

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 1, 2016
Time of Incident:	4:42 p.m.
Location of Incident:	XXXX S. Commercial Avenue
Date of COPA Notification:	June 3, 2016
Time of COPA Notification:	6:05 p.m.

The involved officers observed the complainant, Involved Individual 1, walking down the street drinking an alcoholic beverage. The officers approached Involved Individual 1 to conduct a field interview, and ultimately arrested Involved Individual 1. Involved Individual 1 subsequently filed a complaint against the involved officers alleging misconduct. COPA finds that the officers' actions were within CPD policy and the allegations against the officers are Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, star# XXXXX, employee# XXXXXX, Date of Appointment: XXXXXXXX XX, 2013, rank: Police Officer, Unit of Assignment: XXX, DOB: XXXXX XX, 1978, male, black.
Involved Officer #2:	Officer B, star# XXXXX, employee# XXXXXX, Date of Appointment: XXXXXXX X, 2013, rank: Police Officer, Unit of Assignment: XXX, DOB: XXXXXXXX XX, 1980, male, white.
Involved Individual #1:	Involved Individual 1, DOB: July XX, 1968, male, white.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that the accused officer grabbed Involved Individual 1's arm, in violation of Rule 8.	Exonerated
Officer B	1. It is alleged that the accused officer grabbed Involved Individual 1's arm, in violation of Rule 8.	Exonerated

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 8: Disrespect to or maltreatment of any person, while on or off duty.
-

General Orders

-
1. General Order G03-02: Use of Force Guidelines
-

State Laws

-
1. Illinois Compiled Statutes, Chapter 720, Article 5, Section 7-5
-

Municipal Laws

-
1. Chicago Municipal Code, Chapter 8-4-030
-

V. INVESTIGATION²

a. Interviews

In a statement to IPRA on June 3, 2016, **Involved Individual 1** stated that he was walking down the street with an open container of beer when two police officers,³ now identified as Officers A and B, questioned him about the open container. Involved Individual 1 apologized to the officers, put down the container, and told the officers to write him a ticket and he would pay the fine. According to Involved Individual 1, the officers were dissatisfied with his response and approached him as if they wanted to perform a pat down. Involved Individual 1 felt that public drinking did not warrant a pat down or anything more than a ticket, so he raised his voice at the officers and things escalated. Involved Individual 1 told the officers that they did not have probable cause, and he informed them that the law dictates that he receive a ticket for his offense. Involved Individual 1 stated that Officer A grabbed his arm to restrain him. Involved Individual 1 jerked and pulled away. Officer B then grabbed Involved Individual 1's arm and told him he was under arrest. The officers handcuffed Involved Individual 1 and Involved Individual 1 "blacked out." Involved Individual 1 stated that he did not remember much else except arriving at the police station. Involved Individual 1 acknowledged that he was under the influence of alcohol at the time of the incident. Involved Individual 1 added that he informed the officers that he has a medical diagnosis of Post-Traumatic Stress Disorder (PTSD), but he did not elaborate as to the cause of that diagnosis.⁴

b. Digital Evidence

Evidence technician photographs depict what appears to be bruising to Involved Individual 1's left arm, upper right arm, and a mark on his right wrist.⁵

c. Documentary Evidence

The **Arrest and Case Reports** document that Involved Individual 1 was cited for Drinking Alcohol on the Public Way and charged with Resisting/ Obstructing a Peace Officer. It is reported that Officers A and B observed Involved Individual 1 walking down the street drinking a 16-ounce Heineken beer. When the officers attempted to detain him, Involved Individual 1 became loud, highly agitated, aggressive, and refused to follow verbal commands. The officers attempted to place Involved Individual 1 into custody and Involved Individual 1 pulled away and flailed his arms. Officer A grabbed Involved Individual 1 to subdue him and pushed Involved Individual 1 against the squad car to gain control. The officers observed through Involved Individual 1's speech pattern and behavior that Involved Individual 1 was intoxicated. After a brief struggle, the officers handcuffed Involved Individual 1 and transported him to the police station. While at the station, Involved Individual 1 screamed loudly about being a XXXX XXXX XXXXXXXX. Involved Individual 1 was highly aggressive and inconsolable; consequently, Involved Individual 1 was

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 Involved Individual 1 described the officers as one white male and one black male officer, both in plainclothes.

⁴ Attachment 8

⁵ Attachment 24

taken directly to a holding cell. The arrestee questionnaire section of the Arrest Report notes that Involved Individual 1 has “serious mental problems,” which was further described as PTSD. The visual check of the arrestee section noted that he was under the influence of alcohol/drugs.⁶

Officer A’s **Tactical Response Report (TRR)** documents that Involved Individual 1 did not follow verbal direction and pulled away. Officer A responded with verbal commands and a takedown/emergency handcuffing. The review section of the TRR documents that Involved Individual 1 was highly intoxicated and asleep when a supervisory Department member attempted to interview him regarding the officer’s use of force.⁷

Court Records document that the Resisting/Obstructing charge and citation for Drinking Alcohol on the Public way against Involved Individual 1 were both dismissed.⁸

VI. ANALYSIS

COPA recommends a finding of **Exonerated** for **Allegation #1** against **Officer A**, that he grabbed Involved Individual 1’s arm. Involved Individual 1 admitted to drinking alcohol on the public way and acknowledged that he was under the influence at the time of the incident. Involved Individual 1 determined that his offense merely warranted a citation and admonished the officers against taking any further action. Chicago Municipal Code, Chapter 8-4-030 states in part “It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way or in or about any motor vehicle upon a public way in the city...any person who violates this section shall be fined not less than \$100.00 nor more than \$500.00 or shall be punished by imprisonment for a period of six months or by both such fine and imprisonment for each offense.” Based on Involved Individual 1’s violation of the municipal code, the officers had probable cause to arrest him.

By Involved Individual 1’s own account, he was argumentative with the officers and resisted arrest by pulling away when Officer A grabbed his arm to restrain him. The Illinois Compiled Statutes, Chapter 720, Article 5, Section 7-5 provides in part, “A peace officer...need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.” Department reports reflect that Involved Individual 1 pulled away and flailed his arms when the officers attempted to place him in custody, which classifies him as an Active Resister. Officer A subsequently used force to subdue Involved Individual 1 and documented his use of force in a Tactical Response Report. While Involved Individual 1 has obvious signs of bruising on both arms, the bruising is consistent with Involved Individual 1’s description of the incident that the officers’ grabbed his arms to restrain him. Based on the above factors, COPA recommends that the allegation be classified as Exonerated, and that the investigation be terminated without requesting statements from any of the involved officers. Although the event likely occurred in a manner consistent with Involved Individual 1’s description, Officer A and Officer B were justified in their actions.

⁶ Attachment 10, 19

⁷ Attachment 11

⁸ Attachment 21

COPA recommends a finding of **Exonerated** for **Allegation #1** against **Officer B**, that he grabbed Involved Individual 1’s arm, for the same basis cited for Allegation #1 against Officer A.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. It is alleged that the accused officer grabbed Involved Individual 1’s arm, in violation of Rule 8.	Exonerated
Officer B	1. It is alleged that the accused officer grabbed Involved Individual 1’s arm, in violation of Rule 8.	Exonerated

Approved:

Deputy Chief Administrator – Chief Investigator A

Date

Appendix A

Assigned Investigative Staff

Squad#:	XXX
Major Case Specialist:	Major Case Specialist
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A