

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 23, 2015
Time of Incident:	9:34 PM
Location of Incident:	XXX S. Springfield
Date of COPA Notification:	October 23, 2017
Time of COPA Notification:	4:34 PM

On November 23, 2015, the complainant, Subject 1, was arrested for aggravated battery to a peace officer and resisting/obstructing a peace officer. Subject 1 alleged that he was arrested without justification by Officers A and B, and Officer A used excessive force to the point where Subject 1 lost consciousness. Subject 1 further alleged that Officer A, Detective A, and Lieutenant A fabricated police reports to justify Subject 1’s arrest and subsequent detention. After interviewing, the complainant, the accused officers, and witness officers, all allegations were Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXX, Employee ID #XXX, Date of Appointment: XXX, 2010, Police Officer, XXX District, Date of Birth: XXX, 1982, Male, Hispanic
Involved Officer #2:	Officer B, Star #XXX, Employee ID #XXX, Date of Appointment: XXX, 2007, Police Officer, Unit XXX, Date of Birth: Aug XXX, 1980, Male, Hispanic
Involved Officer #3:	Detective A, Star # XXX, Employee ID # XXX, Date of Appointment: XXX, 2000, Police Officer as Detective, Unit XXX, Date of Birth: XXX, 1976, Male, White
Involved Officer #4:	Lieutenant A, Star #XXX, Employee ID#XXX, Date of Appointment: XXX, 1986, Lieutenant, XXX District, Date of Birth: XXX, 1963, Male, White
Subject #1:	Subject 1, Date of Birth: XXX, 1990, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Engaged in an unjustified verbal altercation with Subject 1 by calling him words to the effect of a "little bitch."	Unfounded
	2. Engaged in an unjustified physical altercation with Subject 1 by grabbing his collar.	Unfounded
	3. Engaged in an unjustified physical altercation with Subject 1 by striking him in the head with a closed fist, causing him to lose consciousness.	Unfounded
	4. Fabricated police reports to justify the use of excessive force against Subject 1 and Subject 1's arrest.	Unfounded
Officer B	1. Arrested Subject 1 without justification, in violation of his 4 th Amendment Rights, in violation of Rule 6.	Unfounded
	2. Failed to report Officer A's misconduct, specifically Officer A's unjustified verbal altercation and the use of excessive force..	Unfounded
Detective A	1. Fabricated police reports to state Subject 1 was intoxicated on PCP during his arrest.	Unfounded
Lieutenant A	1. Fabricated Officer A's TRR to state Subject 1 was intoxicated during his arrest.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 5:** Prohibits the failure to perform any duty.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 8:** Prohibits disrespect or maltreatment to 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 14:** Prohibits making a false report, written or oral.

General Orders

1. G03-02-01: The Use of Force Model¹

Federal Laws

1. Fourth Amendment to the United States Constitution**V. INVESTIGATION²****a. Interviews**

COPA interviewed Subject 1 on February 23, 2018 via telephone.^{3 4} Per Subject 1, on November 23, 2015, he was walking near 13th and Springfield when he heard someone say something to the effect of, “Little Subject 1, what’s going on little bitch?” Subject 1 saw Officer A and replied to the effect of, “Nothing what’s going on bitches.” Officer A then told Subject 1 not to run, put gloves on, and approached Subject 1. Officer A then said Subject 1 was trying to be a “funny guy.” Officer A hit Subject 1 about three times with a closed fist on the head, causing Subject 1 to lose consciousness. Subject 1 also related that Officer A grabbed Subject 1 by the collar. Subject 1 did not recall officers performing a take down or handcuffing Subject 1. Subject 1 denied fighting the officers. Subject 1 could not recall what Officer B was doing during this time. According to Subject 1, no other civilians were present during his arrest.

When Subject 1 regained consciousness, he was in the police station and he asked to speak to a supervisor. Subject 1 stated that a sergeant or lieutenant told Subject 1 he had been talking a “mess” to officers earlier and would be released in a few hours. Subject 1 could not recall this sergeant or lieutenant’s name, but stated he was a white male. Once Subject 1 was fingerprinted and found out he was being arrested for assaulting a police officer. Subject 1 denied being intoxicated during his arrest or telling a Department member he was intoxicated. Subject 1 did not obtain any medical care related to the November 23, 2015 incident and reported no injuries. Subject 1 acknowledged having a XXX affiliation. Subject 1 stated he previously knew Officer A and had run from Officer A prior to November 23, 2015. Subject 1 related that he testified during his criminal trial to the same facts he provided to COPA.

Officer A was interviewed by COPA on April 24, 2018.⁵ According to Officer A, on November 23, 2015, he was on routine patrol with Officer B in an unmarked SUV. Officer A recalled encountering Subject 1 on this date after responding to a Dispatch call of a person with a gun at 14th and Springfield. Officer B stayed at the car while Officer A approached Subject 1. Subject 1 threatened the officer and rushed at Officer A with his hands in fists. Subject 1 swung at

¹ The Use of Force Model referenced in the report was the effective policy from May 2012 until October 2017 (See Att. 51).

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

³ Att. 23

⁴ During his telephone interview, Subject 1 was housed in the Illinois Department of Corrections, XXX Correctional Center for a criminal conviction unrelated to his XXX, 2015 arrest (See Atts. 11, 53).

⁵ Att. 44

Officer A and hit his chest. Subject 1 swung at Officer A again but the officer blocked it, causing injury to the officer's right pinky finger. Officer A performed a takedown and attempted an emergency handcuffing. Officer A administered open hand strikes to Subject 1's shoulder area, while Subject 1 was struggling. Officer B then joined his partner and they were able to handcuff Subject 1. Per Officer A, Subject 1's mind was "not there." Officers A and B did not transport Subject 1 to the police station because their vehicle did not have a cage. Officer A stated that Subject 1 was conscious when he was placed into the transport vehicle. Officer A believed Subject 1 fell asleep at some point at the station. Officer A did not observe any injuries to Subject 1 and Subject 1 refused medical attention. Officer A denied knowing Subject 1 prior to this incident. Officer A was present at court when Subject 1 testified. Subject 1's testimony was that Officer A approached Subject 1, called him by his name, called him a bitch, then beat up Subject 1 causing him to lose consciousness. Officer A denied Subject 1's version of events.

COPA interviewed **Officer B** on April 19, 2018.⁶ Officer B stated that on November 23, 2015, he was in an unmarked SUV and partnered with Officer A. Officer B and A responded a radio call about a person with a gun near 14th and Springfield and saw Subject 1 on the sidewalk, facing northbound. Officer A exited the vehicle and got Subject 1's attention. Subject 1 turned towards Officer A and approached him before rushing at the officer and "yelling obscenities." Subject 1 struck Officer A and tried to continue hitting the officer, who responded by blocking the blows. Officer B exited the car and approached when Officer A struck Subject 1 and brought him to the ground. Both officers assisted in handcuffing Subject 1. Subject 1 was stiffening his body, so Officer A delivered open hand strikes near Subject 1's shoulder. Once Subject 1 was handcuffed, the officers called for an assist unit to transport Subject 1 to the XXX District. Officer B did not recall Officer A calling Subject 1 a "little bitch" or using profanities. Officer B recalled that Subject 1 was resisting and saying things that "didn't make sense." Officer B did not recall having previously interacted with Subject 1. Subject 1 was arrested because he struck Officer A several times. Officer B did not see any injuries on Subject 1. Officer B denied that Subject 1 lost consciousness. Once at the XXX District, Officer B tried to talk to Subject 1 and obtain his identity. Officer B asked Subject 1 if he needed medical assistance, which Subject 1 "vehemently denied." Officer B believed Subject 1 was intoxicated on PCP because the area where Subject 1 was arrested was near an "open market PCP" location. Subject 1 was also not making sense and was sweating, even though the weather was cold. Officer B did not hear Subject 1 say he was on PCP. Officer B recalled that Subject 1 was calm at the police station and took multiple naps. After viewing Subject 1's arrest report, Officer B believed approximately five hours passed between when Subject 1 was brought to the police station and when he was processed.

On April 20, 2018, COPA interviewed **Officer C**.⁷ Officer C reported that on November 23, 2015, he was on patrol on Beat XXXX in a marked patrol vehicle. Officer C did not "really" recall Subject 1. Officer C believed he would have arrived after Subject 1 was arrested to transport him to the XXX District. Officer C related that Subject 1 was "absolutely" conscious during transportation and they would have provided medical care if not. Officer C transported Subject 1 instead of the arresting officers because the tactical team officers do not have cages in their cars.

⁶ Atts. 31, 32

⁷ Att. 37

Detective A was interviewed by COPA on April 24, 2018.⁸ Detective A recalled interviewing Subject 1 in a holding cell at the XXX District Lock-up on November 23, 2015. Sergeant A was also present. After reviewing his Detective Supplementary Report, Detective A related that about four hours passed between when Subject 1 was brought to the XXX District and when the detective spoke to Subject 1. Detective A described Subject 1 as calm. Detective A did not observe any injuries to Subject 1, nor did he complain of any or complain that Officer A hit him. Subject 1 was conscious during the interview. Subject 1 told Detective A that he had been smoking PCP “throughout the day” and did not remember his arrest. Per Detective A, people on PCP are unpredictable, disoriented, do not feel pain, and have an odd odor. Detective A did not recall Subject 1 having an odor on this date. Detective A denied providing a false report that Subject 1 was intoxicated on PCP.

On April 26, 2018, COPA interviewed **Lieutenant A**.⁹ According to Lieutenant A, on November 23, 2015, he was a XXX Lieutenant in the XXX District. Lieutenant A interviewed Subject 1 following the arrest and before approving a Tactical Response Report (TRR). Lieutenant A believed approximately two hours passed between when Subject 1 was brought to the station and when the lieutenant interviewed him. Lieutenant A did not specifically recall the conversation, but maintained what he wrote in Officer A’s TRR was accurate: that Subject 1 told him he was intoxicated. Lieutenant A denied that Subject 1 ever lost consciousness in his presence or had any “sign or complaint of injury.”

COPA interviewed **Sergeant A** on April 17, 2018.¹⁰ Sergeant A recalled that on November 23, 2015, he encountered Subject 1 in the XXX District after his arrest. Sergeant A and Detective A met with Subject 1. After reviewing Subject 1’s arrest report, Sergeant A believed several hours passed between when Subject 1 was brought to the police station and when he and the detective spoke to Subject 1. Sergeant A recalled that Subject 1 did not really remember what happened and wanted to be released. Sergeant A recalled that Subject 1 seemed confused. Sergeant A did not recall seeing Subject 1 when he was first brought in. Sergeant A denied that Subject 1 was unconscious in his presence. Per Sergeant A, if an arrestee was brought in unconscious, he would have tried to wake them up and seen if they needed medical care. Sergeant A did not observe any injuries to Subject 1 and Subject 1 did not complain of any injuries. According to Sergeant A, individuals on PCP tend to be aggressive, sweaty, and “outwardly expressive.” Sergeant A had no knowledge of Subject 1 being unconscious. Sergeant A did not think it would have been possible for officers to bring in an unconscious arrestee, due to security measures and the presence of other Department members.

On April 18, 2018, COPA interviewed **Officer D**.¹¹ According to Officer D, on November 23, 2015, he was working as a Lock-up Keeper. Officer D did not recall Subject 1. Officer D did not believe there was an unconscious arrestee on this date. Further, Officer D related that if there was an unconscious arrestee, he would have been taken to the hospital.

⁸ Att. 39

⁹ Att. 54

¹⁰ Att. 27

¹¹ Att. 29

Officer E was interviewed by COPA in April 25, 2018.¹² Officer E did not recall Subject 1 or any specific details from November 23, 2015. On this date, Officer E was working Lock-up in the XXX District. Per Officer E, if someone was highly intoxicated or unconscious, he would have gotten them medical care.

b. Digital Evidence

Evidence Technician photos from CPD were located of the injuries reported by Officer A during Subject 1's arrest.¹³ Officer A had dirt on his pants and his right pinky finger was reported to be swollen and bent.



c. Physical Evidence

No physical evidence was identified in relation to the present investigation.

d. Documentary Evidence

Subject 1's **Arrest Report** from November 23, 2015 was obtained with **RD #XXX**.¹⁴ Subject 1 was charged with felony aggravated battery to a peace officer and misdemeanor resisting/obstruction of a peace officer. This report states that the arresting officers (Officers A and B) responded to a call of a person with a gun at XXX S. Springfield and saw Subject 1 at this location "holding his left side hip." Officer A approached and Subject 1 began shouting "this is my hood you need to get the fuck out this hood. I'll beat your fucking ass." Subject 1 also rushed at Officer A "with his fist clenched." Subject 1 punched the officer with a closed fist about the upper chest area." Subject 1 tried to hit Officer A a second time and the officer blocked him with his right arm "and suffered a bruised right pinky finger." Officer A performed an emergency takedown followed by Officer B assisting in cuffing Subject 1. Subject 1 was transported to the

¹² Att. 49

¹³ Att. 61

¹⁴ Att. 6

XXX District by Beat XXXX (Officers C and F).¹⁵ Subject 1 was reported to be a “self admitted [sic] member of the XXX street gang.”

A **Case Incident Report** and **Detective Supplementary Report** were obtained for **RD #XXX**.¹⁶ Per these reports, Officer A sustained a bruised and swollen finger on his right hand and obtained treatment at XXX Hospital. Subject 1 was described as having a, “Disregard for law enforcement.” Detective A was assigned the case on November 23, 2015. Detective A observed Officer A’s injuries to his right pinky finger. Detective A also spoke with Subject 1, who related that he had smoked phenylcyclohexylpiperidine (PCP) and did not recall what had occurred with Officer A. Subject 1 told the detective, “I don’t want to press any charges, they don’t want to press charges. They can just let me go.”

A **Tactical Response Report** (TRR) completed by Officer A was identified for **RD #XXX**.¹⁷ Officer A reported that Subject 1 did not follow verbal directions, pulled away, posed an imminent threat of battery, and attacked the officer with a closed fist strike. Officer A responded with member presence, verbal commands, an open hand strike, and a take down/emergency handcuffing. Subject 1 was reportedly under the influence and refused medical aid. There was no “sign or complaint of injury” to Subject 1. Subject 1 reportedly told Lieutenant A that he was “so intoxicated on drugs and or alcohol that he does not remember the incident.” Similarly, Officer A’s **Officer Battery Report** (OBR) was located for **RD #XXX**.¹⁸ Officer A was the only officer reported to have sustained a battery.

An **Office of Emergency Management and Communications** (OEMC) **Event Report** was located pertaining to Subject 1’s arrest on November 23, 2015.¹⁹ At approximately 9:29 PM, a caller reported a black male in a “puffy coat with a hood on in the middle of the street waiving a gun.” Officers A and B (Beat XXX) were dispatched at about 9:30 PM and had a subject (believed to be Subject 1) in custody at roughly 9:34 PM.

e. Additional Evidence

On September 1, 2017, Subject 1 filed a lawsuit in the United States District Court Northern District of Illinois with **Case Number 17-CV-XXX**.²⁰ According to Subject 1, on November 23, 2015, the police had received a call of a person with a gun and saw Subject 1 “gesturing like he had a gun.” When the officers approached Subject 1, they claimed he charged at them “stating that this is his hood,” and that the police should not be there. The officers alleged that Subject 1 swung at them and hit Officer A, who blocked Subject 1’s strike. Subject 1 struck at Officer A a second time and Officer A and his partner “performed a tactical take down,” including “an open hand palm” to Subject 1’s face. In court, Subject 1 related that Officer A knew him from the neighborhood, approached Subject 1, and put “his gloves on indicating that he was going to attack” Subject 1. An officer grabbed Subject 1 collar and told him “you want to be a smart guy” and “Hey

¹⁵ Officer F, Star #XXX, was not interviewed by COPA as he passed away in 2017. Source: XXX

¹⁶ Atts. 7, 8

¹⁷ Att. 9

¹⁸ Att. 10

¹⁹ Att. 20

²⁰ Atts. 4,5

Subject 1, what your bitch ass is doing out here [sic].” Subject 1 responded that he was not doing anything “bitches” and Officer A hit Subject 1 “with a barrage of close hand fist [sic].” Subject 1 lost consciousness and woke up at the police station. Subject 1 claimed he was not doing anything illegal at the time Officer A hit and arrested him. Subject 1 further alleged that officers “falsified police reports in an attempt to cover up the wrong that was committed against” Subject 1. As of this report, this case is pending.

A **criminal docket** from Cook County Circuit Court for Subject 1 following his November 23, 2015 arrest identified under **Case Number 15CRXXX**.²¹ Subject 1 was charged with six felony counts of aggravated battery to a peace officer. Four of the counts were dismissed via nolle prosequi on November 9, 2016. Subject 1 was found not guilty after a bench trial on November 10, 2016.

VI. ANALYSIS

All of Subject 1’s allegations were determined to be **Unfounded** following COPA’s investigation. First, COPA does not find complainant Subject 1 credible. Subject 1 claimed not to be intoxicated at the time of the arrest and further claimed to never have told any department member he was intoxicated. In contrast, each of the officer’s independent interviews revealed observations where the officers described Subject 1 as erratic, aggressive, outwardly expressive, not making sense when he spoke and, as Officer A put it, his mind was not there.

Additionally, none of the arresting officers, transporting officers, investigating detective or responding Sergeant remembered Subject 1 passing out. In fact, each officer stated that had Subject 1 passed out they would have sought medical treatment. Subject 1 never sought medical treatment nor did any department member take him for treatment. However, several officers reported that Subject 1 fell asleep.

Moreover, Subject 1 claimed to have been punched violently enough to be knocked out by Officer A. However, his booking photo shows no bruising or redness. Finally, Officer A filled out the proper paper work documenting the incident. The arrest reports, TRR, OBR and investigating detectives report support the witness accounts of what occurred. In sum, there is no evidence to support Subject 1 claims, while in contrast, there is evidence that Subject 1 was under the influence of PCP at the time of the incident. Therefore, COPA finds all allegations in this case Unfounded.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Engaged in an unjustified verbal altercation with Subject 1 by calling him words to the effect of a “little bitch.”	Unfounded

²¹ Att. 13

	<p>2. Engaged in an unjustified physical altercation with Subject 1 by grabbing his collar.</p> <p>3. Engaged in an unjustified physical altercation with Subject 1 by striking him in the head with a closed fist, causing him to lose consciousness.</p> <p>4. Fabricated police reports to justify the use of excessive force against Subject 1 and Subject 1’s arrest.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer B	<p>1. Arrested Subject 1 without justification, in violation of his 4th Amendment Rights.</p> <p>2. Failed to report Officer A’s misconduct, specifically Officer A’s unjustified verbal altercation and the use of excessive force.</p>	<p>Unfounded</p> <p>Unfounded</p>
Detective A	<p>1. Fabricated police reports to state Subject 1 was intoxicated on PCP during his arrest.</p>	<p>Unfounded</p>
Lieutenant A	<p>1. Fabricated Officer A’s TRR to state Subject 1 was intoxicated during his arrest.</p>	<p>Unfounded</p>

Approved:

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

 Date

Appendix A

Assigned Investigative Staff

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

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