

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 5, 2017
Time of Incident:	Approximately 8:55 a.m.
Location of Incident:	3959 W. Jackson Blvd, Chicago, IL 60624
Date of COPA Notification:	October 20, 2017
Time of COPA Notification:	Approximately 11:46 a.m.

In October of 2017, Involved Individual 1 wrote to the Civilian Office of Police Accountability (“COPA”) alleging that during his September 5, 2017 arrest by two Caucasian male police officers, one of the officers stepped on his foot causing three broken toes. Involved Individual 1 further alleged in his letter that he requested and was denied medical attention.

From the associated Original Case Incident Report and Arrest Report<sup>1</sup>, RD #XXXXXXX, COPA identified the arresting Chicago Police Department (“CPD”) officers as Officer A (“Officer A”) and Officer B (“Officer B”) with the former being described as the officer who placed Involved Individual 1 into custody. Neither report mentioned an injury, actual or alleged, by Involved Individual 1. Lockup Keeper Processing notes in Involved Individual 1’s Arrest Report documented no obvious pain or injury.<sup>2</sup> However, medical records from Cook County Cermak Health Services for Involved Individual 1 indicated a fracture diagnoses to three bones in his left foot.<sup>3</sup>

Upon conclusion of our investigation, we found by a preponderance of the evidence that the misconduct alleged by Involved Individual 1 most likely did not occur. Accordingly, we recommend a finding of unfounded for the allegations against both involved officers.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, Star #XXXXXX, Employee #XXXXXX, Assigned to Unit XXX and Detailed to Unit XXX, Police Officer, Date of Appointment: XX/XX/2004, Date of Birth: XX/XX/1980, Male, Caucasian
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<sup>1</sup> See Attachments 6 and 7.

<sup>2</sup> See Attachment 6.

<sup>3</sup> See Attachments 9, 10, 26, 27 and 32.

Involved Officer #2	Officer B, Star #XXXXXX, Employee #XXXXXX, Assigned to Unit XXX, Police Officer, Date of Appointment: XX/XX/1998, Date of Birth: XX/XX/1967, Male, Caucasian
Involved Individual #1:	Involved Individual 1, Male, African-American, Date of Birth: XX/XX/1961

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	It is alleged that on September 5, 2017, at approximately 8:55 a.m., near 3959 W. Jackson Blvd (address of arrest – RD # XXXXXXXX), Officer A, while on duty:	
	<ol style="list-style-type: none"> <li>1. Used excessive force in detaining Involved Individual 1; and</li> <li>2. Failed to seek medical attention for Involved Individual 1.</li> </ol>	<p>Unfounded</p> <p>Unfounded</p>
Officer B	It is alleged that on September 5, 2017, at approximately 8:55 a.m., near 3959 W. Jackson Blvd (address of arrest – RD # XXXXXXXX), Officer B, while on duty:	
	<ol style="list-style-type: none"> <li>1. Failed to seek medical attention for Involved Individual 1.</li> </ol>	Unfounded

**IV. APPLICABLE RULES AND LAWS**

<b>Rules</b>
<b>Rule 2:</b> Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
<b>Rule 5:</b> Failure to perform any duty.
<b>Rule 8:</b> Disrespect to or maltreatment of any person, while on or off duty.
<b>Rule 9:</b> Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

## V. INVESTIGATION

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

### a. Interviews

#### i. Involved Individual 1<sup>4</sup> Statement Date: March 23, 2018

In summary, Involved Individual 1 stated that he had been standing on the sidewalk with his bicycle next to him when the officers called for him. Involved Individual 1 did not go over to them because he was not doing anything. Later, he added that he did not know they were police; stating that the officers had been out of uniform in an unmarked car and did not present themselves as police.

One officer, identified as Officer A by COPA<sup>5</sup>, gave chase to Involved Individual 1 who first rode away on his bicycle and then on foot when his bicycle slid out from under him. Officer B remained with the police car. Involved Individual 1 stated he realized it was the police chasing him when, at one point while running, he turned around and saw that Officer A had a vest and gun.

Officer A caught up with Involved Individual 1, who had stopped running because he had run out of breath, at the pillar situated at the front entrance to XXXX Food and Liquor.<sup>6</sup> Officer A grabbed Involved Individual 1, stepped on his left foot and moved to handcuff him.<sup>7</sup> Involved Individual 1 told Officer A he was on his foot.

Officer A told Involved Individual 1 to relax. Involved Individual 1 saw Officer B drive up during the time that Officer A had grabbed Involved Individual 1 and stepped on his foot. Officer B then came over and assisted in handcuffing Involved Individual 1. Involved Individual 1 was scared, and "Civilian Witness 1", identified as a part-owner of XXXX Food and Liquor by Involved Individual 1, told Involved Individual 1 to listen to the police and relax. Involved Individual 1 panicked and resisted the officers attempt to handcuff him. Involved Individual 1 tried to keep the officers from putting his arms in handcuffs as the officers wrestled with his arms and asked Involved Individual 1 to relax.

Involved Individual 1 and Officer A were standing still when the Officer A stepped on Involved Individual 1's foot hard enough to break three bones. Involved Individual 1 denied having

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<sup>4</sup> See Attachment 31.

<sup>5</sup> COPA identified him from the associated CPD reports. Officer A also self-identified during his statement to COPA.

<sup>6</sup> See Attachment 69.

<sup>7</sup> Involved Individual 1 described the officer who ran after him and stepped on his foot as kind of short, Caucasian, kind of stocky, no glasses, short haircut, and a mustache and a small beard with grey hairs throughout. Involved Individual 1 described said officer's partner as looking about 6'2" to 6'3", kind of heavy with a little hair on his head, big feet and no glasses. Involved Individual 1 stated the partner had been the officer who arrived by car at the front of the store. CLEAR Data Warehouse Alpha/Star Query list Officer B as 6'0" weighing 225 lbs. and Officer A as 5'9" and 180 lbs. While not in CLEAR, the CLEAR Data Warehouse documents are included in the original case file.

prior injury to his left foot or broken bones generally or having foot pain before Officer A stepped on his foot.

Once handcuffed, the officers placed Involved Individual 1 into the police car, which Involved Individual 1 limped to. Involved Individual 1 told the officers that something was wrong with his foot, as well as that Officer A had stepped on his foot. Involved Individual 1 requested to go to the hospital. Officer A then told Involved Individual 1 that if they went to the hospital, Officer A would also go for a jammed finger caused by Involved Individual 1 and Involved Individual 1 would be charged with aggravated battery to a police officer. The officers transported Involved Individual 1 to the police station. At the station, he requested medical attention after the officers had left him. Involved Individual 1 did not see a doctor until the following day.

Involved Individual 1 told investigators the he was previously in jail on the September 1, 2017. Initially, Involved Individual 1 denied seeing a doctor or nurse or even getting questioned about his health history on September 1<sup>st</sup>. When confronted with medical records, Involved Individual 1 then admitted to seeing a doctor on the 1<sup>st</sup>, which he described as “normal” and “something that happens whenever you go to jail.” Involved Individual 1 denied that he was limping on the 1<sup>st</sup> or that there was anything wrong with his foot all. When asked why his medical records documented pain to his left foot and limping, Involved Individual 1 could not remember making such a complaint to doctors. Involved Individual 1 further denied being under the influence of alcohol or any other type of medication, except an inhaler for asthma, during his encounter with the officers on the September 5, 2017.

When asked again how he was apprehended, Involved Individual 1 explained that he stopped running because he was out of breath, which was when the short officer jumped on his foot put one handcuff on one of his hands. The other officer then came to assist and both officers took Involved Individual 1 to the ground. The officer stood on his foot the whole time they were trying to handcuff him. Finally, Involved Individual 1 agreed that he had no explanation as to why his medical record from the 1<sup>st</sup> of September indicted that he was limping.

#### **ii. April 25, 2018 Field Visit to XXXX Food and Liquor<sup>8</sup>**

“Civilian Witness 1,” who was referenced by Involved Individual 1 in his statement to COPA, informally, and not audio recorded, spoke with COPA Investigators at XXXX Food and Liquor on April 25, 2018. Civilian Witness 1 stated he is generally familiar with Involved Individual 1. On the date of the incident, Civilian Witness 1 watched as Involved Individual 1 was following partially into XXXX Food and Liquor by the officers. The officers then handcuffed Involved Individual 1 and took him outside. Civilian Witness 1 did not see any officer injure Involved Individual 1 or step on Involved Individual 1’s foot. Although the store has surveillance footage, video from the arrest date was no longer available.

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<sup>8</sup> See Attachment 49.

**iii. Accused Officer A<sup>9 10</sup>**  
**Statement Date: July 26, 2018**

Officer A denied the allegations against him.

Officer A told investigators that Involved Individual 1 fled and that he initially chased Involved Individual 1 with his car and then on foot. Officer B remained with the car and drove it to the location of Involved Individual 1's arrest. Officer A caught up with Involved Individual 1 in the vestibule of the XXXX Food and Liquor, neither Involved Individual 1 nor Officer A fully entered the store. The officer then grabbed Involved Individual 1's arms and placed one hand behind Involved Individual 1's back, at which point Involved Individual 1 stiffened his arms a little. Officer A provided verbal direction and Involved Individual 1 lessened his tension. Officer A finished handcuffing Involved Individual 1 as Officer B arrived. Officer A walked Involved Individual 1 to the police car and both officers then he transported Involved Individual 1 to the police station where Officer A asked Involved Individual 1 if he needed medical attention, had medical problems, and so on. Involved Individual 1 responded no. Officer A stated this was normal procedure for him with all arrestees.

Prior to catching up with Involved Individual 1, Officer A observed Involved Individual 1 running and he appeared to jump a fence without difficulty. Officer A denied that he or Involved Individual 1 ever went to the ground. He also denied ever stepping on Involved Individual 1's foot. During the handcuffing, Involved Individual 1 remained primarily stationary with Involved Individual 1 not attempting to move away from him. Involved Individual 1 never asked for medical attention, nor did he tell the officers that his foot hurt.

**iv. Accused Officer B<sup>11 12</sup>**  
**Statement Date: July 31, 2018**

Officer B denied the allegation made against him.

Officer B told investigators that he drove the police car to meet Involved Individual 1 and Officer A, who chased Involved Individual 1 on foot. He did not perceive Involved Individual 1 to have difficulty when he ran away. By the time Officer B caught up with Officer A and Involved Individual 1, Involved Individual 1 was in custody with Officer A completing a custodial search. The two officers then walked Involved Individual 1 to the police car and placed him inside. Involved Individual 1 seemed to walk to the car without difficulty. At no point during his

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<sup>9</sup> See Attachment 58.

<sup>10</sup> At the time of the statement, Officer A had been notified of Involved Individual 1's civil lawsuit. While not directly asked about the broken bones in Involved Individual 1's foot, he answered in the affirmative when asked whether he would be surprised to hear that Involved Individual 1 may have received an injury. He iterated that any force or physical contact between himself and Involved Individual 1 was limited to the handcuffing as he described in the statement, and that had additional force been used he would have completed a Tactical Response Report ("TRR"). Additionally, he stated that any injury to Involved Individual 1 would not have resulted from the performance of his duties. (See Attachment 9).

<sup>11</sup> See Attachments 65 and 66.

<sup>12</sup> At the time of the statement, Officer B knew Involved Individual 1 had named him in a civil lawsuit centering on this arrest. He stated he did not know the specifics of the complaint. When asked what his thoughts would be if he were to hear that Involved Individual 1 was alleging an injury from the arrest, Officer B answered that Involved Individual 1 was not hurt during his and Officer A's interaction with Involved Individual 1.

interaction with Involved Individual 1 did Officer B see Officer A stand on Involved Individual 1's feet, nor did Officer B stand on Involved Individual 1's feet. Involved Individual 1 never requested medical attention or indicated that he was in pain.

## **VI. Documentary Evidence**

### **i. Involved Individual 1's Medical Records<sup>13</sup>**

An intake health screening was performed on September 1, 2017. Among other things, this screening documented pain to Involved Individual 1's left foot and limping. Later, this same screening also documented pain to Involved Individual 1's right foot and limping.<sup>14</sup>

On September 6, 2017, a second health screening of Involved Individual 1 was performed. This second health screening also documented that Involved Individual 1 was limping.<sup>15</sup> Due to an elevated pulse, Involved Individual 1 was then seen by medical staff on September 7, 2017. On the 7<sup>th</sup> Involved Individual 1 felt "okay," but was not drinking much water due to drug addiction withdraw accompanied by nausea and vomiting. On the 7<sup>th</sup> Involved Individual 1 also complained of left foot pain upon his arrest. An x-ray of Involved Individual 1's left foot was ordered. Involved Individual 1 received a diagnosis of fractured metatarsal bones in his left foot.<sup>16</sup> Involved Individual 1's Medical records documented that his foot injury occurred as he was fleeing from the police. The records also documented the injury as resulting from an officer stepping on Involved Individual 1's foot.

### **ii. Civil Complaint.**

In a civil complaint filed by Involved Individual 1 on February 20, 2018, Involved Individual 1 indicated that two men in a black Crown Victoria asked Involved Individual 1 to come to their car. Not knowing who the men were, Involved Individual 1 refused to come to the vehicle. Instead, Involved Individual 1 road away on his bicycle as the men followed him to the front of a liquor store. In front of the store, one of the men threw Involved Individual 1 to the pavement and handcuffed Involved Individual 1. Then, the other man "jumped as hard as he could" on Involved Individual 1's left foot. Involved Individual 1 then told the officers that his foot was broken and that he needed medical attention. The officers refused to provide any medical intention.

## **VII. ANALYSIS**

This investigation pitted the allegations of Involved Individual 1 against the officers' accounts. Involved Individual 1 alleged that an officer's use of force caused the injury to him — broken bones to his left foot. The officers then subsequently denied Involved Individual 1 medical attention. On the other hand, the officers denied ever injuring Involved Individual 1 by stepping on his foot. They further denied that Involved Individual 1 requested medical attention. Upon a

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<sup>13</sup> See Attachments 10, 27 and 32.

<sup>14</sup> See Attachment 32, pgs. 84, 88 and 90.

<sup>15</sup> See Attachment 32, pg. 65.

<sup>16</sup> See Attachment 32, pg. 70.

careful review of Involved Individual 1's Medical records and statements, we have concluded by a preponderance of the evidence that the misconduct as alleged by Involved Individual 1 most likely did not occur.

It is undeniable that following Involved Individual 1's arrest on September 5, 2017 doctors diagnosed Involved Individual 1 with three broken bones in his left foot. However, when we compared Involved Individual 1's statement(s) with his medical records we found Involved Individual 1 not credible as to when and how he received an injury to his left foot.

Significantly, during his interview with COPA investigators, Involved Individual 1 denied having any knowledge of an injury to his left foot on September 1, 2017. Despite this assertion, COPA found that this simply was not true. Medical Records from the 1<sup>st</sup> of September clearly documented that Involved Individual 1 suffered from pain to his left foot and was limping. We find it improbable that a medical professional would document a foot injury in Involved Individual 1's medical records without any observation of such an injury and/or a verbal complaint of the injury from Involved Individual 1 himself. Furthermore, we believe the probability that medical staff could guess on the 1<sup>st</sup> of September the exact injury that Involved Individual 1 would claim on the 7<sup>th</sup> of September (incurred on the 5<sup>th</sup> of September) to be extremely remote. We acknowledge that such a denial in Involved Individual 1's interview is not dispositive of whether the officers stepped on Involved Individual 1 foot and created further injury. However, we do find that such a denial speaks to the reliability of Involved Individual 1's statement, and ultimately his allegations of misconduct.

Further, both officers denied stepping on Involved Individual 1's foot. Additionally, Civilian Witness 1, an independent witness, also denied seeing the officers harm Involved Individual 1 or step on his foot. Finally, both involved officers, Civilian Witness 1 (as described by Involved Individual 1 in his interview), and Involved Individual 1 himself all indicated that the officers verbally tried to calm Involved Individual 1 by asking him to relax and cooperate. The officer's account, along with that of Civilian Witness 1's, described something more akin to a calmer, less physical interaction, contrary to Involved Individual 1's assertion that officers purposefully stomped/jumped on Involved Individual 1's foot.

Involved Individual 1 also alleged he immediately asked for medical attention but was denied medical attention by the involved officers following his arrest. Questioning this claim is the fact that Involved Individual 1 did not immediately renew his request for medical attention upon being transferred to Cook County Jail. Medical records show that on the September 6, 2018 Involved Individual 1 did not request medical attention for a foot injury resulting from his interaction with officers on the September 5<sup>th</sup>. Instead, the records documented limping, like the prior injury documented on the 1<sup>st</sup> of September. While Involved Individual 1 claimed that he actively requested medical attention starting from the point of his arrest forward, he was rather lax about mentioning the injury to medical staff upon his arrival at Cook County Jail. It was not until September 7, 2018 that Involved Individual 1 told medical staff that officers injured his foot during an arrest.

Finally, we found inconsistencies in Involved Individual 1's various accounts. Unlike in his statement to COPA, Involved Individual 1 described Officer B, instead of Officer A, as the officer

who stepped on his foot in his civil complaint, filed approximately a month prior to his COPA statement. Involved Individual 1’s medical records documented that Involved Individual 1 was injured fleeing from the police and at other times the records indicated the injury occurred when an officer stepped on Involved Individual 1’s foot.

In conclusion, we find by a preponderance of the evidence that Involved Individual 1 had a preexisting injury to his to foot prior to his encounter with Officers A and B, and that Involved Individual 1 denied the injury without explanation when questioned about it by investigators. Involved Individual 1’s denial imparted doubt on the truthfulness and/or reliability of Involved Individual 1’s his statement and allegations. Equally important was the consistent accounts of both involved officers along with that of Civilian Witness 1, an independent witness. Accordingly, COPA recommends a finding of unfounded for all allegations.

**VIII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	It is alleged that on September 5, 2017, at approximately 8:55 a.m., near 3959 W. Jackson Blvd (address of arrest – RD # JA419294), Officer A, while on duty:	
	<ol style="list-style-type: none"> <li>1. Used excessive force in detaining ; and Involved Individual 1</li> <li>2. Failed to seek medical attention for Involved Individual 1.</li> </ol>	<p>Unfounded</p> <p>Unfounded</p>
Officer B	It is alleged that on September 5, 2017, at approximately 8:55 a.m., near 3959 W. Jackson Blvd (address of arrest – RD # JA419294), Officer B, while on duty:	

	1. Failed to seek medical attention for Involved Individual 1.	Unfounded
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Approved:

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*Deputy Chief Administrator 1 – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator 1
<b>Supervising Investigator:</b>	Supervising Investigator 1
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator