

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	May 20, 2018
Time of Incident:	2:50 am
Location of Incident:	XXXX W. Roosevelt Road, Chicago, IL 60624
Date of COPA Notification:	May 21, 2018
Time of COPA Notification:	12:16 pm

The Chicago Police Department responded to a shooting at XXXX W. Roosevelt. Upon arrival it was learned that the shooting occurred inside of an open business. Sergeant A ordered Involved Civilian 1 and others to exit the business; however, Involved Civilian 1 refused to exit and was escorted out of the business by officers. Once outside of the business, Involved Civilian 1 began to verbally argue with bystanders and Officer A. Officer A spoke to Involved Civilian 1 in attempts to calm him; however, Involved Civilian 1 responded by taking a fighting stance, clenching his fists, and threatening to strike Officer A. Officers on scene grabbed Involved Civilian 1 and attempted to arrest him. Involved Civilian 1 resisted but was eventually arrested. Once Involved Civilian 1 was arrested Sergeant A, and Officers A and B escorted Involved Civilian 1 to the CPD transport wagon. Once at the wagon, Sergeant A opened the door and Officer B and he (collectively “the Accused”) forcefully placed Involved Civilian 1 in the transport wagon.

COPA was unable to obtain a statement from Involved Civilian 1. After reviewing all the Body Worn Camera (BWC) footage and Tactical Response Reports (TRR) related to Involved Civilian 1’s arrest, COPA determined the only force that warranted allegations was the force used to place Involved Civilian 1 in the transport wagon. Based on this determination, COPA sought and received an Affidavit Override to investigate the allegations listed below.

**II. INVOLVED PARTIES**

Involved Sergeant #1:	Sergeant A Star #XXXX / Employee ID#XXXX Date of Appointment: XX/XX/2001 Unit: XXX Date of Birth: XX/XX/1978 Male / Asian
Involved Officer #1:	Officer B Star #XXXX / Employee ID#XXXX Date of Appointment: XX/XX/2017 Unit: XXX/XXX Date of Birth: XX/XX/1991 Male / White Hispanic

Involved Individual #1:

Involved Civilian 1  
 Date of Birth: XX/XX/1993  
 Male / Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Sergeant A	1. Used excessive force when placing Involved Civilian 1 into the rear of the CPD vehicle, in violation of Rule 6.	Exonerated.
Officer B	1. Used excessive force when placing Involved Civilian 1 into the rear of the CPD vehicle, in violation of Rule 6.	Exonerated.

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 6: prohibits disobedience of an order or directive whether written or oral.

General Orders

1. G03-02-01: Force Options – effective October 16, 2017.

**V. INVESTIGATION<sup>1</sup>**

**a. Interviews<sup>2</sup>**

In a **statement to COPA<sup>3</sup>** on October 25, 2018, **Accused Officer B** stated that he and his partner, Officer A, responded to reports of a shooting. Upon arrival, Officer B was stopped by a bystander who reported his son was shot at by an unknown individual. As Officer B was speaking to the bystander, his attention was drawn to a loud interaction occurring between Involved Civilian 1 and multiple officers, including Sergeant A and Officer A. Officer B crossed the street and observed that officers were attempting to handcuff Involved Civilian 1, but that Involved Civilian 1 was resisting their efforts by pulling away. Once Involved Civilian 1 was handcuffed, Officer B assisted Sergeant A and Officer A in escorting Involved Civilian 1 to the transport wagon. Officer B recounted that Involved Civilian 1 was resisting the escort by actively trying to walk in a different direction. Once at the wagon, Involved Civilian 1 refused to step-up into the wagon while

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

<sup>2</sup> As detailed in the Case Log, Involved Civilian 1 never responded to COPA’s requests for a statement. Additionally, COPA was unable to obtain valid contact information for Involved Civilian 2; however, during the registering of her complaint, Involved Civilian 2 was clear she did not witness Involved Civilian 1’s interaction with the officers.

<sup>3</sup> Att. 40.

attempting to walk away from the door. Officer B assisted Officer A in placing Involved Civilian 1 into the wagon. Officer B noted several times that there was a large gathering of bystanders who were being disruptive and confrontational. Additionally, Officer B added that the officers on scene had not determined the identity or location of the shooter. Officer B explained that based on the bystanders' actions and lack of information regarding who and where the shooter was, he believed Involved Civilian 1 needed to be quickly secured in the wagon. Finally, Officer B recounted that during processing at XXXth District Lockup, Involved Civilian 1 apologized for resisting and admitted to being intoxicated.

In a **statement to COPA**<sup>4</sup> on November 8, 2018, **Accused Sergeant A** stated that he responded to reports of a person shot and upon arrival learned that the shooting occurred inside an open business. Sergeant A recounted that he entered the business and instructed all the patrons, including Involved Civilian 1, to exit the business; however, they refused. After several attempts Sergeant A was able to escort the patrons from the business. Once outside, Sergeant A observed Involved Civilian 1 confronting Officer A and threatening to strike him. Sergeant A recalled ordering the arrest of Involved Civilian 1 for aggravated assault on a peace officer and assisting in securing Involved Civilian 1 in handcuffs. Sergeant A explained that as officers attempted to handcuff Involved Civilian 1, he actively resisted their efforts by pulling away and stiffening his arms. Sergeant A estimated that it took four or five officers to secure Involved Civilian 1 using emergency handcuffing. Once Involved Civilian 1 was secured, Sergeant A assisted Officer B in escorting Involved Civilian 1 to the transport wagon. Upon arrival that wagon, the door was opened, and Involved Civilian 1 refused to enter. Sergeant 1 recalled Involved Civilian 1 grabbed the door as he was placed in the wagon. Sergeant A characterized Involved Civilian 1's actions as active resistance. Once Involved Civilian 1 was secured in the wagon, Sergeant 1 returned to securing the scene of the shooting. Sergeant A was clear that there was a large gathering of bystanders that appeared to be two groups in conflict with each other. Additionally, Sergeant A explained that at the time of his interaction with Involved Civilian 1, it was unknown who or where the shooter was. Further, Sergeant A explained that Involved Civilian 1's demeanor was combative and aggressive during the entire encounter. Finally, Sergeant A recalled that at XXXth District Lockup that Involved Civilian 1 apologized for resisting and admitted to being intoxicated.

In a **statement to COPA**<sup>5</sup> on October 25, 2018, **Witness Officer A** stated that he and his partner, Officer B, responded to reports of a shooting. Upon arrival, Officer A assisted in securing the crime scene and requested patrons, including Involved Civilian 1, exit the business where the shooting occurred. Involved Civilian 1 refused requests to exit and was escorted out of the business. Once outside of the business, Involved Civilian 1 became loud and aggressive with bystanders and Officer A. Officer A attempted to calm Involved Civilian 1; however, Involved Civilian 1 verbally threatened to strike Officer A while clenching his fist and making a motion to strike. Believing that Involved Civilian 1 intended to batter him, Officer A grabbed Involved Civilian 1 to prevent the battery. Once Officer A grabbed Involved Civilian 1, several officers assisted in handcuffing Involved Civilian 1. Involved Civilian 1 resisted attempts to handcuff him by stiffening and pulling away. Because Involved Civilian 1 was resisting, emergency handcuffing was used, which resulted in Involved Civilian 1 being handcuffed in front. Once Involved Civilian 1 was handcuffed, Officer A assisted the Accused in escorting Involved Civilian 1 to the transport

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<sup>4</sup> Att. 50.

<sup>5</sup> Att. 36.

wagon. Involved Civilian 1 was still resisting and being combative. While standing behind Involved Civilian 1, Officer A placed his baton across Involved Civilian 1's chest and used it as a control instrument to escort him to the wagon. Once at the wagon, Officer A observed the rear door open and the Accused attempt to place Involved Civilian 1 in the rear of the wagon. Officer A recalled Involved Civilian 1 resisting by trying to grab the wagon's door. Officer A noted several times that there was a large gathering of bystanders who were being disruptive and confrontational, which caused him believe Involved Civilian 1 needed to be secured quickly so the Accused and he could assist other officers with the crowd. Finally, Officer A recounted that during processing at XXXth District Lockup, Involved Civilian 1 apologized for resisting and admitted to being intoxicated.

### b. Digital Evidence

**BWC**<sup>6</sup> footage details Involved Civilian 1 being escorted out of the open business after refusing Sergeant A's orders to leave. Once outside, Involved Civilian 1 verbally argues with bystanders and Officer A. Officer A attempts to calm Involved Civilian 1; however, Involved Civilian 1 takes a fighting stance, clenches his fist, and threatens to strike Officer A. In response to Involved Civilian 1's assault several officers attempt to arrest Involved Civilian 1. Involved Civilian 1 resists their efforts but is eventually handcuffed. Once Involved Civilian 1 is handcuffed, he is escorted to the transport wagon by Officer A and the Accused. While being escorted to the wagon, Involved Civilian 1 is seen actively trying to escape the attempts to escort him. After Involved Civilian 1 attempts to escape, Officer A is seen standing behind Involved Civilian 1, placing his baton around Involved Civilian 1's waist, and using the baton as a control instrument to assist in directing him to the wagon. Once at the wagon, Sergeant A opens the rear door, and Involved Civilian 1 is shown sliding across the floor on his buttocks while handcuffed in front. As Involved Civilian 1 is being placed in the wagon, his hands are seen stretching towards the door. The door is then closed. Later at XXXth District Lockup, Involved Civilian 1 is clear he did not suffer any injuries.<sup>7</sup>

### c. Documentary Evidence

**Involved Civilian 1's Arrest Report**<sup>8</sup> details essentially the same information as the officers' statements and the BWC footage. Additionally, the report details the Involved Civilian 1 was arrested on a signed complaint for battery on a female bystander, aggravated assault of a peace officer, and resisting/obstructing a peace officer.<sup>9</sup>

**TRRs**<sup>10</sup> for Involved Civilian 1, detail his actions as not following verbal direction, verbal threats, stiffening, pulling away, and imminent threat of a battery without a weapon. The Officers

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<sup>6</sup> CPD provided 13 files of BWC footage, however only 6 files depict any interaction with Involved Civilian 1. Att. 14.

<sup>7</sup> As noted in above, COPA only served allegations related to Involved Civilian 1's placement in the CPD vehicle. The relevant portions of BWC footage are from 05:55 to 05:58 of Officer B 1 – AXON\_Body\_2\_Video\_2018-05-20\_0303; 05:48 to 05:57 of Officer A 1 – AXON\_Body\_2\_Video\_2018-05-20-0303; and 06:39 to 06:46 of Sergeant A, 1 – AXON\_Body\_2\_Video\_2018-05-20\_0302 of Att. 14.

<sup>8</sup> Att. 7.

<sup>9</sup> On June 26, 2018, Involved Civilian 1 plead guilty to resisting/obstructing a peace officer. Att. 27.

<sup>10</sup> Officer A's TRR is Att. 8. Sergeant A's TRR is Att. 13. Officer B's TRR is Att. 15.

responded in defense of self, defense of Department members, to overcome aggression, and stop a fleeing subject. The Officers force mitigation efforts were detailed as member presence, verbal direction/control techniques, and additional members. The force used by the Officers was escort holds, emergency handcuffing, and control instruments. All the TRRs reflect that Involved Civilian 1 was uninjured. Involved Civilian 1 refused to be interviewed by Lieutenant A. In the Lieutenant or Above/Incident Commander Comments Section A detailed he reviewed the relevant BWC footage and determined that the officers' actions followed Department policy.

An **Affidavit Override**<sup>11</sup> was received from CPD Bureau of Internal Affairs. The override authorized an investigation into the allegations detailed above.

## VI. ANALYSIS

COPA recommends a finding of **Exonerated** for the allegations against the Accused. G03-02-01, II(C) authorizes Department members to use force necessary to overcome resistance. Additionally, Section II(F)(2) requires Department members to determine the necessary force based in part on the "totality of the circumstances." Further, Section IV(B)(2), in part, defines an active resister as "a person who attempts to create distance between himself ... and the member's reach with the intent to *avoid physical control*."<sup>12</sup> Additionally, Section IV(B)(2) authorizes a member to use holding techniques, including escort holds, to overcome active resistance.

Here, COPA determined that Involved Civilian 1 was actively resisting the Accused as he was being escorted to and placed in the CPD transport vehicle. This determination is based on the statements provided by Officer B and the Accused and the BWC footage. Each officer recounted that Involved Civilian 1 was attempting to walk away from the transport wagon. Additionally, each recounted Involved 1's resistance to being placed in the transport wagon. Specifically, Officer B recalled Involved Civilian 1 attempting to grab the door of the wagon. Officer B recounted that Involved Civilian 1 not only attempted to walk away from the wagon's open door but also refused to step into the wagon. Sergeant A recounted that Involved Civilian 1's overall combative and uncooperative demeanor, and Involved Civilian 1 grabbing the wagon's door as he was placed inside. The officers' accounts are bolstered by the BWC footage, specifically Involved Civilian 1's attempt to grab the door as he was placed into the wagon and his overall active resistance during his entire interaction with the officers on scene. Further, all three officers recounted the chaotic scene and the unruliness of the gathering crowd, which caused each of them to believe that Involved Civilian 1 needed to be expeditiously secured so they could address the growing crowd. Finally, the officers lack of knowledge of who or where the shooter was presented an immediate safety concern to both the bystanders and the officers on scene. Based on the totality of the circumstance, to include Involved Civilian 1's actions and the growing crowd, COPA believes the Accused's decision to quickly place Involved Civilian 1 in the wagon was reasonable and the method used by the Accused was proper based on Involved Civilian 1's active resistance and the totality of the circumstances.

## VII. CONCLUSION

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<sup>11</sup> Att. 31.

<sup>12</sup> Emphasis added.

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Sergeant A	1. Used excessive force when placing Involved Civilian 1 into the rear of the CPD vehicle, in violation of Rule 6.	Exonerated.
Officer B	1. Used excessive force when placing Involved Civilian 1 into the rear of the CPD vehicle, in violation of Rule 6.	Exonerated.

Approved:

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 Deputy Chief Administrator – Chief Investigator A  
*Deputy Chief Administrator – Chief Investigator*

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 Date

**Appendix A**

Assigned Investigative Staff

<b>Squad#:</b>	X
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator A