

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 1, 2014
Time of Incident:	7:30 p.m.
Location of Incident:	1543 W. 51 st Street
Date of COPA Notification:	November 2, 2015
Time of COPA Notification:	8:53 p.m.

██████████ was reportedly involved in a domestic dispute with his girlfriend, ██████████. ██████████ called the police and the responding officers placed Mr. ██████████ in custody for Domestic Battery. ██████████ subsequently filed a Civil Suit, alleging excessive force against the arresting officers. COPA finds that the allegations against the involved officers are Not Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Unidentified Officers
Involved Individual #1:	██████████ DOB: ██████████ 1981, male, black.
Involved Individual #2:	██████████ DOB: ██████████ 1986, male, black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Unidentified Officers	1. It is alleged that Unidentified Officers threw ██████████ to the ground.	Not Sustained
	2. It is alleged that Unidentified Officers kicked ██████████ about the body.	Not Sustained
	3. It is alleged that an Unidentified Officer threatened ██████████ with additional charges when ██████████ complained of injuries.	Not Sustained
	4. It is alleged that an Unidentified Officer stated to ██████████ "Move the fuck around, nigger."	Not Sustained

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.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
 2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
-

General Orders

1. G03-02: Use of Force Guidelines

V. INVESTIGATION²

a. Interviews³

In a deposition on June 7, 2016, ██████████ stated that prior to his contact with the police, he was at home watching television with his girlfriend, ██████████ and her cousin, ██████████ ██████████ and ██████████ had an argument and ██████████ asked ██████████ to leave. ██████████ and ██████████ left out the back door and walked to the bus stop at 51st Street. As ██████████ and ██████████ stood at the bus stop, a police van pulled up and multiple officers exited the vehicle. One of the officers asked which of them was ██████████ identified himself. The same officer asked ██████████ if he liked to beat women, and then threw ██████████ to the ground. ██████████ landed on his right elbow. ██████████ stated that he never ran or walked away from the officers. An officer rolled ██████████ onto his stomach and handcuffed him. ██████████ was kicked about the body as he lay on the ground, but ██████████ could not see who kicked him. ██████████ told the officers his arm hurt but they ignored him. The officers placed ██████████ in the back seat of a squad car next to ██████████. The officers transported ██████████ to the station and placed him in a holding cell. While in the holding cell, ██████████ yelled out that his arm hurt. An officer told ██████████ to be quiet before ██████████ had more to worry about than his arm. ██████████ stated that he did not complain further about his arm because he did not want any additional charges placed against him. ██████████ never told the lockup keeper that he was injured and did not ask to go to the hospital. The next day ██████████ was transferred to the Cook County Jail. Once ██████████ was processed, he sought medical attention at the jail and was diagnosed with an elbow fracture. ██████████ had surgery on May 9, 2014, and another surgery on July 14, 2014 to repair his elbow. In addition to the elbow fracture, ██████████ stated that he sustained marks on the right side of his face during the incident, presumably when the officers threw him to the ground. During the deposition, ██████████ saw a screenshot from a video clip taken by ██████████ and circled a picture of the officer⁴ he believed threw him (█████████) to the ground.⁵

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 ██████████ and ██████████ declined to provide interviews to IPRA. See Attachments 27, 28, 45-49, 52, 53.

⁴ COPA could not use the photograph to identify the accused officer, as the photograph only shows the officer's back. See Attachment 66, page 19.

⁵ Attachments 32

In a deposition on September 13, 2016, ██████████ stated that he and ██████████ were at the bus stop when a white van pulled up. At least four uniformed police officers exited the van. ██████████ and ██████████ put their hands up. A Hispanic or Asian male officer tried to grab ██████████ hand and the other officers surrounded ██████████ walked to a nearby liquor store and recorded a portion of the incident. ██████████ next saw ██████████ on the ground; however, ██████████ did not see how ██████████ went to the ground. Multiple officers had their knee on ██████████ back and a female officer put ██████████ arm behind his back. Additional officers in plainclothes arrived on scene. Two of the officers told ██████████ to leave. ██████████ refused and told the officers he was not interfering with the investigation. One of the officers stated to ██████████ “move the fuck around, nigger.” Another officer took ██████████ phone and handcuffed him. The officers placed ██████████ in the back seat of a squad car and transported him and ██████████ to the police station. Prior to being handcuffed, ██████████ recorded two video clips. ██████████ uploaded one of the videos to Glide, an instant video messaging platform. ██████████ was not sure whether he uploaded the second video to Glide or saved it to his cell phone. When ██████████ was released from custody, he could not locate the second video. ██████████ believes that the officer who took his phone deleted the second video. ██████████ stated that the missing video captured the officers kneeling on ██████████ and an officer bending ██████████ arm behind his back.⁶

In a deposition on July 19, 2016, Sgt. ██████████ stated that she responded to a Domestic Battery at ██████████. Sgt. ██████████ was the first officer on scene. Sgt. ██████████ was met on the curbside of the street by a woman, now identified as ██████████ was visibly upset and had visible injury to her mouth and face. ██████████ provided Sgt. ██████████ a full description of the person responsible, ██████████ and informed Sgt. ██████████ that ██████████ ran out the back door. Sgt. ██████████ provided the information to the Office of Emergency Management and Communications (OEMC). Officers ██████████ and ██████████ arrived and continued the investigation with ██████████ while Sgt. ██████████ toured the area looking for ██████████ Shortly thereafter, officers from Unit ██████████ Impact Zone Officers, announced that they had a person in custody at approximately 51st and Ashland. Sgt. ██████████ went to the location and observed ██████████ in handcuffs, seated on the ground. The officers requested a transport vehicle. Officers ██████████ and ██████████ relocated to the area and transported ██████████ to the station. Sgt. ██████████ stated that she did not observe any injuries to ██████████ and she did not hear anyone mention that ██████████ fell or that officers took ██████████ to the ground. Sgt. ██████████ stated that she had no memory of ██████████ arrest or seeing him on scene.⁷

In a deposition on September 13, 2016, ██████████ stated that on the date of incident, she and her boyfriend, ██████████ had an argument and she called the police to remove ██████████ from their home. According to ██████████ the altercation was not physical, and she was not injured. ██████████ stated that ██████████ left with her cousin, ██████████ before the police arrived. Shortly after, ██████████ sent ██████████ two videos of ██████████ arrest through the Glide application. One video depicted officers kicking ██████████⁸

b. Documentary Evidence

⁶ Attachment 60

⁷ Attachment 43

⁸ Attachment 61

Civil Suit Number 15 L [REDACTED] filed July 6, 2015, alleges that during [REDACTED] arrest, one or more Chicago Police Officers intentionally took or threw [REDACTED] to the ground without warning or legal justification. According to the suit, [REDACTED] immediately complained to the officers that he felt pain in his arm. The officers transported [REDACTED] to the police station where [REDACTED] continued to complain of pain. Officers threatened to place additional criminal charges against [REDACTED] if he kept complaining. [REDACTED] sustained an injury to his elbow that required multiple surgeries.⁹

The **Arrest and Case Reports** under **RD #** [REDACTED] document that [REDACTED] was arrested and charged with Domestic Battery—Bodily Harm. [REDACTED] related that her boyfriend, [REDACTED] was drinking and they had a verbal altercation.¹⁰ [REDACTED] reportedly became irate and punched [REDACTED] in the mouth, causing swelling. [REDACTED] fled the scene, [REDACTED] Boulevard, prior to the officers' arrival. Responding officers observed [REDACTED] in the vicinity of 1543 W. 51st Street, matching the description of the offender. [REDACTED] fled on foot and fell. The officers subsequently placed [REDACTED] in custody without further incident. Officers [REDACTED] [REDACTED] were the arresting officers.¹¹

A **Chicago Police Department Event Query** documents that on May 1, 2014 at 7:06 p.m., [REDACTED] dialed 911¹² and reported that her ex-boyfriend, [REDACTED] battered her. [REDACTED] provided a description of [REDACTED] and his direction of flight.¹³

Court records document that the charges against [REDACTED] and [REDACTED] were dismissed.¹⁴

The **Arrest and Case Reports** under **RD #** [REDACTED] document that officers responding to the disturbance involving [REDACTED] observed [REDACTED] acting belligerent toward people in front of a store at 5101 S. Ashland. Complainant [REDACTED] informed the officers that [REDACTED] ignored repeated requests to leave the front of the store. [REDACTED] was subsequently placed in custody and charged with Criminal Trespass to Land. Officers [REDACTED] [REDACTED] were the arresting officers.¹⁵

c. Physical Evidence

Medical records from John Stroger Hospital dated May 2, 2014 document that [REDACTED] told hospital personnel that he fell on his right elbow as he was being arrested. [REDACTED] was diagnosed with a right radial head fracture that required surgical intervention.¹⁶

⁹ Attachment 5

¹⁰ [REDACTED] is referred to as [REDACTED] in the Case Report.

¹¹ Attachments 6, 10

¹² The audio transmissions were recycled before IPRA could obtain a copy of them. See Attachment 54.

¹³ Attachment 12

¹⁴ Attachment 13, 51

¹⁵ Attachment 34, 37

¹⁶ Attachment 55

Medical records from Ashland Primary Care dated January 14, 2015 document that during a physical exam, ██████ told medical personnel that police threw him on the ground and he landed on his elbow. ██████ related that he had trouble with the police following an argument with his girlfriend.¹⁷

d. Digital Evidence

A search for **In-Car video** found that there was no available video relative to this incident.¹⁸

Cell phone video taken by ██████ depicts ██████ seated on the ground, in handcuffs. Three uniformed male officers and four plainclothes males are standing near ██████. ██████ urges someone named ██████ to answer the phone. The video is 22 seconds long.¹⁹

VI. ANALYSIS

COPA recommends a finding of **Not Sustained** for **Allegations #1-2** against **Unidentified Officers**, that they threw ██████ to the ground and kicked him about the body. ██████ stated that officers kicked him as he lay on the ground, but he did not see who kicked him. ██████ corroborated the allegation that officers kicked ██████ however, ██████ stated he did not see how ██████ went to the ground. While it is apparent that ██████ sustained serious injury to his elbow during the incident, there is no compelling evidence to prove how ██████ sustained the injury. The medical records dated January 2015 document that ██████ told medical personnel that the police threw him on the ground; however, earlier medical records dated May 2014 indicate that ██████ reported that he fell on his elbow as he was being arrested. The available video does not depict ██████ being thrown to the ground or kicked about the body; nor does it depict any physical contact between the arresting officers and ██████. Department records document that upon seeing the officers ██████ fled on foot and fell, and the officers subsequently placed ██████ in custody without further incident. There were at least ten officers on scene at the time of ██████ and ██████ arrests. None of the involved officers reported any use of force, and the officers did not complete Tactical Response Reports to document any use of force. Without the identity of the accused officers or any independent information, there is insufficient evidence to prove or disprove the allegations.

COPA recommends a finding of **Not Sustained** for **Allegation #3** against an **Unidentified Officer**, that he threatened ██████ with additional charges when ██████ complained of injuries. According to ██████ when he yelled out from the holding cell that he was in pain, an officer told ██████ to be quiet before he had more to worry about than his arm. While this can be construed as a threat, there is no explicit threat of additional charges. Additionally, the identity of the accused officer is unknown. Without any independent corroboration or additional information, there is insufficient evidence to prove or disprove the allegation.

COPA recommends a finding of **Not Sustained** for **Allegation #4** against an **Unidentified Officer**, that he stated to ██████ “Move the fuck around, nigger.” There were at least ten officers on the scene of ██████ and ██████ arrest. ██████ did not obtain any identifying

¹⁷ Attachment 59

¹⁸ Attachment 44

¹⁹ Attachment 71

information from the accused officer. The available video clip does not capture any officer making this comment to ██████████ Without the identity of the accused officer or any independent corroboration, there is insufficient evidence to prove or disprove the allegation.

VII. CONCLUSION

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

Officer	Allegation	Finding
Unidentified Officers	1. It is alleged that Unidentified Officers threw ██████████ to the ground.	Not Sustained
	2. It is alleged that Unidentified Officers kicked ██████████ about the body.	Not Sustained
	3. It is alleged that an Unidentified Officer threatened ██████████ with additional charges when ██████████ complained of injuries.	Not Sustained
	4. It is alleged that an Unidentified Officer stated to ██████████ "Move the fuck around, nigger."	Not Sustained

Approved:

██████████

January 31, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Andrea Kersten