

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	November 1, 2014
Time of Incident:	2:08 a.m.
Location of Incident:	XXXX W. North Shore Avenue
Date of COPA Notification:	November 24, 2015
Time of COPA Notification:	11:20 a.m.

The complainant, Subject 1, through his attorney, Civilian 3, filed a 2015 lawsuit in federal court alleging that on November 1, 2014, Officer A used excessive force against him and that Officer A's partner, Officer B, failed to intervene. In his deposition, Subject 1 stated that he and a friend, Civilian 1, engaged in a physical altercation inside Subject 1's apartment after Civilian 1 refused to leave. Subject 1 called 911 and Civilian 1 eventually left the apartment before the police arrived. When Officers A and B responded, Civilian 1 informed them that Subject 1 had punched him in the face and the officers observed injury to Civilian 1's face. Civilian 1 signed a complaint against Subject 1 and Officer A attempted to place Subject 1 in custody. Subject 1 alleged that inside his building's lobby area, Officer A grabbed him by the throat and pushed him against a glass door pane, causing the glass to shatter, choked him and slammed his face against a wall. Subject 1 further alleged that Officer A used profane language toward him. Moreover, in his deposition, Subject 1 stated that he did not know whether Officer B had observed Officer A's alleged actions. Despite attempts by COPA investigators, Subject 1, Civilian 1, and Civilian 2 (witness) did not cooperate in the investigation. COPA obtained a copy of Subject 1's sworn deposition and proceeded to interview the two officers.

In their statements to COPA, Officers A and B denied the actions alleged by Subject 1. In particular, Officer B stated that he was talking to Civilian 1 when he heard the sound of glass breaking; when he turned to see what had happened, he only observed his partner turning Subject 1 around and handcuffing him. In addition, Officer B stated that he did not observe any injuries to Subject 1. Officer A stated that when he entered the lobby of the building, he informed Subject 1 that Civilian 1 had signed a complaint against him and ordered him to turn around. Subject 1 did not comply and the officer then spun him around and placed one handcuff on his right arm. Subject 1 then pushed back and Officer A pushed him against the wall and handcuffed his left arm. Officer A did not observe any injuries to Subject 1 and denied any knowledge of the glass breaking.

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.

II. INVOLVED PARTIES

Accused Officer #1:	Officer A; Star # XXXXX; Employee #XXXXX; Date of Appointment: XXX, 1994; Police Officer; Unit XXX; Date of Birth: XXX, 1964; Male; Black
Subject #1:	SUBJECT 1; Date of Birth: XXX, 1985; Male; White

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A #XXXXXX	1. It is alleged that Officer A grabbed Subject 1 by the throat and shoved him against a glass door pane, causing it to shatter, in violation of Rules 8 and 9.	Unfounded
	2. It is alleged that Officer A choked Subject 1, in violation of Rules 8 and 9.	Unfounded
	3. It is alleged that Officer A slammed Subject 1’s face against a wall, in violation of Rules 8 and 9.	Not Sustained
	4. It is alleged that Officer A stated to Subject 1 words to the effect of “Shut up” and “Stop being a [REDACTED] and learn how to take your licks or I’ll teach you how to take them,” in violation of Rules 8 and 9.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules
Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
General Orders
1. G03-02-02 (Force Options)

2. G03-02-05 (Incidents Requiring the Completion of a Tactical Response Report)

V. INVESTIGATION²

a. Interviews

In a **deposition** on March 16, 2016, the **complainant, Subject 1**, stated that on the night of October 31, 2014, he and his partner, Civilian 2, attended a Halloween party. A common friend of theirs, Civilian 1, joined them at the party. After the party, the group proceeded to a bar where Subject 1 and Civilian 2 began to argue. Subject 1 then left the bar and returned to their residence. Subject 1 stated that he had a few alcoholic beverages and described himself as “slightly buzzed.” Approximately thirty to forty-five minutes later, at approximately 1:45 a.m. on November 1, 2014, Civilian 2 and Civilian 1 came to the residence. Civilian 1 asked Subject 1 why he left the bar and Subject 1 responded that he and Civilian 2 had argued. Civilian 1 continued to inquire the cause of the argument and Subject 1 said that it was between him and Civilian 2. When Civilian 1 persisted, Subject 1 asked Civilian 1 to leave their apartment. Civilian 1 refused to leave and instead told Subject 1 that Civilian 2 should be with him and not with Subject 1 and that Civilian 2 should come and live with him. Subject 1 opened the apartment door and attempted to usher Civilian 1 out of the apartment. Civilian 1 shoved Subject 1 and punched him in the jaw; Subject 1 then punched Civilian 1 in the face and Civilian 1 tackled him to the floor, saying that he “will fucking kill” Subject 1. Civilian 2 broke up the fight and Subject 1 told Civilian 1 that he would call the police if Civilian 1 refused to leave. Subject 1 called the police and said that he and Civilian 2 had a friend who was “belligerently drunk” in their home and refused to leave. Subject 1 again opened the apartment door and attempted to usher Civilian 1 out of the apartment. Civilian 1 then pushed Subject 1 into a table and tried to tackle him. Civilian 2 again broke up the fight and also told Civilian 1 that he had to leave. At that point, Civilian 1 complied and left. Subject 1 later saw the lights from a police car and went downstairs to tell the officers that Civilian 1 had left.

Upon exiting the building, Subject 1 observed Civilian 1 talking to the accused, Officer A, who was the driver of the police vehicle. The officers asked Subject 1 if he had called and he replied yes. Subject 1 then told the officers that there was no longer an issue because Civilian 1 had left the apartment. Officer A told Subject 1 that Civilian 1 was alleging that Subject 1 and Civilian 2 were holding on to Civilian 1’s wallet. Subject 1 said that he had observed the wallet on the stairs and went back to retrieve it. Because Subject 1 did not have his keys with him, he had to be buzzed in by Civilian 2. Subject 1 found the wallet and went back downstairs. By this time, both officers and Civilian 1 had walked up to the front entrance to the building. Subject 1 opened the front door and remained in the doorway with the door resting on his left shoulder. Subject 1 stated that he believed he handed the wallet to Officer A. Officer A told Subject 1 that he wanted to come inside. Subject 1 stated that he refused entry to the officer because Civilian 1 was out of his apartment and that there was no reason for the officers to enter. The second officer, now known as Officer B, was farther behind, talking to Civilian 1. Officer A told Subject 1, “Do you really want to do this with me?” The officer then grabbed Subject 1 by the throat and shoved him backwards into the inside door of the building’s vestibule, causing the glass in the door to shatter

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

with the back of Subject 1's head and upper back. Officer A placed Subject 1 against a wall while holding on to Subject 1's neck with both hands. Subject 1 tried to pull the officer's fingers off his throat and stated that he felt he was going to pass out. Officer A released his grip from Subject 1's neck and placed his arm against the neck. Subject 1 described the duration from the moment the officer placed his hands on his throat until the officer released his hold as, "30 seconds to a minute or two, maybe." Subject 1 observed Civilian 2 coming down the staircase and told him to start recording with his cell phone. Officer A then "spun" Subject 1 around, "slammed" his face against another wall and handcuffed him. Subject 1 stated that he did not resist being handcuffed. Subject 1 stated that he did not believe Civilian 2 was able to record anything. Subject 1 sustained a cut to his left ear and to his left side of his face as a result of breaking the glass. The complainant denied that Civilian 1 had caused these injuries because he had checked his face in the bathroom mirror after the fight and had noted that he did not have any injuries to his face or head.

Officer A sat Subject 1 on the curb near a police squad car and returned to talk to Civilian 1 and Civilian 2. When he returned to the squad car, Officer A placed Subject 1 inside the squad car. Subject 1 asked why he was being arrested and Officer A told him to shut up, stop being a "██████" and "learn how to take your licks or I would teach you how to take them." The officers transported Subject 1 to the XXX District Station where they completed their reports and Subject 1 cleaned the blood off his face and hands. The complainant stated that he had blood on the knuckles of his left hand, but was not sure how the blood ended up there. Subject 1 had punched Civilian 1 with his left hand but stated that there was no blood on the hand when he left the apartment to go downstairs. The same officers then drove him to another station where the lockup keeper took his mug shots and fingerprints. Subject 1 was released in the morning and Civilian 2 picked him up. Subject 1 stated that when he returned home, he cleaned up the glass off the floor but did not photograph the broken glass. On Monday, November 3, 2014, Subject 1 went to XXX, where his injuries were examined and he learned that he did not need any stitches. Subject 1 stated that no glass needed to be removed from his head or body. Subject 1 added that he had bruises on his face, thigh and ribs, but did not take any photographs of the bruises. The complainant denied stiffening his arms to avoid being handcuffed and denied that he was uncooperative or belligerent with Officer A. Finally, Subject 1 stated that he was not sure what Officer B was able to see at the point of Subject 1's confrontation with Officer A.³

In a **statement to COPA** on May 18, 2018, the **Witness Officer, Officer B #XXXXX**, stated that he was working routine patrol on that night of the incident when he and his partner, Officer A, received a call regarding a domestic incident. Officer A drove to the above location where Officer B observed Subject 1 and Civilian 1 waiting outside the building. When the officers exited their vehicle, Civilian 1 told the officers that Subject 1 had punched him in the eye and Officer B stated that he observed that Civilian 1 had a bruised eye. The two officers separated the two parties, with Officer B taking Civilian 1 to one side of the front yard, while Officer A talked to Subject 1 on the other side of the front yard. Officer B stated that he was explaining the process to Civilian 1 when he heard the sound of breaking glass and turned around. Officer B observed his partner turning Subject 1 around, handcuffing and escorting him to the police vehicle. Officer B stated that his partner did not tell him how the glass broke and Officer B did not recall which glass door pane had broken. The officer also stated that he had been talking to Civilian 1 and was not

³ Att. #24.

paying attention to the conversation between his partner and Subject 1. Civilian 1 signed a complaint against Subject 1 and the officers transported Subject 1 to the XXX District Station for processing. Officer B stated that he did not recall observing any injuries to Subject 1 and that he did not observe the alleged actions by Officer A.

In a **statement to COPA** on May 25, 2018, the **Accused Officer, Officer A, #XXXXX**, stated that he and Officer B were conducting routine patrol when they received a call for a battery in progress at the above address. When the officers arrived, they met with Civilian 1, who had been waiting outside on the corner. Civilian 1 informed the officers that he had been the victim of a battery by Subject 1 and that his wallet was missing. Civilian 1 added that he just wanted to retrieve his wallet and leave. Shortly thereafter, Subject 1 arrived in the lobby of the building. Officer A stated that he did not know what made Subject 1 come downstairs. The officer entered the lobby and told Subject 1 that Civilian 1 accused Subject 1 of striking him and that Civilian 1's wallet was still inside the apartment. Subject 1 refused to acknowledge that the wallet was still upstairs and refused to go look for it. Officer A propped open the front door with a piece of paper, returned to Civilian 1 and told him that Subject 1 is not cooperating. Civilian 1 then decided to sign a complaint against Subject 1. Officer A re-entered the lobby and told Subject 1 that he was under arrest for battery. The officer then ordered him to turn around and place his hands behind his back. Subject 1 did not comply and Officer A spun him around and placed one handcuff on Subject 1's right hand. Subject 1 then "jerked away" backwards and both Subject 1 and Officer A fell against a wall. Officer A did not recall whether the wall was solid and did not recall whether he made contact with the outer door. As Officer A attempted to handcuff Subject 1, he heard Civilian 2 yelling from the top of the staircase. The officer stated that the inner door leading upstairs was open and he did not know what Civilian 2 was yelling because he was focused on controlling Subject 1. The officer brought Subject 1's left arm around and handcuffed him. Officer A did not recall a window being broken and did not recall observing broken glass on the floor. The officer then escorted Subject 1 to the squad car. Officer A stated that he did not observe any injuries to Subject 1 at that time. After the officers transported Subject 1 to the XXX District Station, Officer A observed a bruise on the right side of Subject 1's face when Subject 1 was photographed. The officer stated that he did not ask Subject 1 how he was injured and assumed that the injury was from the fight with Civilian 1. When presented with a photograph of Subject 1's laceration on his left cheek, Officer A replied that he had not observed the laceration on his left cheek, but only a bruise on the right cheek. The officer stated that he did not complete a Tactical Response Report (TRR) because there was no "force that caused injury" and Subject 1 did not complain of any injuries. Finally, Officer A denied the actions alleged by Subject 1.⁴

b. Digital Evidence

An **Undated Photograph** provided by Subject 1 depicts an interior door with a wooden frame surrounding a vacant space for a glass door pane. Subject 1 represented that there is no glass inside the door. The lower edge of the inner frame appears to contain broken glass.⁵

⁴ Att. #'s 34-35

⁵ Att. #23

An **Undated Photograph** provided by Subject 1 depicts a laceration to his left temple and a laceration on his left ear.⁶

An **Image of a Text Message**, dated November 3, 2014, from Civilian 1 to Civilian 2, provides Civilian 1's explanation for Subject 1's arrest. The text message relates that Subject 1 argued with and "got in" the officer's face.⁷

Messages (2) [REDACTED]

(1/2) The only reason [REDACTED] was arrested was because he argued and got in the cops face. The office warned him and [REDACTED] made the wrong choice. I had nothing

(2/2) to do with him getting arrested. He did that on his own

c. Physical Evidence

Medical Records from XXX reflect that Subject 1 received medical treatment on November 3, 2014. Subject 1 informed medical personnel that one of his friends was drunk and became belligerent. Subject 1 then asked the friend to leave and the friend became physical and punched Subject 1 across the right jaw. While waiting for the police, Subject 1's friend tackled him and continued to assault him until Subject 1's boyfriend persuaded the friend to leave the apartment. The friend remained outside until the police arrived. Subject 1 was then arrested. During his arrest, a police officer put Subject 1's head through a glass door and choked him. Subject 1 added that the police officer grabbed him by the throat and slammed him against the front entryway door, shattering the glass. Subject 1 was diagnosed with a head trauma with mild healing cuts on face and hands. In addition, medical personnel assessed that Subject 1 did not appear to have symptoms from concussion, but more related to the emotional status around the cause of his injury.⁸

d. Documentary Evidence

⁶ Att. #25

⁷ Att. #25

⁸ Att. #17

Subject 1's Arrest Report under CB# XXX indicates that Officers A and B responded to a disturbance call at XXXX W. North Shore Avenue and spoke to Civilian 1, who stated that he and Subject 1 engaged in a verbal confrontation which then escalated as Subject 1 struck Civilian 1 below the right eye. Civilian 1 signed a complaint, was given court information and said that he would appear in court. Subject 1 was placed into custody and transported to the XXX District Station for processing. In the arrest report's "Visual Check of Arrestee" section, the response to the question "Is there obvious pain or injury?", the response is "No." In addition, Subject 1's booking photo indicates that he was wearing a black tank top at the time of his arrest.⁹

The **Original Case Incident Report under RD# XXX** reflects that Civilian 1 stated that upon returning from a bar and restaurant with Subject 1, a verbal altercation ensued. Both parties became physical with Subject 1 being the aggressor by punching Civilian 1 in the right eye, causing a bruise. When Officers A and B arrived and investigated the incident, they observed that Civilian 1 had a noticeable bruise under his right eye. Subject 1 was arrested on signed complaints and transported to the XXX District Station for processing. The report further indicates that all parties involved had been drinking.¹⁰

An **OEMC Event Query Report under Event# XXX** indicates that Subject 1 called 911 at approximately 1:50 a.m., stating that he had a fight with his former friend and the friend was refusing to leave.¹¹

e. Additional Evidence

In a **Complaint at Law** filed under case number XXX in the U.S. District Court, Subject 1 alleged that Officer A tackled and choked him without just cause or provocation outside Subject 1's residence. The lawsuit further alleged that Officer B witnessed Officer A's use of excessive force against Subject 1 and failed to intervene although he had the opportunity to intervene.¹²

In an **Undated Typed Statement**, Subject 1 detailed the events of the early morning of November 1, 2014. Subject 1's statement is mostly consistent with his deposition; however, contrary to the deposition, where Subject 1 states that he exited the building and approached the police vehicle, Subject 1 states that when he went downstairs to talk to the police, the officers exited their vehicle and asked to come inside, which Subject 1 refused. The typed statement does not make any reference to Civilian 1's wallet and Subject 1's retrieval of the wallet from the building.¹³

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for **Allegation #1**, that Officer A grabbed Subject 1 by the throat and shoved him against a glass door pane, causing it to shatter. Based on

⁹ Att. #5

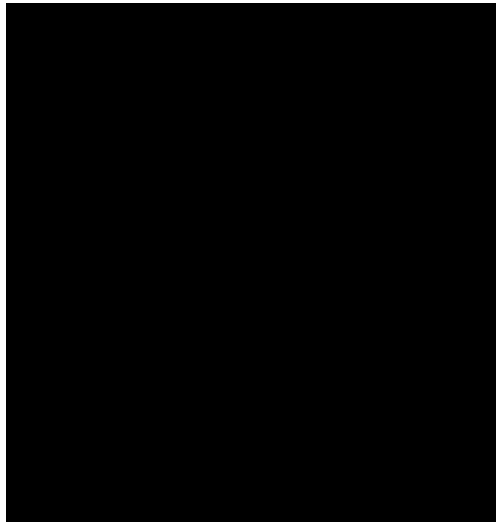
¹⁰ Att. #6

¹¹ Att. #8

¹² Att. #25

¹³ Att. #25

the deposition of Subject 1 and Officer B's statement to COPA, there appears to be sufficient evidence to prove that the glass door pane broke; however, there is disagreement as to what caused the glass to break. Officer B stated that he only heard the glass break and then observed his partner turn Subject 1 around and handcuff him. Officer A stated that he was not aware of any glass breaking during Subject 1's arrest. On the other hand, Subject 1 alleged in his deposition that the glass broke after Officer A shoved him against the glass door pane. Subject 1 specified that the back of his head and his upper back struck and broke the glass, causing a laceration to his left cheek, his left ear and his left hand. Subject 1 denied that these injuries were attributed to his fight with Civilian 1, claiming that he had checked his face prior to leaving his apartment to meet the officers and did not have these injuries at that time. Although Subject 1 was wearing a tank top, which apparently exposed his shoulders and neck, Subject 1 admitted that he did not sustain any injuries to those areas of this body.



Subject 1's booking photo from Arrest Report CB# XXX

His medical records, which documented only the above injuries, corroborated this fact. Based on the above facts, it appears very unlikely that the back of Subject 1's head and his shoulders struck and broke the glass without suffering any injury, while his cheek, ear and hand were the only body parts that sustained injury. There is no evidence that the incident was captured on a video recording and the witnesses Civilian 1 and Civilian 2 did not cooperate with the COPA investigation.¹⁴ Consequently, based on the totality of circumstances, there is sufficient evidence to disprove the allegation.

COPA recommends a finding of **Unfounded** for **Allegation #2**, that Officer A choked Subject 1. The complainant alleged that Officer A grabbed his throat with both hands and Subject 1 felt like he was about to pass out. Subject 1 estimated that the officer's hold lasted at least thirty seconds. The accused officer denied choking Subject 1 and Officer B stated that he did not observe his partner choking Subject 1. In particular, Officer B stated that he had been talking to Civilian 1 when the sound of broken glass diverted his attention. At that moment, Officer B observed his

¹⁴ Attempts to Contact Subject 1, Subject 1's attorney, Civilian 2 and Civilian 1 by first class mail were unsuccessful.

partner turning Subject 1 around and handcuffing his hands behind his back; this action would reasonably preclude any face-to-face interaction between the officer and Subject 1. Moreover, similar to the facts for Allegation #1, the medical records do not indicate any injury to Subject 1’s throat that may have resulted from the alleged chokehold. In addition, Subject 1’s arrest photograph does not depict any injury to his throat area. Based on the totality of the circumstances, there is sufficient evidence to disprove the allegation that Officer A choked Subject 1.

COPA recommends a finding of **Not Sustained** for **Allegation #3**, that Officer A slammed Subject 1’s face against a wall. The accused officer denied the above allegation and his partner stated that he did not observe the alleged action. Neither Subject 1 nor the witnesses, Civilian 2 and Civilian 1, cooperated with the COPA investigation and there is no evidence that the incident was captured on a video recording. Subject 1’s medical records indicate that he did not mention that the officer slammed his face against a wall; however, his typed statement relates that Officer A slammed his face against a wall. Although Subject 1 sustained a laceration to his face, he attributed it to the broken glass and not to the slamming on the wall. Accounting for all of the above facts, there is insufficient evidence to prove or disprove this allegation against Officer A.

COPA recommends a finding of **Not Sustained** for **Allegation #4**, that Officer A used profane language toward Subject 1. The accused officer denied the allegation and Officer B denied hearing the profanities. Moreover, there is no evidence that the conversation was captured on an in-car camera. Consequently, there is insufficient evidence to prove or disprove this allegation.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Grabbed Subject 1 by the throat and shoved him against a glass door pane, causing it to shatter, in violation of Rules 8 and 9.	Unfounded
	2. Choked Subject 1, in violation of Rules 8 and 9.	Unfounded
	3. Slammed Subject 1’s face against a wall, in violation of Rules 8 and 9.	Not Sustained
	4. Stated to Subject 1 words to the effect of “Shut up” and “Stop being a [REDACTED] and learn how to take your licks or I’ll teach you how to take them,” in violation of Rules 8 and 9.	Not Sustained

Approved:

Acting Deputy-Chief Administrator – Chief Investigator Date

A

Acting Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

Squad#:	X
Major Case Specialist:	Major Case Specialist A
Supervising Investigator:	Supervising Investigator A
Acting Deputy Chief Administrator:	Acting Deputy-Chief Administrator – Chief Investigator A