also reported that Subject 2 punched Officer A in the face and pushed Officer C in the chest, in addition to grabbing Officer C’s arm.

A **Tactical Response Report (TRR)** was completed by **Officer E**.³⁷ Officer E reported that on January 27, 2017, Subject 1 did not follow verbal direction and stiffened his body. Subject 1 pulled away and a takedown/emergency handcuffing was performed. Officer E “secured offenders [*sic*] legs.” Subject 1 was not armed. Subject 1 was categorized as a Passive Resister and as an Active Resister.³⁸ Once in Area North lockup, Subject 1 told CPD that the “Officers were to [*sic*] aggressive and used to [*sic*] much force arresting him.”³⁹ Subject 1 admitted to drinking and believed he was tased but did not know where on his body. Subject 2 admitted to being drunk and stated he “had a lot of adrenaline going [and] that’s why he was able to pull out the tasers.”

A similar **TRR** was completed by **Officer H**.⁴⁰ Officer H reported that on January 27, 2017, he used a wristlock and armbar on Subject 1. Officer H also did a takedown/emergency handcuffing on Subject 1. Subject 1 was reported as pulling his stiff arm into the officer.

Officer B completed a **TRR** related to her use of force against Subject 1.⁴¹ Officer B reported using pressure tactics and a takedown/emergency handcuffing on Subject 1. Subject 1

³⁵ An Original Case Incident Report was identified with RD #JAXXXXXX which stated Civilian 1 received a simple battery from an assailant identified as Civilian 2 at approximately 1:55 AM while at XXX N. California on January 27, 2017. (Att. 51)

³⁶ Att. 35

³⁷ Att. 7

³⁸ Subject 1 was categorized as a Passive Resister and an Active Resister in the TRRs for Officer E, Officer H, and Officer B.

³⁹ The subjects’ statement of events was identical in all of the officers’ TRRs detailed in this report.

⁴⁰ Att. 8

⁴¹ Atts. 9, 10, 38, 53, 54

was again reported as pulling his stiff arm into the officer. Officer B also completed a **TRR** for Subject 2. Officer B reported discharging her taser at Subject 2 two times. Similarly, Officer B completed **Officer Battery Reports** (OBR). In her OBRs, Officer B related that on January 27, 2017, she and two other officers received a battery that involved two offenders. Officer B stated that one offender, believed to be Subject 1, “pulled away from cuffing.” The report states that while the Responding Officers “were trying to control the situation,” an offender (identified as Subject 2), “began interfering with an arrest.” Officer B asked Subject 2 to “stay back several times” but Subject 2 refused and Officer B tased him. Officer B reported her injuries as “non-fatal – minor.” Similarly, a **Taser Download Report** was obtained from Officer B indicating on January 27, 2017, she armed her taser at 2:02:13 AM. She deployed cartridge 1 at 02:02:31 AM and cartridge 2 at 02:02:37 AM. The taser was in safe mode at 02:06:03 AM.

A **TRR** was obtained from **Officer A**.⁴² Officer A reported that on January 27, 2017, Subject 2 presented an imminent threat of battery and attacked the officer without a weapon. Officer A reported engaging Subject 2 in a takedown/emergency cuffing. **Officer A** also completed an **OBR** relating that she was attacked by manner of “struck/blunt force (including actual attempt)” from Subject 2.

Next, a **TRR** was completed by **Officer D**, which stated that Subject 1 pushed the officer and tried to close a door on Officer D.⁴³ Officer D reported grabbing Subject 1’s arm “to gain control.” In addition to categorizing Subject 1 as a Passive Resister and Active Resister, this report stated Subject 1 was an Assailant – Battery. Officer D also completed a **TRR** for Subject 2. Officer D reported using a wristlock and takedown/emergency cuffing on Subject 2. An **OBR** was also identified from Officer D relating that on January 27, 2017, he was struck by an offender believed to be Subject 1. The action by Subject 1 was reported as drug related.

A **TRR** was completed by **Officer C**, which reported that Subject 1 pulled away, presented an imminent threat of battery, and attacked without a weapon.⁴⁴ Officer C responded with escort holds and pressure tactics. In addition to categorizing Subject 1 as a Passive Resister, Active Resister, Assailant – Battery, Officer C described Subject 1 as Assailant – Assault because Subject 1 posed an imminent threat of battery. Officer C reported engaging in a continued emergency handcuffing, escort holds, and pressure tactics. Subject 1 was described as pulling his stiff arms back from the officers. Officer C also completed a **TRR** for Subject 2. Officer C reported using no response against Subject 2, aside from member presence. Officer C completed an **OBR** which related that on January 27, 2017, an offender believed to be Subject 2 attacked Officer C with hands/fists and the officer sustained no apparent injuries.

Office of Emergency Management and Communications (Query Reports were obtained from January 27, 2017.⁴⁵

⁴² Atts. 11, 12

⁴³ Atts. 13, 14, 55

⁴⁴ Atts. 15, 16, 56

⁴⁵ Atts. 18, 19, 20, 51

- A report with Event Number 170270XXXX stated that at approximately 2:04 AM, there was what sounded like a “big fight going on” near The General Bar, a saloon located at XXX N. California Ave.
- An OEMC Event Report for Event Number 170270XXXX related that at approximately 3:32 AM, a fight involving 30 – 40 people was reported outside of The General Bar.
- Lastly, an OEMC Event Report was obtained for Event Number 170270XXXX. According to this report, Officer B deployed her taser and OEMC was notified.

VI. ANALYSIS

Allegation 1 against Officer D, that he used unnecessary force against Subject 1 to make entry into the apartment, is Exonerated. While there is not clear BWC video of the physical contact between Officer D and Subject 1, an obvious push and pull occurred between the two men. Subject 1 clearly had his hand on Officer D; however, Subject 1’s demeanor and actions were not threatening. Rather, it seems Subject 1 was trying to distance himself from the officer and close the door. Nonetheless, Officer D immediately used Subject 1’s touching him as an opportunity to engage with Subject 1, placing his hands on Subject 1. Additional officers then entered the apartment, Subject 2 became involved, and a melee ensued. Pursuant to General Order 03-02-02, Subject 1 could reasonably be characterized as an active resister at the point Officer D placed his hands on Subject 1.⁴⁶ General Order 03-02-02 allows an officer to use, *inter alia*, holding techniques, pain compliance, and stunning when interacting with an active resister. Accordingly, Officer D’s use of force was within policy, and Allegation 1 is Exonerated.

Notwithstanding the foregoing, we must emphasize that General Order 03-02-02 also specifically requires CPD members to use the principles of Force Mitigation during all use of force incidents. Pursuant to these principles, “Department members will determine if the seriousness of the situation requires an immediate response or whether the member can employ other force options [...]” General Order G03-02-02 also states that the Department “expects members to develop and display the skills and abilities that allow them to regularly resolve confrontations *without resorting to force...* or by using the least amount of appropriate force.” (Emphasis added). In addition, CPD members are required to “use de-escalation and verbal control techniques in an attempt to reduce confrontations prior to, during, and after the use of physical force,” and “[w]henever reasonable,” CPD members are to “exercise persuasion, advice, and warning prior to the use of physical force.”

Here, Officer D made little attempt to de-escalate the situation with verbal techniques before placing his hands on Subject 1. Officer D said only, “don’t shut the door on me” and “don’t put your hands on me.” He then immediately reached out toward Subject 1, jumping to using force with Subject 1. In doing so, Officer D set into motion a chaotic situation that was dangerous for officers and civilians and ultimately allowed the individual who allegedly struck Civilian 1 to exit through the backdoor. Had Officer D attempted to talk to Subject 1 and deescalate using the

⁴⁶ See General Order 03-02-02(B)(2) (defining an active resister as “a person whose actions attempt to create distance between that person and the member’s reach with the intent to avoid physical control and/or defeat the arrest”).

principles outlined in General Order 03-02-02 before immediately jumping to force, the officers may have been able to obtain the necessary information to arrest Civilian 2 and may also have been able to avoid using the amount of force they had to use, which ultimately led to two young men being arrested solely for the scuffle with the officers and not because they had committed any independent crimes. Thus, while Officer D's use of force was within policy, the principles of Force Mitigation outlined in General Order 03-02-02 suggest Officer D should have done more to try to de-escalate the situation before using physical force.

Allegation 2 against Officer C, that he used excessive force against Subject 1 in the form of a chokehold, is Not Sustained. Subject 1 told COPA that an officer had his or her elbow around Subject 1's neck. BWC footage shows Officer C with the crook of his elbow on Subject 1's neck. Officer C related that he was trying to put his arm around Subject 1's shoulders, but Subject 1 moved and positioned himself into a chokehold. There is no question that Officer C put his arm around Subject 1's neck. Additionally, Subject 1 complained that his airflow was restricted, therefore the question is whether Officer C's action was an authorized use of force.

Subject 1 was an active resister at this point in the incident, as seen in BWC footage. Subject 1 was not listening to verbal commands and his movements suggested he was trying to pull away from Officer C. Officer C can be seen with his right hand on the back of Subject 1's neck while he held Subject 1's left arm with his right hand. As Subject 1 kept struggling, Officer C, in one sharp movement, moved his right arm so his elbow was directly around Subject 1's neck. Officer C's movement appeared decisive and intentional, with no movement towards Subject 1's shoulders, as Officer C described in his statement.⁴⁷ Per General Order G03-02-02, a "chokehold is defined as applying direct pressure to a person's trachea [...] or airway [...] with the intention of reducing the intake of air." While Officer C's intention cannot be proven, he clearly had his right arm applying pressure to the front of Subject 1's neck while pulling Subject 1 backwards into a takedown. A chokehold is considered deadly force and is an inappropriate measure on active resisters. Officer C's move is quick and he immediately took Subject 1 to the ground. Had Officer C used the same move but not pulled Subject 1 by the neck, the take down would clearly be within policy. Based on the take down itself COPA cannot determine if Officer C intentionally performed a chokehold when he wrapped his arms around Subject 1's neck to reduce his breathing or rather in the moment simply grabbed the neck are because it provided the easiest leverage to take Subject 1 down. Under the plain language of GO3-02-02, the officer must intend to restrict breathing to be administering a chokehold. While COPA finds performing a takedown using a subjects neck is dangerous, COPA does not find enough evidence to establish that Officer C intended to administer a chokehold and therefore this allegation is Not Sustained.

Allegation 3 against Officer C, that he used excessive force against Subject 1 with an emergency takedown, is Exonerated. As detailed above, Subject 1 was an active resister at the time of the emergency takedown. Subject 1 was apparently trying to defeat his arrest and by his own admission he did not want to be handcuffed. Accordingly, he could be categorized as an active resister. Per General Order G03-02, officers are instructed to "use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest,

⁴⁷ A Rule 14 allegation was not brought against Officer C regarding his statements about having his arm around Subject 1. Officer C did not deny the action occurred, and as explained, his intent cannot be proven. Accordingly, it cannot be proven that Officer C willfully made a false statement of material fact.

overcome resistance, control a subject, or protect themselves from injury.” Further, although the version of General Order 03-02-02 in effect at the time of this incident did not explicitly allow for emergency takedowns, it did allow for holding techniques, stunning, and even the use of a Taser. Accordingly, Officer C’s use of a takedown was clearly within the type of permissible force envisioned by General Order 03-02-02. We note, in addition, that the version of General Order 03-02-02 currently in effect does explicitly allow for emergency takedowns to be used when an officer responds to an active resister. This further supports a finding that the version of General Order 03-02-02 at the time of this incident was meant to allow officers to use emergency takedowns such as the one that Officer C performed. Accordingly, as Subject 1 was not following verbal commands and was attempting to evade arrest, Officer C was justified in performing an emergency takedown on Subject 1 and this allegation is Exonerated.

Allegation 4 against Officer C, that he used excessive force by twisting Subject 1’s arms while escorting him out of the apartment, is Exonerated. Subject 1 remained an active resister after he was handcuffed and being escorted out of the apartment. Subject 1 was yelling, pulling away from Officer C, and trying to return to the apartment. Officer C stated he was using a holding technique to maintain control over Subject 1, which is an authorized use of force against an active resister. It is unclear from the video footage if Subject 1 was the one who positioned his arms at an uncomfortable angle or if Officer C was doing so. Officer C had his left arm under Subject 1’s right armpit and was lifting his arm up, causing Subject 1’s shoulders to be uneven as he was walking out of the apartment. This awkward positioning appears to be more of pain compliance on Subject 1’s shoulder, rather than a holding technique. However, as Subject 1 was an active resister, pain compliance was also an acceptable use of force. Accordingly, this allegation is Exonerated.

Allegation 5 against Officer C, that he used excessive force by grabbing Subject 1’s mouth/chin/jaw area while escorting him out of the apartment after he was handcuffed, is Sustained.

Officer C told COPA that he performed this action to prevent Subject 1 from spitting on or headbutting Officer C. Officer C also described Subject 1 as combative. However, COPA finds that Officer C’s decision to grab Subject 1’s face was not reasonable based on the totality of the circumstances. See *Graham v. Connor*, 490 U.S. 386, 397 (1989) (the question in use of force cases is whether the officer’s actions are objectively reasonable in light of the facts and circumstances confronting them).

First, CPD’s directives do not list grabbing somebody’s mouth/chin/jaw as an acceptable use of force. Moreover, grabbing somebody near the mouth area is an invasive tactic and potentially dangerous, to the extent it could injure an individual’s neck or impede their ability to breathe. Further, although Subject 1 did initially turn toward Officer C, he then turned away from Officer C as he was pushed toward the door. At the next point that Officer C’s hand can be seen on Subject 1’s jaw, Subject 1 was trying to talk to a civilian inside the apartment. Nonetheless, Officer C continued to hold Subject 1’s jaw while pulling him towards the doorway. It would have

been impossible for Subject 1 to spit on or headbutt Officer C in that position.⁴⁸ Accordingly, under the totality of the circumstances, it was unreasonable for Officer C to hold Subject 1's face; therefore, Allegation 5 against Officer C is Sustained.

Allegation 6 against Officer C, that he used excessive force by pushing Subject 1 down the stairs while escorting him out of the apartment, is Unfounded. As seen in Officer B's BWC video, Subject 1 was standing on the top of the staircase with his back towards the stairs. Officer B was on the stairs holding Subject 1's handcuffs while Officer C was on the landing holding Subject 1's upper arms. Subject 1 was still struggling and having the two officers holding him in different directions likely caused Subject 1 to lose his balance. In fact, Officer C was seen trying to hold Subject 1 up to prevent him from falling. The pain compliance used by Officer B with Subject 1's handcuffs also may have caused him to lose balance. Based on video evidence, this allegation is Unfounded.

Allegation 3 against Officer B, that she used unnecessary force by using Subject 1's handcuffs for pain compliance while he was escorted out of the apartment, is Exonerated. According to Officer B, she did not tighten Subject 1's handcuffs while he was walking out of the apartment. Rather, Officer B told COPA she was holding onto Subject 1's handcuffs to walk him out of the apartment because Subject 1 was resisting. However, her BWC video clearly shows Officer B tightening Subject 1's handcuffs and a clicking noise can be heard at roughly 2:06 AM.⁴⁹ Officer B's BWC depicts Subject 1 shouting, trying to go back into the apartment, and struggling with officers. After tightening the handcuffs, Officer B released them, indicating she had completed her goal and Officer C then escorted Subject 1 out of the apartment. Whether Officer B tightened the handcuffs intentionally or not, that point Subject 1 was an active resister. As such, Officer B was authorized to use pain compliance per General Order G0-02-02. Therefore, this allegation against Officer B is Exonerated.

Allegation 1 against Officer A, Officer C, and Sergeant A is Sustained. This allegation states that Sergeant A and Officers A and C failed to investigate by not getting a description of the offender or a statement from Civilian 1 before entering the upstairs apartment. When these three Department members arrived on scene, they were met by Civilian 1 who related she had been battered by a male. While Civilian 1 was upset and belligerent, the officers made little effort to determine who had hit her. In fact, they did not obtain any kind of physical description of the person who struck Civilian 1. Civilian 1 told Officer C that people were fighting "inside." She then said the "dude" who hit her was "in there" while motioning toward the apartment building. The officers did not ask any follow up questions, such as what the male's name was, what he looked like, what he was wearing, who he was with, or where he was in the apartment. Instead, they immediately proceeded through the alley and upstairs to the apartment—passing at least two men inside the apartment building along the way without stopping to ask those men any questions about striking Civilian 1. Even if Subject 1 had let the officers in without incident and no fight had

⁴⁸ A Rule 14 allegation was not brought against Officer C regarding his statements about grabbing Subject 1's mouth. Officer C did not deny the action occurred and his intent cannot be proven. Accordingly, it cannot be proven that Officer C willfully made a false statement of material fact.

⁴⁹ Though the sound of handcuff's being tightened by Officer B is heard in the BWC a Rule 14 allegation was not brought against Officer B, as an absence of evidence exists establishing Officer B willfully made a false statement of material fact.

ensued, the officers and sergeant would have had no way of determining who they were looking for without a description of the suspect or his name.

As the supervisor on scene, Sergeant A had an obligation to be a leader and to ensure his subordinates properly did their jobs. In fact, Officer B stated that she did not speak to Civilian 1 because she followed the sergeant's lead up to the apartment. It is not unreasonable to assume officers would trust their sergeant, follow his example, and assume he had adequate information to complete the assignment at hand. However, Sergeant A told COPA that he did not get information from Civilian 1 because he believed other officers had spoken to her. While the officers had spoken to Civilian 1, they did not get a statement from Civilian 1 or a description of the offender. Further, Sergeant A's BWC footage does not show him asking any questions of officers on scene before going up the stairs; thus, even if those officers had obtained a description of the offender, they did not give that description to Sergeant A before Sergeant A proceeded up the stairs.

Regarding Officers C and A, they spoke to Civilian 1, but the conversation was brief and without substance. They had the opportunity to obtain information about the suspect but failed to do so. All three Department members failed to investigate and therefore allowed Civilian 1's alleged assailant, Civilian 2, to walk away from the scene without arrest. Accordingly, Allegation 1 against Sergeant A and Officers Officer A and Officer C is Sustained.

Similarly, **Allegation 2 against Sergeant A**, that he was inattentive to duty by not apprehending Civilian 2, is Sustained. Had Sergeant A known who he was looking for, he could have questioned and possibly arrested Civilian 2. Instead, the sergeant did not know who he was looking for, was unaware he was speaking to the suspect, and let Civilian 2 leave.

Allegation 1 against Officer B, that she used excessive force by tasing Subject 1, is Not Sustained. Subject 1 believed he was tased while on the ground and told COPA he was tased on the hand. BWC video shows taser wire on Subject 1's hand as well. However, in Officer I BWC footage, Subject 1 thought he was tased on his chest and stated the tasing "tickled." Further, in TRRs completed for this incident, it was reported that Subject 1 did not know where on his body he was tased. Officer B told COPA she was not sure if she tased both men or just Subject 2. From Officer B's BWC footage, it looks like only Subject 2 was tased, but Officer D opined that Subject 1 may have been hit by a taser probe as well. Additional officers on scene thought only Subject 2 had been tased. However, immediately after the incident, Officer B thought she had tased each arrestee.

Because of the chaos of the situation, the inconsistent facts, and the lack of clarity, COPA could not make a conclusive determination for this allegation against Officer B. Accordingly, it is Not Sustained.

Allegation 1 against Officer E, that he exhibited disrespect to Subject 1 by pulling down his pants, is Not Sustained. BWC footage clearly shows that Subject 1's pants were pulled down past his buttocks. What is unclear is how his pants came to be this way. There is not enough evidence to determine if Officer E willfully pulled down Subject 1's pants or if they were pulled

down as part of the struggle in which Subject 1 was engaged. Since there is not enough evidence, this allegation is Not Sustained.

Allegation 2 against Officer B, that she engaged in an unnecessary verbal altercation by shouting at Subject 1 that all the officers had cameras on, is Sustained. Similarly, **Allegation 4 against Officer B**, that she failed to provide her name to Subject 1 when asked and responded, “you’ll find out later,” is also Sustained.

At the time Officer B made both of the comments in Allegations 2 and 4, she was in a stressful situation with difficult arrestees. COPA acknowledges that in such conditions, it is human nature to be frustrated. That being said, Department members agree to a code of conduct that is in place for officer and civilian safety and respect. Indeed, General Order 02-01 requires that CPD members “treat all persons with the courtesy and dignity which is inherently due every person as a human being” and that CPD members “act, speak and conduct themselves in a professional manner... and maintain a courteous, professional attitude in all contacts with the public.” In addition, GO3-02-02 states that “officers will de-escalate [...] whenever possible and appropriate,” and “members will maintain a courteous and professional demeanor when dealing with the public.”

While Subject 1 and Subject 2 were disrespectful and uncooperative, yelling at them and being short did nothing to calm them down and make them compliant. Notably, at the time Officer B made both comments, the officers still had to escort the arrestees down a flight of stairs and into the squadrol. It would have been wise to try to calm Subject 2 and Subject 1 down to make the escorting of them to the squadrol easier. But instead of calming the situation down, Officer B’s comments only escalated an already tense situation. Comments like Officer B’s also erode public trust in CPD and foster disrespect, in direct opposition to General Order 02-01’s recognition that “[t]he daily interaction of Department members with citizens presents a unique opportunity to strengthen police-community relations.”

With regard to Officer B failing to give her name to Subject 1 when asked, Rule 37 of the CPD Rules and Regulations specifically states that officers must identify themselves by name, rank, and star number when requested. While Officer B had a valid point that she was focused on completing the arrest and Subject 1 could get the information later, it would have taken Officer B the same amount of time to say her name as it did to say, “you’ll find out later.” Further, as stated above, the arrest could have gone more smoothly if de-escalation was employed instead of making these comments to Subject 1.

In sum, Officer B failed to adhere to Rule 37 and CPD’s standards for dealing with the public when she made the comments outlined in Allegations 2 and 4; accordingly, Allegations 2 and 4 are Sustained.

Next, **Allegation 5 against Officer B and Allegations 1 and 2 against Officer F** are Sustained. It was alleged that Officers Officer B and Officer F engaged in unnecessary verbal altercations with Civilian 1. As with Allegations 2 and 4 against Officer B, the conduct of the officers failed to de-escalate a tense situation and caused distress to civilians present. Civilian 1 may have been disrespectful, possibly intoxicated, and verbally abusive to the officers, but officers are required to “treat all persons with the courtesy and dignity which is inherently due every person

as a human being” and to “act, speak and conduct themselves in a professional manner... and maintain a courteous, professional attitude in all contacts with the public.” Thus, as a CPD officer, Officer B was expected to maintain her composure despite Civilian 1’s behavior. Yet instead of doing so, Officer B blamed Civilian 1 for the officers’ failure to arrest the person who hit Civilian 1, telling Civilian 1 that the officers had no idea who the offender was because Civilian 1 did not come upstairs with the officers into the apartment. Civilian 1 then explained to the officers that the person who hit her was a skinny black man with glasses and dreads. Referring to either Subject 1 or Civilian 1, Officer B responded to Civilian 1, in a mocking tone, “oh, that guy has dreads, and glasses, and he was black, but that’s not the guy?” Of course, neither Subject 1 nor Civilian 1 had all the characteristics that Civilian 1 described her offender as having. Subject 1 had glasses, but not dreadlocks, while Subject 2 had dreadlocks, but not glasses. Yet even if Subject 1 or Subject 2 *did* have all of the characteristics Civilian 1 said that her attacker had, Civilian 1 did not deserve to be yelled at or mocked by Officer B.

As to Officer F, he twice instructed Civilian 1 to “put in an application” for the officers’ job. He then repeatedly asked her “where’s the guy?” and started pointing to every man on the street saying, “is it that guy? Is it that guy?” and “which guy is it then?” Again, although Civilian 1 was yelling and cursing at the officers, CPD officers agree to a code of conduct that civilians are not obligated to meet. As stated above, these minor transgressions by CPD officers and acts of disrespect are detrimental to public trust and only serve to erode community-police relations rather than strengthening them.

Based on the foregoing, Allegation 5 against Officer B and Allegations 1 and 2 against Officer F are Sustained.

Allegation 2 against Officer D, that he provided a false report stating Subject 1 grabbed his arm and pulled him into the apartment, is Unfounded. Officer D did not write Subject 1’s arrest report; Officer C did. As Officer D stated, what Officer C wrote was his interpretation of Officer D’s narrative. Further, although “drag” is more severe than a “minor pull,” the word “drag” could be used to describe Subject 1’s actions. Therefore, this allegation is Unfounded.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Failed to investigate by not getting a description of the offender or a statement from Civilian 1 before entering the upstairs apartment, in violation of Rule 2 and Rule 11.	Sustained
Officer B	1. Used excessive force by tasing Subject 1, in violation of Rule 6 and Rule 9.	Not Sustained

	<p>2. Engaged in an unnecessary verbal altercation by shouting at Subject 1 that all the officers had cameras on, in violation of Rule 8 and Rule 9.</p> <p>3. Used unnecessary force by using Subject 1's handcuffs for pain compliance while he was escorted out of the apartment, in violation of Rule 6 and Rule 9.</p> <p>4. Failed to provide her name to Subject 1 when asked and responded, "you'll find out later," in violation of Rule 8, Rule 9, and Rule 37.</p> <p>5. Engaged in an unnecessary verbal altercation by shouting at Civilian 1 on the street after Civilian 1 criticized the CPD response to her report of a battery, in violation of Rule 8 and Rule 9.</p>	<p>Sustained</p> <p>Exonerated</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer C</p>	<p>1. Failed to investigate by not getting a description of the offender or a statement from Civilian 1 before entering the upstairs apartment, in violation of Rule 2 and Rule 11.</p> <p>2. Used excessive force against Subject 1 in the form of a chokehold, in violation of Rule 6 and Rule 9.</p> <p>3. Used excessive force against Subject 1 with an emergency takedown, in violation of Rule 6 and Rule 9.</p> <p>4. Used excessive force by twisting Subject 1's arms while escorting him out of the apartment after he was handcuffed, in violation of Rule 6, Rule 8, and Rule 9.</p> <p>5. Used excessive force by grabbing Subject 1's mouth/chin/jaw area while escorting him out of the apartment, in violation of Rule 6, Rule 8, and Rule 9.</p> <p>6. Used excessive force by pushing Subject 1 down the stairs while escorting him out of the apartment, in violation of Rule 6, Rule 8, and Rule 9.</p>	<p>Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p>

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG #1083847

Officer D	<p>1. Used unnecessary force against Subject 1 to make entry to the apartment, in violation of Rule 6 and Rule 9.</p> <p>2. Provided a false report stating that Subject 1 grabbed his arm and pulled him into the apartment, in violation of Rule 14.</p>	<p>Exonerated</p> <p>Unfounded</p>
Sergeant Sergeant A	<p>1. Failed to investigate by not getting a description of the offender or a statement from Civilian 1 before entering the upstairs apartment, in violation of Rule 2 and Rule 11.</p> <p>2. Inattention to duty in that he did not apprehend Civilian 2, the man Civilian 1 accused of hitting her, in violation of Rule 2 and Rule 10.</p>	<p>Sustained</p> <p>Sustained</p>
Officer E	<p>1. Exhibited disrespect to Subject 1 by pulling down his pants and exposing his buttocks, in violation of Rule 8 and Rule 9.</p>	<p>Not Sustained</p>
Officer F	<p>1. Engaged in an unnecessary verbal altercation by telling Civilian 1 to “put in an application by the end of the month and you can do our job too,” in violation of Rule 8 and Rule 9.</p> <p>2. Engaged in an unnecessary verbal altercation by asking Civilian 1 if random men on the street were the individual who hit her, in violation of Rule 8 and Rule 9.</p>	<p>Sustained</p> <p>Sustained</p>

Approved:

 Deputy Chief Administrator A
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

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