

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	March 01, 2018
Time of Incident:	12:53 pm
Location of Incident:	XXXX W. Chicago Ave., Chicago, IL 60624
Date of COPA Notification:	March 01, 2018
Time of COPA Notification:	5:14 pm

On March 1st, 2018, Chicago police officers chased and arrested Subject 1 at XXXX W. Chicago Ave., Chicago, IL. While attempting to get Subject 1 into handcuffs, officers performed an emergency takedown, and instructed Subject 1 to spit out something he had in his mouth. Two Zip Loc bags containing suspect crack cocaine were subsequently recovered from Subject 1 after his arrest and inventoried. On the same day, Sergeant A viewed the involved officers' body worn camera footage. Sergeant A observed Officer B and Officer A placing their hands on Subject 1's neck and lower jaw area, and Sergeant A initiated a complaint as he believed the action in the video may appear excessive to a third party. COPA reviewed the relevant evidence and recommends that allegations against Officer B and Officer A be exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXXXX, Employee ID #XXXXXX, Date of Appointment: XXX/2013, Police Officer, Unit XXX – District XXX DOB: XXX/1982, Male, White Hispanic
Involved Officer #2:	Officer B, Star #XXXXXX, Employee ID #XXXXXX, Date of Appointment: XXX/2012, Police Officer, Unit XXX – District XXX, DOB: XXX/1984, Male, Black
Involved Officer #3:	Sergeant A, Star #XXXX, Employee ID #XXXX, Date of Appointment: XXX/2000, Sergeant of Police, Unit XXX – District XXX, DOB: XXX/1977, Male, White
Involved Officer #4:	Officer C, Star #XXXXXX, Employee ID #XXXXXX, Date of Appointment: XXX/2015, Police Officer, Unit XXX – District XXX, DOB: XXX/1989, Female, Asian/Pacific Islander
Involved Officer #5:	Officer D, Star #XXXXXX, Employee ID #XXXXXX, Date of Appointment: XXX/1996, Police Officer, Unit XXX – District XXX, DOB: XXX/1962, Male, Black

Involved Civilian #1:	Subject 1, DOB: XXX/1983, Male, Black
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III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that on March 1, 2018, at approximately 12:53 PM at XXXX W. Chicago Ave., Chicago, IL, Officer A used excessive force in placing his hands around Subject 1’s neck and lower jaw in violation of Rule 1, Rule 2, Rule 8, and Rule 9 of the Chicago Police Department Rules of Conduct.	1. Exonerated
Officer B	1. It is alleged that on March 1, 2018, at approximately 12:53 PM at XXXX W. Chicago Ave., Chicago, IL, Officer B used excessive force in placing his hands around Subject 1’s neck and lower jaw in violation of Rule 1, Rule 2, Rule 8, and Rule 9 of the Chicago Police Department Rules of Conduct.	1. Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1** – Violation of any law or ordinance.
2. **Rule 2** – Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. **Rule 8** – Disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 9** – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. **GO 01-01 Mission Statement and Core Values**
2. **GO G03-02 Use of Force**

3. GO G03-02-01 Force Options

V. INVESTIGATION¹

a. Interviews

Subject 1 gave a **digitally recorded interview** to COPA on June 22nd, 2018. In his statement, Subject 1 stated that on March 1st, 2018, at approximately 12:53 pm he was standing on W. Chicago Ave. near the intersection of W. Chicago Ave. and XXX Ave. Subject 1 stated he got on a bus and rode the bus to a stop near the intersection of W. Chicago Ave. and XXX Ave. Subject 1 stated he exited the bus to enter a store. Subject 1 said he heard officers tell him to “come here.” Subject 1 stated there was a Hispanic male officer and a Pacific Islander female. Subject 1 stated the two officers were in plain clothes, without a bulletproof vest, and were on the side walk when he got off the bus. Subject 1 stated he ran away from the officers when they told him to “come here.” Subject 1 then stated many unmarked police vehicles came from all directions. Subject 1 stated he ran west on W. Chicago Ave. Subject 1 stated that while he was running, a different officer tackled him to the ground. Subject 1 stated there were at least six officers at the scene. Subject 1 stated after he was tackled an officer put a knee into his back, and the officer told Subject 1 to stop resisting. Subject 1 stated he told the officer he could not breathe because the officer’s knee was in his back. Subject 1 stated he went into a panic and could not breathe. Subject 1 stated he then relaxed, was handcuffed, and then got up off the ground. Subject 1 stated that he did not see who handcuffed him. Subject 1 stated officers kept putting their knees on his back and taking the “wind out of” Subject 1. Subject 1 stated that an officer told him he could breathe because he was speaking. Subject 1 also stated that officers told him to stop kicking, and he stated he was kicking because he could not breathe. Subject 1 stated he was on the ground for a couple of minutes.

Subject 1 stated he was arrested for possession of a controlled substance, resisting arrest, battery to the police, and reckless conduct. Subject 1 stated the police never recovered drugs from him, but he was charged for possessing drugs. Subject 1 stated he never saw any bags of narcotics. Subject 1 stated he never put anything in his mouth when the officers chased him. Subject 1 stated he never put anything in his mouth while he was on the ground. Subject 1 stated he never spat anything out when he was on the ground or when he got back up. Subject 1 stated he suffered bruising on his elbows and knees from being tackled to the ground. Subject 1 stated he did not make a subsequent complaint against any of the police officers. Subject 1 stated he was sent to XXX hospital after being arrested, and he refused treatment because he was not injured. Subject 1 stated he was at the hospital for roughly ten minutes.²

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachment 18

b. Digital Evidence

On March 6th, 2018, COPA requested all involved officers' body worn camera footage for Subject 1's arrest.³ On March 7th, 2018 CPD responded and shared the body worn camera footage from Officer A, Officer C, Officer D, Officer E, and Officer B.⁴ The shared body worn camera footage captures the alleged incident and Subject 1's arrest.

Officer A's **Body Worn Camera footage** captures Officer A exiting his vehicle and chasing Subject 1. Officer A's BWC footage captures three officers chasing Subject 1 and conducting a take-down of Subject 1. The footage then captures officers trying to place Subject 1 in handcuffs and officers roll him onto his front. The footage captures officers telling Subject 1 to "Spit it out. Spit it the fuck out." multiple times.⁵ The footage captures Subject 1 stating, "You're choking me, please..."⁶ The footage captures Subject 1 continuously telling the officers that he is relaxed and he promises he would not run. The footage captures Subject 1 being placed into handcuffs, and an officer can be heard saying, "Pick up that chewed up shit he got."⁷ The footage shows Officer A bending over and picking up small bags containing a white substance laying on the sidewalk next to Subject 1.⁸ The footage then shows Subject 1 in handcuffs sitting upright against a building with five other officers standing around Subject 1. The footage shows the officers pull up Subject 1 so he can stand. The footage then captures an officer saying, "he probably chewed the rest of it up."⁹ Subject 1 then responds, "I had nothing but one bag, one bag."¹⁰ Officer A then states, "I watched you put it in your mouth, I watched you put it in your mouth, and then you ran, and then you resisted. So, you're going to jail, alright? That's all it is."¹¹ The footage shows Officer A searching Subject 1 after he is placed into handcuffs and while Subject 1 is standing against the building. Officer A asks, "Do you got any more on you? Just the stuff that you swallowed? That's all you got, the shit that you swallowed, right?"¹² Subject 1 responds, "I had one bag, yes, just the..."¹³ The footage then shows Officer A walking Subject 1 to the back of a marked police SUV. The footage then ends after Subject 1 is placed in the vehicle, and Officer A closes the door.¹⁴

Officer C's **Body Worn Camera footage** captures Officer C exiting her vehicle, and she runs towards Subject 1, who can then be seen running away from her. Officer C and another officer chase Subject 1 through the street and through traffic. The footage then shows an unmarked police vehicle pull up near Subject 1, Officer C, and the other officer. Officer C and her partner catch up to Subject 1, grab him, and then they fall to the ground. The footage then shows Officer C getting up off the ground, and three officers can be seen on top of Subject 1. The footage shows two

³ Attachment 4

⁴ Attachment 7

⁵ Attachment 9, 0:31

⁶ Attachment 9, 0:47

⁷ Attachment 9, 1:26

⁸ Attachment 9, 1:31

⁹ Attachment 9, 2:24

¹⁰ Attachment 9, 2:26

¹¹ Attachment 9, 2:26

¹² Attachment 9, 3:11

¹³ Attachment 9, 3:18

¹⁴ Attachment 9

officers with their hands on Subject 1's neck and mouth, and the officers are telling Subject 1 to "Spit it out."¹⁵ Subject 1 can be heard saying, "He's choking me." While the officers have their hands on his neck and face.¹⁶ The footage then captures Subject 1 placing his hand near his mouth and he pulls a white object out of his mouth.¹⁷ Officer C's BWC then captures the same events of Officer A's BWC.¹⁸

Officer D's **Body Worn Camera** footage captures Officer D exiting his vehicle and he runs toward Subject 1 who is being held up by two other officers. Officer D then tackles Subject 1, and Subject 1 and the three officers fall to the ground. Officer D's BWC then captures the same events as Officer A's BWC and Officer C's BWC.¹⁹

Officer E's **Body Worn Camera** footage shows Officer E exiting his vehicle and Subject 1 is being placed up against the building. Officer E's BWC captures the same events as Officer A's BWC, Officer C's BWC, and Officer D's BWC.²⁰

c. Documentary Evidence

An **Initiation Report** from Sergeant A #XXXX, initiated the complaint with COPA. The report, dated March 1st, 2018, states,

During review of body worn camera footage, on 01 March 2018 at 12:53 hours, Officer B and A were attempting to place a subject into custody for PCS and Reckless Conduct. During the struggle to place the uncooperative subject into custody Officers B and A placed their hands on the subject's neck and lower jaw area, in a manner, that some viewing the footage may feel was excessive. This allegation is self-initiated by the undersigned and not due to the victim's initiation or allegation.

The report lists the history of the event as,

R/Sgt. responded to the scene of a foot pursuit and subsequent arrest that was performed by Beat XXX and XXX. When the undersigned arrived on scene he observed the above victim handcuffed and being stood up. The victim was subsequently placed into a marked police vehicle and transported to the XXX District. TRRs were initiated and the undersigned observed body camera footage of the pursuit and the victim's resisting of arrest. While observing the body camera footage the undersigned observed Officer B and Officer A placing their unclenched hands on the subject's neck and lower jaw area while attempting to prevent the victim from ingesting potentially dangerous and lethal illegal substances which were subsequently recovered and found to be suspect crack cocaine. The actions in the video may appear to some as excessive. Subject refused medical attention at XXX Hospital.

¹⁵ Attachment 10, 0:40

¹⁶ Attachment 10, 0:40

¹⁷ Attachment 10, 0:43

¹⁸ Attachment 10

¹⁹ Attachment 11

²⁰ Attachment 12

The report lists the victim as Subject 1. The report lists the date and time as March 01, 2018 at 12:53 hrs. The report lists that a notification was made to COPA.²¹

An **Arrest Report**, CB #XXX, details Subject 1's arrest. The arrest date is listed as 01 March 2018 and the arrest occurred at 12:55 pm. The arrest location is listed as XXXX W. Chicago Ave., Chicago, IL 60624. Subject 1 was charged with possession of a controlled substance, resisting, reckless conduct, and battery. The arrest report states,

In summary A/O's observed above offender, wearing blk skull cap, blk jacket, blue jeans, on pod mission #XXXX conducting several suspect illegal hand to hand drug transactions, in the area of Chicago and XXX. At approximately 1240 hrs A/O's relocated to said area and received information from beat XXXXX that a pass out was done in the area with a male (1) matching the description of above offender. A/O's observed offender look towards A/O's direction and enter a CTA bus heading E/B at Chicago and XXX. A/O's followed said bus and observed above offender exit the bus at Chicago and XXX. A/O's attempted to conduct a field interview with offender when A/O A #XXXXX observed offender place a small plastic bag into his mouth reasonably to believe the bag to contain narcotics. Offender was ordered to stop which then offender fled on foot westbound through oncoming traffic, endangering himself, A/O's and citizens by causing vehicles on the roadway to serve and abruptly stop in an effort to not hit offender and almost causing an accident. Beat XXXXX arrived on scene to assist and conducted an emergency take down along with A/O Officer C #XXXXX and A/O Officer D #XXXXX at the location of XXXX W. Chicago. Offender was ordered to stop resisting, put his hands behind his back and stop kicking and swinging his arms, to which he would not comply. Offender kicked A.O. Officer A #XXXXX numerous times in the stomach. Offender was ordered to spit out suspect narcotics from his moth, offender then spat out (2) chewed up clear Zip Loc bags each containing a white rock like substance suspect crack cocaine (Inventory #XXX). Offender placed into custody. Offender was searched by A/O Officer A #XXXXX. Offender was then transported to the XXX District for processing by beat XXXX. E.T. was ordered over CW2, E.T. Beat XXXX Star #XXXXX photographed offender's elbows and knees for minor abrasions at 1500 hrs. Offender was transported to XXX Hospital to which he refused any treatment and transported back to XXX District.²²

A **Property Inventory Sheet**, Inventory Number XXX, documents the items seized from Subject 1 after his arrest. The sheet lists 2 chewed up clear Zip Loc bags each containing white rock like substance suspect crack cocaine in an inner evidence bag were recovered from Subject 1. The sheet lists Officer A and Officer C as the investigating officers, and Subject 1 as the owner of the Zip Loc bags. The address of recovery is listed as XXXX W. Chicago Ave., Chicago, IL 60624 and the date of recovery is listed as March 1st, 2018. The sheet marks Subject 1 as arrested. The sheet lists the charge as Narcotics Possession: Cocaine.²³

²¹ Attachment 19

²² Attachment 20

²³ Attachment 13

A **Tactical Response Report (TRR)**, CB Number XXX, completed by Officer D, documents Officer D's use of force against Subject 1. The TRR states that Subject 1 did not follow verbal direction, stiffened his body, pulled away, and fled from officers. The TRR lists that Officer D employed member presence, verbal direction/control techniques, a wristlock, an armbar, emergency handcuffing, and a takedown against Subject 1. The TRR lists Subject 1 as unarmed and Subject 1 is marked as receiving non-fatal minor injury from the officer, and Subject 1 is marked as refusing medical aid and was taken to XXX hospital. The TRR lists the reason for response as defense of department member, overcame resistance or aggression, and stop self-inflicted harm. The TRR lists the type of activity being conducted as an investigatory stop and pursuing/arresting subject, with the charge being noted as resisting. The narrative portion of the TRR states,

IN SUMMARY: R/O OFFICER D OBSERVED OFFICERS BT.XXXXX PURSUING A SUBJECT IN THE INTERSECTION OF XXX AND CHICAGO AVE FLEEING WEST BOUND ON CHICAGO AVE. P/O OFFICER D WAS DRIVING VEHICLE #XXXX AND OBSERVED OFFICERS C #XXXX AND B #XXXX ATTEMPTING TO DO AN EMERGENCY TAKE DOWN WITH THE OFFENDER. P/O OFFICER D EXITED HIS VEHICLE AND DID A EMERGENCY TAKE DOWN. THE OFFENDER WAS GIVEN ORDERS FROM OFFICERS TO PUT HIS HAND BEHIND HIS BACK THE OFFENDER REFUSED AND CONTINUED TO STRUGGLE. P/O OFFICER D ALONG WITH P/O OFFICER B, P/O OFFICER C, P/O OFFICER A WERE ABLE TO PLACE OFFENDER HANDS BEHIND HIS BACK AND PLACE HIM INTO CUSTODY. P/O OFFICER D AND P/O OFFICER B RELOCATED TO THE XXX DISTRICT FOR PROCESSING.

The subject's statement regarding the use of force portion of the TRR states,

Subject read Miranda warning (FOP pg.152) in the XXX District Tactical Processing Room at 1353Hrs by Lieutenant A #XXX in the presence of Lieutenant B #XXX Subject related that he was running and when the Officers grabbed his jacket (fully zipped up), the jacket pulled close to the subject which then constricted his neck ("choked" him). He then went down on the ground and while on his stomach there was a knee on his back, which subject related at that point he was stating he "couldn't breathe" because he was being choked. Subject related to R/LT that he had spit out the narcotics prior to him being taken down. Subject related his "knees are busted up" from falling and had scrapes on right elbow from same. R/Lt observed minor abrasions to both knees and right elbow. E.T. documented with photographs. Subject stated he did not have any other injuries. He stated he was not choked at any other time than described above (jacket constricted airway) when jacket was grabbed while running and when the knee was placed in his back and he was attempting to move his body. Subject related he felt fine.

The lieutenant or above incident commander comments section states,

R/Lt reviewed all available BWC, POD#XXX footage and all reports related to incident of arrest which depicts P.O. Officer C and P.O. Officer B attempting to do a take-down of a subject being placed into custody for a narcotic related offense. P.O. Officer D went to

assist and got subject to the ground. Officer D and Officer C attempted to gain control of the subject's right arm/Officer B attempted to gain control of the left. Officer A attempted to gain control of subject's legs, subject kicked Officer A. Officer B attempted to gain control of the right arm after placing a handcuff on the left wrist, Officer B positioned his body where a knee was placed on subject's back, as to get to other arm that subject continued to pull away. Verbal direction was constantly given for offender's compliance. Subject attempted to lift front of his body, the jacket pulled back thereby causing what the subject stated (heard on camera) he was being choked. CL#XXX was obtained for what appeared to be Officer B's and A's hand on neck of subject while stating "spit it out". Officers A, B and Officer D admonished (documented on Sergeant A Supervisor Log) for foul (cursive language) used while trying to affect the arrest of an individual that was trying to defeat the arrest with one officer being battered in the process. Subject initially refused medical treatment but was relocated to XXX Hospital for abrasions to knees and elbow and to ensure subject hadn't ingested any harmful substances where subject refused services (medical clearance obtained). Officer B's camera was not turned on as when foot chase occurred can be seen running in front of initiating officer due to the urgency of incident and was unable to turn on (as seen on other officers BWC)

The TRR shows that Lieutenant A marked that they have complied with the duties outlined in G03-02-02 and that the member's use of force was in compliance with department policy and directives.²⁴

A **Tactical Response Report (TRR)**, CB Number XXX, completed by Officer C, documents Officer C's use of force against Subject 1. The TRR states that Subject 1 did not follow verbal direction, stiffened his body, pulled away, fled from officers, physically attacked without a weapon, specifically by pushing/shoving/pulling and grabbing/holding/restraining. The TRR lists that Officer C employed member presence, verbal direction/control techniques, and a wristlock against Subject 1. The TRR lists Subject 1 as unarmed and Subject 1 is marked as receiving non-fatal minor injury from the officer, and Subject 1 is marked as refusing medical aid and was taken to XXX hospital. The TRR lists the reason for response as defense of department member, overcame resistance or aggression, stop self-inflicted harm, and fleeing subject. The TRR lists the type of activity being conducted as an investigatory stop and pursuing/arresting subject, with the charge being noted as resisting. The narrative portion of the TRR states,

IN SUMMARY, R/O C WAS PURSUING ABOVE SUBJECT/OFFENDER ON FOOT FROM XXX/CHICAGO AVE. OFFENDER CROSSED THE INTERSECTION AND CONTINUED W/B ON CHICAGO AVE. BEAT XXXXX P.O. OFFICER B #XXXXX CAUGHT UP TO OFFENDER AND ATTEMPTED TO PLACE OFFENDER INTO CUSTODY. R/O OFFICER C CAME UP NEXT TO P.O OFFICER B AND OFFENDER TO ASSIST IN THE PROCESS OF GETTING OFFENDER INTO CUSTODY. P.O. OFFICER C GAVE VERBAL COMMANDS TO OFFENDER TO "STOP RESISTING, GET ON THE GROUND" AND "PUT YOUR HANDS BEHIND YOUR BACK". OFFENDER CONTINUED TO STIFFENED UP HIS BODY AND DID NOT COMPLY WITH ORDERS GIVEN BY THE P.O.'S. EMERGENCY TAKE DOWN WAS

²⁴ Attachment 25

CONDUCTED BY BEAT XXXXX P.O. OFFICER D #XXXXX WITH ASSISTANCE OF OFFICERS B AND R/O. VERBAL COMMANDS OF "STOP RESISTING" AND "PUT YOUR HANDS BEHIND YOUR BACK" WERE CONTINUED TO BE GIVEN BY P.O. OFFICER C AS OFFENDER WAS STILL RESISTING ARREST. AFTER A BRIEF STRUGGLE, P.O. OFFICER C WITH ASSISTANCE, WAS ABLE TO PLACE OFFENDER HANDS BEHIND HIS BACK AND PUT OFFENDER INTO CUSTODY. OFFENDER SUFFERED FROM MINOR LACERATIONS ON HIS KNEES AND ELBOWS FROM RUBBING AGAINST THE CEMENT SIDEWALK. OFFENDER WAS BROUGHT INTO XXX DISTRICT FOR FURTHER PROCESSING.

The subject's statement regarding the use of force portion of the TRR and the lieutenant or above incident commander comments section states the same as Officer D's TRR

The TRR shows that Lieutenant B marked that they have complied with the duties outlined in G03-02-02 and that the member's use of force was in compliance with department policy and directives.²⁵

A **Tactical Response Report (TRR)**, CB Number XXX, completed by Officer B, documents Officer B's use of force against Subject 1. The TRR states that Subject 1 did not follow verbal direction, stiffened his body, pulled away, fled from officers, and physically attacked without a weapon, specifically by knee and leg strikes. The TRR lists that Officer B employed member presence, verbal direction/control techniques, a wristlock, armbar, emergency handcuffing, and a takedown against Subject 1. The TRR lists Subject 1 as unarmed and Subject 1 is marked as receiving non-fatal minor injury from the officer, and Subject 1 is marked as refusing medical aid and was taken to XXX hospital. The TRR lists the reason for response as defense of department member, overcame resistance or aggression, fleeing subject, and stop self-inflicted harm. The TRR lists the type of activity being conducted as an investigatory stop and pursuing/arresting subject, with the charge being noted as resisting. The narrative portion of the TRR states,

IN SUMMARY, R/O OFFICER B OBSERVED OFFICERS WORKING BEAT XXXXX INVOLVED IN A FOOT PURSUIT WITH THE SUBJECT AT THE INTERSECTION OF XXX AND CHICAGO. R/O OFFICER B IMMEDIATELY EXITED THE PASSENGER SIDE OF HIS UNMARKED SQUAD CAR AND ASSISTED IN THE PURSUIT. UPON CATCHING UP WITH THE SUBJECT, R/O OFFICER B AND OFFICER C ATTEMPTED TO PLACE THE SUBJECT INTO CUSTODY, AT WHICH POINT THE SUBJECT BEGAN TO PULL AWAY AND STIFFEN HIS ARMS IN AN ATTEMPT TO DEFEAT ARREST. DUE TO THE SUBJECT'S ACTIONS, AN EMERGENCY TAKE DOWN WAS PERFORMED BY OFFICERS B, C, AND D. AFTER THE SUBJECT WAS TAKEN DOWN, OFFICERS B AND A OBSERVED CHEWED PLASTIC CONTAINING A WHITE CHUNKY SUBSTANCE, SUSPECT NARCOTICS, INSIDE HIS MOUTH. DUE TO THE RECENT HIGH AMOUNT OF NARCOTICS OVERDOSES IN THE AREA, SOME FATAL AND EXACERBATED BY THE USE OF FENTANYL, R/O OFFICER B FOUND IT IMPERATIVE TO PREVENT THE SUBJECT FROM INGESTING THE SUBSTANCE. OFFICERS B

²⁵ Attachment 24

AND A THEN PLACED UNCLENCHED HANDS ON THE SUBECT'S NECK AND LOWER JAW AREA IN AN ATTEMPT TO REDIRECT HIS HEAD TO THE SIDE, WHILE YELLING 'SPIT IT OUT," IN ORDER TO PREVENT HIM FROM SWALLOWING A POSSIBLY LETHAL AMOUNT OF NARCOTICS. AFTER SPITTING THE SUSPECT NARCOTICS FROM HIS MOUTH, THE SUBJECT STILL REFUSED TO FOLLOW VERBAL COMMANDS, CONTINUED TO STIFFEN AND PULL AWAY, KICKED OFFICER A, AND ATTEMPTED TO PUSH HIMSELF OFF THE GROUND IN AN ATTEMPT TO GET BACK ONTO HIS FEET. OFFICERS WERE EVENTUALLY ABLE TO SECURE THE SUBJECT'S HANDS BY UTILIZING WRISTLOCKS, ARMBARS, AND EMERGENCY CUFFING. DUE TO IMMEDIACY OF THE INTIAL EVENTS, R/O OFFICER B WAS UNABLE TO ACTIVATE HIS BODY WORN CAMERA AT THE OUTSET OF THE FOOT PURSUIT OR DURING THE ENSUING STRUGGLE.

The subject's statement regarding the use of force portion of the TRR and the lieutenant or above incident commander comments section states the same as Officer D's TRR.

The TRR shows that Lieutenant B marked that they have complied with the duties outlined in G03-02-02 and that the member's use of force was not in compliance with department policy and directives. The TRR shows that Lieutenant B notified COPA and the log number 1088636 was obtained. The TRR shows that Lieutenant B recommended Officer A review department directives and be admonished on supervisor log.²⁶

A **Tactical Response Report (TRR)**, CB Number XXX, completed by Officer A, documents Officer A's use of force against Subject 1. The TRR states that Subject 1 did not follow verbal direction, stiffened his body, pulled away, fled from officers, put officers in an imminent threat of battery – no weapon, and physically attacked without a weapon, specifically by knee and leg strikes. The TRR lists that Officer A employed member presence, verbal direction/control techniques, and other against Subject 1. The TRR lists Subject 1 as unarmed and Subject 1 is marked as receiving non-fatal minor injury from the officer, and Subject 1 is marked as refusing medical aid and was taken to XXX hospital. The TRR lists the reason for response as defense of department member, overcame resistance or aggression, and stop self-inflicted harm. The TRR lists the type of activity being conducted as an investigatory stop and pursuing/arresting subject, with the charge being noted as resisting. The narrative portion of the TRR states,

IN SUMMARY P.O. A OBSERVED ABOVE SUBJECT PLACE A SMALL PLASTIC CLEAR BAG CONTAINING A WHITE ROCK LIKE SUBSTANCE CRACK/COCAINE NARCOTIC INTO HIS MOUTH, REASONABLY BELIEVING THE PLASTIC BAG TO CONTAIN NARCOTICS. EMERGENCY TAKE DOWN WAS CONDUCTED BY OTHER OFFICERS. SUBJECT WAS ORDERED TO STOP RESISTING AND PUT HIS HANDS BEHIND HIS BACK AND STOP KICKING AT P.O. OFFICER A. SUBJECT WOULD NOT COMPLY AND KICKED P.O. OFFICER A NUMEROUS TIMES IN THE STOMACH AREA. SUBJECT WAS ORDERED TO SPIT OUT NARCOTICS FROM HIS MOUTH AT WHICH TIME P.O. OFFICER A PLACED AN UNCLENCHED HAND ON SUBJECTS NECK AND LOWER JAW AREA IN AN

²⁶ Attachment 22

ATTEMPT TO GUIDE HIS HEAD TO THE SIDE IN AN EFFORT TO PREVENT INGESTING A SUSPECT POSSIBLE LETHAL SUBSTANCE. P.O. OFFICER A IS AWARE OF MANY OVERDOSES IN THE AREA OF LETHAL NARCOTICS. SUBJECT THEN SPAT OUT (2) CHEWED UP CLEAR ZIPLOC BAGS EACH CONTAINING A WHITE ROCK LIKE SUBSTANCE CRACK /COCAINE (INVENTORY#XXX). SUBJECT WAS SUCCESSFULLY HANDCUFFED AND TRANSPORTED TO THE XXX DISTRICT FOR PROCESSING. SUBJECT WAS OFFERED MEDICAL ASSISTANCE BUT REFUSED. DUE TO THE SUBJECT HAVING SUSPECT NARCOTICS IN HIS MOUTH, AS A PRECAUTION, THE SUBJECT WAS TAKEN TO XXX HOSPITAL WHERE HE OFFICIALLY REFUSED TREATMENT.

The subject's statement regarding the use of force portion of the TRR and the lieutenant or above incident commander comments section states the same as Officer D's TRR. The TRR shows that Lieutenant B marked that they have complied with the duties outlined in G03-02-02 and that the member's use of force was not in compliance with department policy and directives. The TRR shows that Lieutenant B notified COPA and the log number 1088636 was obtained. The TRR shows that Lieutenant B recommended Officer A review department directives and be admonished on supervisor log.²⁷

Evidence technician photographs of Subject 1, RD # XXX, taken on March 1, 2018, depict minor cuts and bruises to Subject 1's knees, elbows, forearms, and hands.²⁸

VI. ANALYSIS

Sergeant A initiated a complaint with COPA on March 1st, 2018, after viewing the involved officers' body worn camera footage. In the initiation report, Sergeant A noted that Officer B and A were attempting to place Subject 1 into custody, and during so, they placed their unclenched hands on Subject 1's neck and lower jaw area to prevent Subject 1 from ingesting potentially dangerous and lethal illegal substances. Sergeant A noted that the substances were recovered and found to be suspect crack cocaine. Sergeant A stated that the actions in the video *may* appear to some as excessive, as the officers placed their hands on Subject 1's neck and lower jaw. Subject 1 did not initiate a complaint with COPA, and he was unaware of the complaint when COPA Investigators interviewed him on June 22nd, 2018.

The involved officers' body worn cameras capture Subject 1's arrest, and Officer C's body worn camera clearly shows Officer B and Officer A place their hands on Subject 1's neck and lower jaw, while instructing Subject 1 to spit out what is in his mouth. Subject 1 is able to yell that he is being choked, and he eventually pulls out a small bag containing a white substance from his mouth. The officers' body worn cameras also show small bags containing a white substance on the ground near Subject 1, and the bags are recovered by Officer A. The inventory sheet associated with the arrest indicates that two chewed up bags clear Zip Loc bags containing a white rock like substance, suspect crack cocaine, were recovered from Subject 1.

²⁷ Attachment 23

²⁸ Attachment 6

Officer A and Officer B noted on their TRR’s that each placed their unclenched hands on Subject 1’s neck and lower jaw area in an effort to redirect Subject 1’s head to the side and spit out what was in his mouth. Officer A and Officer B noted that they placed their hands on Subject 1’s neck and lower jaw area and tried to move his head to the side to prevent Subject 1 from swallowing a possibly lethal amount of narcotics. Officer A also noted in his TRR that he was aware of many overdoses in the area of lethal narcotics. The involved officers’ TRR’s comport with their actions as seen on the officers’ body worn cameras.

In his statement to COPA, Subject 1 stated after he was tackled an officer put a knee into his back, and he could not breathe because the officer’s knee was in his back. Subject 1 stated he had the wind knocked out of him. Subject 1 never stated that officers put their hands on his neck or lower jaw nor did he state he was choked at any time. Rather, Subject 1 stated he could not breathe because an officer had a knee placed against his back. Subject 1 contradicted the body worn camera footage multiple times in his interview. Subject 1 stated the police never recovered drugs from him, though the camera footage shows officers recovering bags off the ground near Subject 1. Subject 1 stated he never had any bags of narcotics, though he can be seen on camera removing a plastic bag from his mouth. Subject 1 stated he suffered bruising on his elbows and knees from being tackled to the ground, which was consistent with the evidence technician photographs.

The evidence suggests that it is more likely than not that Officer A and Officer B placed their unclenched hands on Subject 1’s neck and lower jaw to stop him from ingesting a possibly lethal amount of narcotics. Officer A and Officer B accurately documented their use of force on their TRR’s and noted the reason for placing their hands on Subject 1’s neck and lower jaw. In doing so, Officer A and Officer B stopped Subject 1 from possibly swallowing bag of suspect narcotics, avoiding possible serious injury or death. As such, COPA finds Officer A and Officer B’s use of force to be within Chicago Department Rules and Regulations, and their conduct to be exonerated.

VII. CONCLUSION

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

Allegation	Finding
Officer A	
1. It is alleged that on March 1, 2018, at approximately 12:53 PM at XXXX W. Chicago Ave., Chicago, IL, Officer A used excessive force in placing his hands around Subject 1’s neck and lower jaw.	1. Exonerated
Officer B	

1. It is alleged that on March 1, 2018, at approximately 12:53 PM at XXXX W. Chicago Ave., Chicago, IL, Officer B used excessive force in placing his hands around Subject 1's neck and lower jaw.	1. Exonerated
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Approved:

Deputy Chief Administrator A
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

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