

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

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|----------------------------|------------------------------|
| Date of Incident: | April 5, 2018 |
| Time of Incident: | 8:30 P.M. |
| Location of Incident: | ██████████ Chicago, IL 60644 |
| Date of COPA Notification: | May 17, 2018 |
| Time of COPA Notification: | 4:22 P.M. |

On May 17, 2018, an initiation report was received from Sergeant ██████████ #██████████ of the Bureau of Internal Affairs, which documented that upon reviewing Body Worn Camera (BWC) videos in relation to their log #██████████, recorded under Event #██████████, ██████████ “Mr. ██████████ appears to state, “██████████ and ██████████ bust my eye.” On April 5, 2018, officers were dispatched to Lake and Central for reports of a female that had been stabbed in the face. A flash message was sent out over the radio with a description of the subject and that he goes by the name ██████████. Officers in the area knew an individual to go by that name and seen him in the area matching the description. Upon officers attempting to apprehend Mr. ██████████ he ran away, but then was apprehended a short time later as he was running from angry individuals. Mr. ██████████ was arrested and had a small laceration above his right eye when interacting with the officers which he received treatment for at Loretto Hospital.

II. INVOLVED PARTIES

| | |
|-------------------------|---|
| Involved Officer #1: | ██████████ Star # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2014, Police Officer, ██████████ District, DOB: ██████████ 1985, Male, White |
| Involved Officer #2: | ██████████ Star # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2013, Police Officer, ██████████ District, DOB: ██████████ 1975, Male, White |
| Involved Individual #1: | ██████████ DOB: ██████████ 1981, Male, Black |

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.

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|--------------------|--|--------------------------|
| Officer ██████████ | 1. That on or about April 5, 2018, at approximately 8:30 p.m., in the vicinity of ██████████ you caused injury to ██████████ in violation of Rule(s): 2, 3, 6, 8, 9, and 10. | Exonerated |
| Officer ██████████ | 1. That on or about April 5, 2018, at approximately 8:30 p.m., in the vicinity of ██████████ you caused injury to ██████████ in violation of Rule(s): 2, 3, 6, 8, 9, and 10. | Exonerated |

IV. APPLICABLE RULES AND LAWS

Rules

- 2. Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.²
- 3. Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.³
- 6. Disobedience of an order or directive, whether written or oral.⁴
- 8. Disrespect to or maltreatment of any person, while on or off duty.
- 9. Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.⁵
- 10. Inattention to duty.

General Orders

- 1. G03-02: Use of Force

² This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

³ This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

⁴ This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of superior.

⁵ Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

V. INVESTIGATION⁶

a. Interviews⁷

b. Digital Evidence

Body Worn Camera (BWC) and In-Car Camera (ICC) footage was obtained for this incident. Several officer's cameras captured arriving on scene regarding the cut victim and looking for Mr. [REDACTED]. The BWC shows that Mr. [REDACTED] was located by officers [REDACTED] and [REDACTED]. Shortly after the officer's encounter with Mr. [REDACTED], Mr. [REDACTED] is seen with a bleeding wound above his right eye. Mr. [REDACTED] initially stated that he does not know how his eye became busted or why it was bleeding, but then later, as he is facing the arresting officers, states that Officer [REDACTED] and Officer [REDACTED] busted his eye. Mr. [REDACTED] is yelling at other civilian parties that are near him when he is apprehended and appears to be agitated despite stating he is taking his medication. Mr. [REDACTED] spits towards one of the civilians as officers are trying to handcuff him. The ICC video does not show any of the interaction between the officers and Mr. [REDACTED] and merely only captures parts of the encounter through audio.⁸

Radio and 911 calls were obtained surrounding the incident. Several 911 calls were made prior to the stabbing incident from [REDACTED], Mr. [REDACTED] mother, and [REDACTED], a neighbor. These calls document that Mr. [REDACTED] would not leave his mother's residence, was being violent and appeared to not be on his medication for schizophrenia. Shortly thereafter, a 911 call was received from [REDACTED] who was reporting the stabbing.⁹

The **booking photograph** of Mr. [REDACTED] shows a bandage across the eyebrow area on his right-side.¹⁰

c. Physical Evidence

The **medical records from Loretto Hospital** document that Mr. [REDACTED] was brought in on April 5, 2018, while in CPD custody. It is noted that Mr. [REDACTED] was "bizarre with rambling thoughts and flight of ideas." He has a past medical history of schizophrenia and was prescribed medication. Mr. [REDACTED] was treated for a small laceration to the right eyelid sustained during a domestic altercation. The laceration was sutured, and he was discharged.¹¹

d. Documentary Evidence

⁶ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁷ COPA attempted to interview Mr. [REDACTED] however, he declined to be interviewed. Attachment 40

⁸ Attachments 23-34

⁹ Attachments 16-20

¹⁰ Attachment 7

¹¹ Attachment 37

The **Original Case Incident Report** and **Arrest Report** document that officers were dispatched to a person stabbed at Lake and Central. A witness at the scene advised that the offender went by the name [REDACTED] and a flash message was sent out over the radio noting what the offender was wearing and that he goes by [REDACTED]. Officers in the area were familiar with a [REDACTED] and seen him matching the description in the vicinity of the incident, but [REDACTED] ran when officers tried to apprehend him. Mr. [REDACTED] (aka [REDACTED]) was then taken into custody by officers [REDACTED] and [REDACTED] at [REDACTED] as he was running away from a group of angry individuals and transported to Loretto Hospital with a minor laceration to his forehead.^{12 13}

VI. ANALYSIS

Allegation 1 against Officer [REDACTED] and Officer [REDACTED] alleges that they caused injury to Mr. [REDACTED] however, it cannot be definitively determined when that injury was actually sustained. Mr. [REDACTED] himself initially states on BWC that he does not know how he sustained the cut to his eye, but then accuses the arresting officers, Officer [REDACTED] and Officer [REDACTED] of busting his eye.¹⁴ Due to this incident occurring at night while it is raining, it is hard to tell if Mr. [REDACTED] had the injury prior to his encounter with the police despite reviewing surveillance video and dash camera. Under close review of BWC footage, it appears that when Mr. [REDACTED] is being arrested and officers are attempting to put the handcuffs on him, Mr. [REDACTED] turns and thrusts himself to spit on a civilian he was having a verbal altercation with. As officers try to gain control of him to finish effecting the arrest, Mr. [REDACTED] is put up against the squad car and he turns his head to the left. It may be, that during this course of this action, his eye area struck the vehicle and caused injury to his eye. However, the actions of the officers were neither excessive nor deliberate in causing injury. If, this was in fact the moment that Mr. [REDACTED] sustained his injury, it is reasonable for the officers to place Mr. [REDACTED] against the car to make an arrest and control his body and head from further attack towards the civilian. General Order G03-02, *Use of Force*, states in section III, B:

Use of Force: Objectively Reasonable, Necessary, and Proportional. Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

Therefore, COPA finds that allegation 1 against Officer [REDACTED] and Officer [REDACTED] is Exonerated.

¹² Attachments 5 and 13

¹³ The Detective Supplemental Reports does not offer any additional information or evidence in regard to this case. There is no indication in the reports whether Mr. [REDACTED] is seen on video surveillance with an injury above his eye.

¹⁴ It sounds as if Mr. [REDACTED] also alleges an Officer [REDACTED] caused the injury, but there was no an Officer [REDACTED] on scene.

VII. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|--------------------|--|--------------------------|
| Officer [REDACTED] | 1. That on or about April 5, 2018, at approximately 8:30 p.m., in the vicinity of [REDACTED] you caused injury to [REDACTED] | Exonerated |
| Officer [REDACTED] | 1. That on or about April 5, 2018, at approximately 8:30 p.m., in the vicinity of [REDACTED] you caused injury to [REDACTED] | Exonerated |

Approved:

 [REDACTED]
 Deputy Chief Administrator – Chief Investigator




 Date

 Sydney Roberts
 Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

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|------------------------------------|--|
| Squad#: | 03 |
| Investigator: |  |
| Supervising Investigator: |  |
| Deputy Chief Administrator: |  |